

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17156 of 2014

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Gajendra Singh Son of Late Yamuna Singh Resident of Village P.O. Bakri
Mahuli, P.S. Karehgan, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Union Of India.
2. The Chairman, Staff Selection Commission, 21-23 Lowther Road, Allahabad (U.P.)
3. The Secretary, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Eastern Region, Kolkatta, PS- Shibpur, Nallame (HRBC Bhawan), 325 Sarat Chatterji road, Howrah-711102.
4. The Director, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Eastern Region, Kolkatta, PS- Bhawanipur, 1st MSO Building (8th Floor), Nizam Palace 234/4 AJC Bose Road, Kolkatta-700020.
5. The Regional Director, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Eastern Region, Kolkatta PS- Bhawanipur, 1st MSO Building (8th Floor), Nizam Palace 234/4 AJC Bose Road, Kolkatta-700020.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Singh, Advocate
For the Respondent/IOI :		Mr. Awadhesh Kr. Pandey, Sr. C.G.C.
	:	Mr. R.K. Sharma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-07-2023

1. The present writ petition has been filed for quashing the Memorandum dated 17.12.2013, issued by the Regional Director, Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Eastern Region,



Kolkatta i.e. the respondent no. 5 herein, whereby and whereunder the candidature of the petitioner for the Combined Higher Secondary Level (10+2) Examination, 2012 has been cancelled on the ground of impersonation and also for quashing the Memo dated 21.04.2014, whereby and whereunder the selection of the petitioner has been cancelled and he has been debarred from appearing in the said examination for 10 years.

2. The brief facts of the case, according to the petitioner, are that on 14.07.2011, an advertisement was published by the Staff Selection Commission, Allahabad for Combined Higher Secondary Level (10+2) Examination, 2012 (hereinafter referred to as “the examination, 2012”) for filling up different types of Class-III posts like that of Data Entry Operator and Lower Division Clerk, whereafter the petitioner had applied in the prescribed proforma and he was issued an Admit Card. It is stated that the examination was held at Gaya and the petitioner had appeared and put his signature on the attendance sheet and ultimately, the petitioner was declared as a successful candidate. The petitioner was then issued a letter asking him to appear for the Computer Typing test to be held on 05.03.2013, whereafter he had appeared in the said examination and had done well as also had put his signature on the attestation



form and blank sheets. The Assistant Director (Nomination), Staff Selection Commission, Eastern Region Kolkatta had then issued a letter dated 28.11.2013, whereby and whereunder the petitioner was informed that he had been selected for appointment and was directed to appear on 17.12.2013 with all the relevant documents for verification, whereupon the petitioner along with others had appeared before the Board at Kolkatta. It is alleged that the petitioner and other candidates from Bihar were abused and beaten up as also were discriminated on the ground of belonging from the State of Bihar.

3. The learned counsel for the petitioner has submitted that the allegation regarding non-matching of the signatures, left thumb impressions and hand-writing samples available on the admission certificate are completely false, hence, the impugned letters dated 17.12.2013 and 21.04.2014 are liable to be quashed.

4. *Per contra*, the learned counsel for the respondents, by referring to the impugned Memorandums dated 17.12.2013 and 21.04.2014, has submitted that though it is true that the petitioner was provisionally recommended for appointment to the post of Lower Division Clerk, however, the respondent



authorities and the Staff Selection Commission, upon scrutiny and verification of the candidature of the petitioner, have found his signatures, left thumb impressions and hand- writing samples available on the admission certificate for the written examination to be not matching with the signatures, left thumb impressions and hand-writing samples, obtained during the course of verification of his candidature and moreover, the petitioner has also confessed in writing that he did not appear in the written examination of the aforesaid examination and in place of him, some one else had appeared and written the paper of the said written examination, thus, the present case is a clear case of impersonation by the petitioner.

5. I have heard the learned counsel for the parties and perused the materials on record, from which, it is apparent that the petitioner has engaged in fraud and in fact, he did not appear in the written examination and instead, someone else had appeared on his behalf, which stands proved from the fact that there is a mismatch between the signatures, left thumb impressions and hand-writing samples available on the admission certificates for the written examination as compared with the signatures, left thumb impressions and hand-writing samples obtained afresh from the petitioner, apart from the fact



that the petitioner has himself admitted committing an offence by resorting to malpractices/ unfair means in the said examination. In such view of the matter, no sympathy can be shown towards the petitioner, inasmuch there is no cogent material on record, much less any reason, to disbelieve the factual aspect of the matter, as narrated in the impugned Memorandums dated 17.12.2013 and 21.04.2014. Thus, this Court does not find any merit in the present writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2023
Transmission Date	NA

