

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

**CWP No. 28128 of 2022
Date of decision: 07.12.2022**

Pahalwan

..... Petitioner.

Versus

State of Haryana and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Amit Parashar, Advocate, for the petitioner.

Mr. Anant Kataria, DAG, Haryana, for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has impugned the orders dated 03.11.2022 (Annexure P-10) and 04.11.2022 (Annexure P-11) whereby his services have been dispensed with.

Learned counsel for the petitioner submits that the petitioner had been selected and appointed as Clerk on 09.09.2020 in response to a written examination held in the year 2019. He has permanent disability to the extent of 50% and, therefore, he was selected in the physically handicapped category. He had been in service for over two years and his services have been terminated on the ground that biometric impression did not match with his biometric impression obtained at the time of entry to the written examination. He, however, submits that the petitioner was issued show cause notice and in response thereto, he also sought an opportunity to give his proper biometric impression, which had been denied to him. He, therefore, submits that the petitioner be given another opportunity to give his biometric

impression which will be tallied with the biometric impression taken at the time of entry to the examination. The biometric impression of the petitioner had been matched with the biometric impression while he had been appointed and at that time there was no discrepancy with the biometric impression obtained at the time of taking the examination. This mismatch has occurred thereafter and there appears to be some error in the system.

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondents.

Heard.

The petitioner is stated to have taken the examination in the year 2019 and his biometric impression taken at the time of entry in service in the year 2020 are stated to have matched with the earlier biometric impression taken at the time of taking the examination. The discrepancies are stated to have cropped up after two years and it is possible that there could be some error. The career of the petitioner is at stake and, therefore, it would be in the interest of justice if he be allowed to give another biometric impression which would be matched with the biometric impression obtained at the time of entry to the examination.

Consequently, the petition is partly allowed. The respondents would given an opportunity to the petitioner to furnish his current biometric impression which would be matched with the biometric impression obtained at the time of entry to the examination. In case, it does not match, then the impugned orders would be held to be valid. Otherwise, the same would be deemed to be set aside because the very basis of termination of the petitioner

is mismatch in the biometric impression. The process of biometric impression would be held under the supervision of respondent No. 2. The petitioner shall give his biometric impression within a period of 10 days from now at the time and place to be determined by respondent No. 2.

07.12.2022
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No