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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 24.04.2023

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W.P.(C) 4364/2023

ANIL KUMAR SAINI

..... Petitioner

Through: Mr.R.K. Ojha, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

**Through: Mr.Rajesh Kumar, SPC with
Ms.Ramneet Kaur & Mr.Abhishek
Khanna (GP)**

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

J U D G M E N T (oral)

1. Vide order dated 10.04.2023, this Court passed order as under:

“3. The plaintiff has filed a Writ Petition under Article 226 of Constitution of India seeking the following reliefs:

“ i) Issue writ of mandamus or any other writ or orders, directions to the concerned authority /Respondent no.2 to allow the petitioner to appear in the written Examination of Stage II Examination NVIK (GD) CGEPT -01/2023 Roll NO.2301NG15075, REDG. NO.2209NGB0091728; and

ii) Pass such other or further order/ orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. *The petitioner cleared his written examination on 23.11.2022 and when he appeared at Stage II, his thumb impression through biometrics*

could not be matched and therefore, he was not allowed to appear for further selection process.

5. *Being aggrieved, the petitioner made representation dated 17.01.2023, but the same was rejected vide Order dated 15.02.2023 and thereafter, the present petition has been filed.*

6. *Similar issue came up before this Court in W.P(C) 10703/2022 and the same was disposed of vide Order dated 22.07.2022 by observing as under :*

“1. Pursuant to order dated 18.07.2022, Mr.Praveen Kumar & Mr. Pranjal Kumar, representatives of C-DAC are present in Court along with the Biometric Machine. This Court directed the respondents to produce Biometric Machine as the petitioner was rejected in Stage-II examination on 09.05.2022 on the ground that his thumb impression did not match on the Biometric Machine with his thumb impression taken during Stage-I examination on 31.03.2022. Today, the thumb impression of the petitioner has been taken in the Court and it has matched with his thumb impression taken in the Stage-I examination in the presence of the Director (Recruitment) of the respondents who is satisfied that the petitioner is the same candidate who appeared during Stage-I examination.

2. Accordingly, respondents are directed to allow the petitioner to participate in Stage-II examination and depending on the outcome proceed with further selection process.

3. In view of above direction, petition is disposed of.”

7. *Accordingly, we hereby direct the respondent to conduct the biometric verification as agreed at Noida Centre within a week and the date shall be communicated by the respondents to the petitioner.*

8. *We hereby make it clear that if petitioner does not succeed in biometric verification, the respondents are directed to bring the biometric machine in Court, with expert, on the next date of hearing. In that case petitioner shall also remain present in the Court.”*

2. Consequently, respondents had again verified the left and right thumb impression of the petitioner multiple times using different biometric machine and PCs on 17.04.2023 vide communication No.RT/0207/Court Case/AKS, however, the same did not match with the thumb impression taken at the first stage of the selection process.

3. Pursuant to order dated 10.04.2023, the respondents produced the biometric machine today in the Court. On oral direction of this Court, impression of Mr.R.K. Ojha, learned counsel appearing for the petitioner and Comdt. M.K. Singh were also generated, taken and matched with the biometric machine. However , on the directions of this Court, petitioner's right and left thumb impression were taken in the court but it was found that they do not match with the impression taken at the first stage of selection process.

4. At this stage, learned counsel for the respondents submits that thumb impression of the petitioner does not match at the time of Stage-II recruitment examination. It seems that someone else had appeared in the first stage of selection process.

5. In view of the fact that the thumb impression of the petitioner does not match with the second stage of the selection process, therefore, finding no merit in the present petition and the same is, accordingly, dismissed.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

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