

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.8273 of 2017

Date of decision: January 08, 2019

Kuldeep Kumar

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. K.S. Banyana, Advocate
for the petitioner.

Mr. P.C.Goyal, Advocate for
respondents No.1 and 2.

HARINDER SINGH SIDHU, J.

This Writ Petition has been filed impugning the order dated 30.03.2016 of the Central Administrative Tribunal, Chandigarh Bench in O.A. No.060/00642/2015, whereby, the Original Application filed by the petitioner was dismissed. He had filed the original application impugning the letter whereby his candidature for appointment on a Group-D post had been rejected. He had prayed that the respondents be directed to appoint him on a Group-D post with all consequential benefits.

The respondents had advertised 7368 Group-D posts in the 'Employment News' on 30.08.2012. The petitioner applied for the said post. He appeared in the written test held on 08.12.2013 and was declared pass. Later, he was called for physical efficiency test on 27.03.2014 at Ambala Cantt, which also he cleared. He was called for verification of his

documents on 04.06.2014. At the time of verification of documents, an objection was raised that he had signed as Kuldeep and not as Kuldeep Kumar. As directed by the Selection Committee, the applicant submitted an affidavit dated 09.06.2014 clarifying that his name is Kuldeep Kumar and in the application form he had signed as Kuldeep. The other candidates who had qualified the written test and physical efficiency test were allowed to join office w.e.f. 20.09.2014, but the petitioner received no such call. On checking the internet, he learnt that his candidature had been rejected by experts. Thereafter, he filed the Original Application.

The case of the respondents was that a Committee of three Railway Officers constituted for document verification observed that the writing on the relevant papers i.e. application form, OMR sheet and DV papers did not match. Hence, the petitioner's case was sent for detailed examination by Government Examiner of Questioned Documents (GEQD). The report of the GEQD indicated mismatch of handwriting/ signatures of the petitioner. Hence, his case was rejected by the competent authority.

Before the Tribunal, the petitioner was not able to dispute that the findings of the expert were wrong or that the handwriting matching was incorrectly done. The credibility of expert's opinion was not questioned. The report of the expert was as under:-

“The writings and signatures in the red enclosed portions marked A-2 (OMR), A-3 (Document verification) & A-4 (Option Form) match.

2. The writings in the red enclosed portion marked A-1 (Application) do not match with the writings and signatures in the red enclosed portions marked A-2 (OMR), A-3 (Document Verification) & A-4 (Option Form)”.

The Tribunal concluded that from this report it was clear that the handwriting of the person who wrote the application did not match with the handwriting of the person who wrote the (i) OMR, which is the answer sheet (ii) document verification and (iii) the option form. The petitioner could furnish no satisfactory explanation for differences in the handwriting. Accordingly, the respondents had rightly concluded that the person who wrote the application did not actually sit for the examination. It was thus a case of impersonation. The Tribunal, thereby, concluded that there was sufficient ground for the respondents to reject the candidature of the petitioner. The Tribunal relied on orders passed by different Benches of the Tribunal as well as by the High Courts wherein, rejection of candidature has been upheld in similar circumstances. Accordingly, the Original Application was dismissed.

Learned counsel for the petitioner could not point out any infirmity in the finding of the expert regarding the mismatch in the handwritings as referred to above.

Accordingly, there is no merit in the petition.

Dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

January 08, 2019

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No