

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18820-2016 (O&M)
Date of Decision:-25.02.2019.

Deepak

.....Petitioner

Versus

Union of India and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. S.S. Malik, Advocate for the petitioner.

Mr. Karminder Singh, Advocate for respondent No.2.

ARUN MONGA, J. (Oral)

1.) The present writ petition has been filed, *inter alia*, for issuance of a writ in the nature of *certiorari* to quash undated decision Annexure P/6, passed by respondent No.2/Chairman, Railway Recruitment Board. Whereby, the candidature of the petitioner for Group-D post has been rejected on the ground of mismatch in handwriting on the relevant papers viz. application form and OMR papers.

2.) The petitioner applied for copy of application form and OMR papers under RTI so as to defend himself with regard to the mismatch of the handwriting. Despite RTI application (Annexure P-7) and RTI appeal (Annexure P-8), no response from the respondents was received.

3.) Per contra, rejection of the candidature of the petitioner was justified on the ground that, once the respondents have concluded that there

is a mismatch of the handwriting and the same has been done on the basis of

the report by the Ex-Government Examiner of Questionable documents nominated by the Ministry of Railways, the petitioner is not entitled to seek consideration of his candidature against Group-D post. The petitioner thus violated the condition of examination i.e. fill up the examination application form including the paragraph indicated in the application form in his/her handwriting.

3.) Learned counsel for the petitioner contends that the report of expert (Examiner of Questionable documents) has not been provided, as a result it could not be challenged in the present petition. At least, the ground of rejection of his candidature with relevant documents is required to be communicated to the petitioner, he further contends.

5.) Be that as it may, the dispute in the present case is with regard to the mismatch of the handwriting. I, therefore, deem it fit to direct the respondents to provide the requisite information as sought by the petitioner under RTI, in order to enable him to defend himself with regard to allegation of mismatch of handwriting. In case petitioner submits a representation after receipt of information as per direction of this Court, the respondents are at liberty to pass appropriate order to dispose of the representation, in accordance with law.

6.) Disposed of accordingly.

(ARUN MONGA)
JUDGE

February 25, 2019.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.