

Form No. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

**FMA 708 of 2024
IA NO: CAN/1/2024**

The Union of India & ors.

vs.

Nur Islam Sk

For the Appellants : Mr. Amitabha Nayak, Advocate
Ms. Anamika Pandey, Advocate

For the Respondent : Mr. Malay Bhattacharya, Advocate
Mr. Subhrajyoti Ghosh, Advocate

Heard on : 13.09.2024

Judgment on : 13.09.2024

DEBANGSU BASAK, J.:-

1. Appeal is at the behest of the writ petitioner and directed against an order dated July 17, 2023 passed in W.P.A. 15158 of 2022 by which the writ petition was dismissed.

2. Learned advocate for the appellants submits that, the respondent participated in a selection process for the post of Constable (General Duty) in Central Armed Police Force, NIA and SSA and Rifleman in General Duty in Assam Rifles conducted by the Staff Selection Commission, Government of India.

3. Learned advocate appearing for the appellants submits that, respondent was successful in selection process and was issued an appointment letter. Thereafter, respondent received a cancellation letter dated May 10, 2022 which was impugned in the writ petition.

4. Learned advocate appearing for the appellant draws the attention of the Court to the Rules governing selection process. He submits that, Staff Selection Commission is not questioning the candidature of the appellant. The appointing authority cannot question the candidature of the appellant on the pretext as put forward. The so called discrepancies are not material so as to result in a letter of cancellation.

5. Learned advocate appearing for the Union of India submits that, there were discrepancies between the signature submitted by the respondent prior to the commencement of the selection process and the documents that he signed while taking the examination. She refers to the impugned order. She submits that, an exercise was undertaken by the learned Single Judge to examine the relevant documents through an agency. Such agency stated that, there was a mismatch. Moreover, she draws the attention of the Court to the efforts undertaken by this Court in calling for a report with regard to the Biometric. She submits a report pursuant to the order dated July 29, 2024 passed by this Court which be taken on record. She submits that, left thumb impression taken during the computer test examination did not match with the

subsequent thumb impression obtained from the identity verification of the candidate and fingerprint slip.

6. Respondent before us participated in a selection process undertaken by the Staff Selection Commission. He was given a letter of appointment. Such letter of appointment contained a clause that in the event, any discrepancy was found, the appointment can be cancelled.

7. Authorities issued a letter of cancellation dated May 10, 2022 which was made the subject-matter of the challenge in the writ petition resulting the impugned order.

8. In the letter of cancellation dated May 10, 2022, the authorities stated that, handwriting and signatures in the admission certification on Computer Based Examination did not match with the specimen handwriting and signature as collected from the appellant at detailed medical examination stage.

9. This issue was looked into more elaborately by the learned Single Judge. Learned Single Judge called for forensic examination by the Central Forensic Science Laboratory, Kolkata with regard to the signatures and handwriting involved. The Director of Questioned Document Examination Bureau (QDEB), CID, West Bengal submitted a report which was adverse to the appellant.

10. To satisfy our conscience, we by our order dated July 29, 2024 called for the authorities to submit a report with regard to the thumb

impression appearing on the admission certification of the appellant and the biometrics given by the appellant at the time of the writing examination.

11. Report dated September 10, 2024, submitted in terms of our order dated July 29, 2024 states that, the thumb impression taken during the computer based examination did not match with the specimen thumb impression obtained on identity verification of the candidate and finger print slip.

12. Evidence placed on record does not advance the case of the appellant any further. The stand taken by the authorities in issuing the cancellation letter dated May 10, 2022 is not established to be perverse. Materials placed suggest an instance of impersonation, if not anything else.

13. In such circumstances, we find no merit in the present appeal.

14. FMA 708 of 2024 along with connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

15. I agree.

(Md. Shabbar Rashidi, J.)

CHC/Dd