

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CWP-26899 -2023 (O&M)
Decided on : 01.12.2023

Ravi Kumar and another

...Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Himanshu Sharma, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Learned counsel for the petitioners argues that in the present petition, the grievance of the petitioners is that on two earlier occasions, their Biometric and facial recognition was requested for, which direction given by the respondents was complied with by the petitioners and the petitioners were successful as his bio metric and Facial recognition had been matched so as to allow the petitioners to continue in service, but now once again for the third time, the same request for biometric and facial recognition samples was made and with the confidence that the petitioners have done nothing wrong, the petitioners had appeared before the authorities concerned for the biometric and facial recognition but this time, the result is different as compared to the earlier results of the biometric and facial recognition of the petitioner and the apprehension of the petitioners are that keeping in view the change in the facial structure of the petitioners with the time, their biometric and facial recognition have failed.

2. Learned counsel for the petitioners submits that the petitioners are ready to get his facial recognition and biometric done from the Forensic Science Laboratory, Madhuban at their own cost and the respondents be directed to take into consideration the result of the said report which will be

given by the Forensic Science Laboratory, Madhuban to take further action against the petitioners.

3. Notice of motion.

4. On the asking of the Court, Mr. Harish Nain, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and submits that keeping in view the instructions received from the department that the department has no objection in case the petitioners submit the report of biometric and facial recognition from the Forensic Science Laboratory, Madhuban and any report given by the said laboratory qua the biometric/ facial recognition, the same will be acceptable to the department.

5. Learned counsel for the petitioners submits that once the petitioners have been allowed another chance for submitting the report of their biometric and facial recognition from the FSL Madhuban, the action of the respondents in relieving of the petitioners from service be stayed till the report of his fresh biometric and facial recognition is given by the Forensic Science Laboratory, Madhuban so that the petitioners do not suffer any prejudice.

6. Keeping in view the facts and circumstances of the present case, the present petition is disposed of with the direction that the petitioners be allowed to get their biometric and facial recognition done from the Forensic Science Laboratory, Madhuban at his own cost. Let the petitioners appear before the appropriate authorities of Forensic Science Laboratory, Madhuban on 08.12.2023 at 10.00 AM alongwith the copy of this order and the authorities of Forensic Science Laboratory, Madhuban are directed to do the Facial recognition and biometric of the petitioners and give a result as to whether the same matches with the record which is being maintained by the Commission or not. Said report be supplied in a sealed envelope to the

concerned department where the petitioners work for necessary information and action. .

7 Let the commission also send all the record of the petitioners maintained by the commission qua the signature of the petitioners who had appeared for the written examination, the thumb impression taken at the time of written examination and the videography done at the written examination centre to the Forensic Science Laboratory, Madhuban for comparing biometric and facial recognition of the petitioners so that, the report is given as expeditiously as possible.

8. Let the record with which the biometric and facial recognition of the petitioners is to be matched be given by the commission to the Forensic Science Laboratory, Madhuban any time before 08.12.2023.

9. Till the fresh report of the biometric and facial recognition of the petitioners is received from the Forensic Science Laboratory, Madhuban and the same is considered by the respondents-commission, the petitioners will be allowed to continue in service.

10 It is made clear that the cost which will be incurred, will be paid by the petitioners.

11 The present petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

01.12.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: ~~Yes~~/No