

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14398 OF 2021

Akash Bhaskar Wani and others .. Petitioners

Versus

The Union of India and others .. Respondents

Shri Abhijit S. More, Advocate for the Petitioners.

Shri D. B. Gaikwad, Advocate for the Respondents.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

DATE : 23.08.2022.

FINAL ORDER (Per Sandeep V. Marne, J.) :-

. The petitioners have participated in the selection process for appointment on the post of constable in the Border Security Force. The petitioners claim to have been selected in the process, however, they were apparently declared as suspected candidates in the bio-metric verification and on that count appointment orders were not issued to them. Therefore, they have filed present petition seeking directions to the respondents to issue appointment orders/joining letters. Alternatively, the petitioners have prayed for expediting the bio-metric verification.

2. Mr. More, the learned advocate appearing for the petitioners submits that the petitioners are not pressing prayer clause 'B' and are pressing only prayer clause C, which reads thus :

(C) This Hon'ble High Court may be pleased to direct the respondents to expedite the bio-metric verification of the petitioners within stipulated period and for that purpose necessary orders may be issued.

3. An affidavit in reply has been filed on behalf of the respondents, in which it is stated in para Nos. 15 and 16 as under :

"15. In turn, opinion of FPB, DFS, Gandhinagar on LTI verification in r/o. 79 candidates has been received by this RA vide their L/No. DFS/FPB/D/OP. No. 63-21/97/2022 dated 22nd April, 2022 (**Annexure-'P'**) in which LTI of 18 candidates have been found identical (Including petitioner Mr. Akash Bhaskar Wani and 04 Co-etitioners) and LTI prints of remaining candidates found not sufficiently clear for comparison due to various reasons. Accordingly, provisionally offer of appointment have been issued to 18 identical candidates (Including petitioner Mr. Akash Bhaskar Wani and 04 Co-petitioners) on 30th May, 2022 with direction to join 194 Battalion BSF by 30th June 2022. (Copy of offer of appointment issued to petitioner and 04 Co-petitioners enclosed as **Annexure-P-1 to P-5**)

16. For remaining 61 Nos. of suspected candidates, further action is being taken to match their photos, videos if available for the time of their Written, PET/PST & Medical test and if required by sending their signatures of above 03 stages to Directorate Forensic Science, Gandhinagar and further action will be taken."

4. Thus out of total fifteen petitioners, provisional appointment orders appear to have been issued in favour of five petitioners. In respect of rest of the petitioners, the process of bio-metric verification is still underway.

5. Mr. More, relies upon the decision of the Kerala High Court in the case of **Udayakumar K. and others Vs. Union of India and others in W. P. (C) No. 12732 of 2021 decided on 06.10.2021** and submits that in similar circumstances, the Kerala High Court had directed expediting forensic examination.

6. In the circumstances, we direct the respondents to expedite the bio-metric verification of the rest of the petitioners. The writ petition is accordingly disposed of without any orders as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 22