

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

241-A

**CWP-237-2020 (O&M)
Date of decision: 15.03.2023**

Reena

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Ms. Tanushree Gupta, DAG Haryana.

Mr. K.K. Gupta, Advocate for respondent No.5.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Mandamus directing respondent No.4-Haryana Staff Selection Commission, to conduct the physical verification of the petitioner in view of the order dated 27.07.2018 (Annexure P-7) passed by a Coordinate Bench of this Court in CWP-11761-2017.

At the very outset, learned State counsel points out that in the letter dated 14.03.2023 received from the Director Elementary Education, Haryana, it is specifically mentioned that in compliance of the aforesaid order dated 27.07.2018, the physical verification qua the petitioner had been conducted by respondent No.4-Haryana Staff Selection Commission and the case of the petitioner was found to be 'mismatch'.

While contesting the said submission made by the learned State Counsel, learned counsel for the petitioner would submit that vide the

aforesaid order dated 27.07.2018, respondent No.4 was directed to re-examine the physical verification of the candidates (including the petitioner) as per the records available. It is further submitted that in compliance with the said directions, only the signatures were to be verified, whereas respondent No.4 has gone to the extent of matching of the photograph of the petitioner also. It is, thus, submitted that the action of the respondent is beyond the directions issued by this Court and hence, liable to be quashed.

Learned State counsel submits that even if the factum of mismatch of signatures is ignored, then also in view of the mismatch of the photographs, no relief can be granted to the petitioner.

I have heard the learned counsel for the parties and have also gone through the case file as well as the letter dated 14.03.2023.

Reliance of the petitioner is upon the directions contained in the order dated 27.07.2018 in CWP-11761-2017. The relevant part of the said order would read as under:-

“Keeping in view the above fact, a direction is now being given to the Commission to re-examine the physical verification of other candidates after examining the answer sheets which bears the signature of Invigilator, attendance sheet which carries the photograph of the candidate, his signature and signature of the Invigilator. The Commission will give notice of 15 days which is yet to be published in two newspapers which are in circulation in the State of Haryana and thereafter, complete this entire exercise within four weeks.”

The emphasis of the learned counsel for the petitioner that only signatures were to be verified by respondent No.4 and not the photographs, is

of no help to the petitioner. It is the specific stand of respondent No.4 in its written statement that the physical verification of the petitioner was re-examined on 15.10.2020 by the member of the respondent-4 Commission and the photographs and signatures, both were found mismatched.

Once, photographs and signatures, both have been found to be 'mismatching', the petitioner cannot bank upon directions contained in the order dated 27.07.2018 passed by the Coordinate Bench. Even otherwise, the

said order clearly stipulated that re-examination of the physical verification of other candidates, would be done in respect of the answer sheets bearing signatures of Invigilator, attendance sheet carrying the photograph of the candidate, his signatures and signatures of the Invigilator. Thus, it cannot be said that respondent No.4-Commission, has committed any illegality in matching the photograph of the petitioner.

Still further, in the recruitment process, if the photograph has been found mismatched, the same creates a needle of suspicion and therefore, even if the respondent-Commission has gone to the extent of verifying/matching the photographs, such action cannot be said to be illegal.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.03.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No