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

+ W.P.(C) 10205/2019

DINESH KUMAR MEENA

.....Petitioner

Through: Mr. U. Srivastava, Advocate

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms. Arunima Dwivedi, CGSC
with Mr. Aakash Pathak and Ms. Pinky
Pawar, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT (ORAL)

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04.11.2024

C. HARI SHANKAR, J

1. This writ petition assails an order dated 29 January 2019 passed by the Central Administrative Tribunal, Principal Bench¹ in O.A. 112/2016. We deem it appropriate to reproduce the order in its entirety:

"1. We have heard Ms. Neelima Rathore for Mr. U. Srivastava, counsel for applicant and Mr. Prabodh Kumar Singh for Mr. Kripa Shankar Prasad, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

"(a) Directing the respondents to place the relevant records pertaining to the present OA before their Lordships for the proper adjudication in the matter in the interest of justice, and thereafter;

Signature Not Verified¹ "the Tribunal", hereinafter

Digitally Signed By: AWIP.(C) 10205/2019
KUMAR
Signing Date: 05.11.2024
18:24:01



(b) To quash and setting aside the impugned order dt. Nil 2015 (Annexure A/1) by which the case of the applicant has been rejected by the respondents after declaring the same is a non-speaking, unreasoned, bald and cryptic order which is illegal, biased, perverse, unjust, arbitrary, malafide, unconstitutional, against the principles of natural justice, violative of articles 14, 16 & 21 of the constitution of India against the mandatory provisions of law, bad in law and not sustainable in the eyes of law and thereafter;

(c) Directing the respondents to appoint the applicants against the vacancies notified under the Employment Notification No. 220E/Open Mkt./RRC/2013 dt. 30.12.13, with all other consequential benefits from the date from which the batch mates of the applicants have been appointed etc.

(d) Allowing the OA of the applicant with all other consequential benefits and costs.

(e) Any other fit and proper relief may also be granted to the applicant."

3. The crucial question arising in this case is whether the rejection of the appointment of the applicant on the mismatch in the handwriting/signature of the applicant available on the Application Form, ORM Sheet, D.V. papers etc. is sustainable at the final stage of the recruitment process.

4. The relevant facts of the case are that the applicant had applied for Group 'D' post in response to the Employment Notification No.220- E/Open Mkt./RRC/2013 dated 30.12.13 published in the Employment News issued by the respondents. He had successfully cleared the written examination and physical efficiency test. He was provisionally found eligible for documents verification. But, however, at the time of documents verification, the respondents found that there is handwriting/signature mismatch on the relevant papers referred to above and on that basis the candidature of the applicant was rejected.

5. The counsel for the applicant vehemently submitted that no opportunity was given to the applicant to explain the mismatch in the handwriting/signature, as such there is violation of principle of natural justice and on that ground she has prayed for the above stated relief.

6. The respondents in their counter affidavit stated that the admission of the candidate at every stage of the recruitment



process is purely provisional, subject to satisfying the prescribed condition and they have also stated that one of the conditions is that the candidate should fill up the application form in his/her own handwriting as per the conditions of the recruitment, and that during the examination of the applicant's case it was decided by the respondents(Northern Railway) to get the expert advice from the Forensic Document Expert duly nominated by the Ministry of Railways for the purposes of reference to matching the handwriting/Signature on the relevant papers. The said Documents Expert after examining the relevant documents with reference to the applicant advised that the hand- writing/signature of the applicant do not match and accordingly his case was rejected by the competent authority. They have also submitted that as the competent authority after getting the Expert Advice have taken a conscious decision to reject the case of the applicant for appointment, the OA of the applicant should be dismissed. He has relied upon the judgment of Hon'ble Supreme Court in the case of *Union of India & Another Vs. Sarwan Ram & Another*² and also the judgment of CAT/Chandigarh Bench in the case of *Deepak Vs. Union of India and another*³ and also the judgments of CAT Principal Bench in the case of *Devendra Kumar Vs. The General Manager(NR) and Others*⁴, *Pradeep Kumar Vs. UOI Through the General Manager (NR) and Others*⁵, *Rahul Mavai Vs. Union of India through Secretary, Ministry of Railways and Others*⁶, *Papendra Singh and Ors Vs. Union of India through the General Manager(NR) and Ors.*⁷, *Hajaru Deen Khan Vs. Union of India through the General Manager (NR) and Ors.*⁸, *Manoj Kumar Vs. Union of India through the General Manager (NR) and Ors.*⁹ and *Chet Ram Meena Vs. Union of India through the General Manager (NR) and Ors.*¹⁰

7. In view of the law laid down by the Hon'ble Supreme Court and also in view of the various judgments of the Tribunal, relied upon by the counsel for the respondents and in view of the facts and circumstances referred to above, the OA is dismissed. No order as to costs."

2. We are constrained to observe that the order passed by the learned Tribunal is extremely unsatisfactory. It does not partake of the

² Order dated 8 October 2014 in SLP (C) No. 706/2014

³ OA No. 1355/HR/2013

⁴ OA No. 2356/2014

⁵ Order dated 16 December 2015 in OA No. 4143/2013 with connected OAs.

⁶ Order dated 11 July 2018 in OA No. 32/2016

⁷ Order dated 24 August 2018 in OA 2619/2015

⁸ Order dated 17 December 2018 in OA 440/2015

⁹ Order dated 24 January 2019 in OA 1701/2015

¹⁰ Order dated 24 January 2019 in OA 449/2015



character of a judicial order at all. The learned Tribunal has recorded no finding. Paras 1 to 5 record the contentions of the petitioner, as the applicant before the learned Tribunal, para 6 records the contentions of the respondent including the judgments on which the respondents were placing reliance. Thereafter, in para 7, without discussing any of the facts or why and how the judgments would apply, the learned Tribunal has proceeded to dismiss the OA merely stating that the dismissal was in view of the authorities cited prior thereto.

3. Such an order can obviously not sustain for an instant. It is accordingly, set aside.

4. We are then left with the question of whether we should remand this matter to the learned Tribunal or proceed to decide the case.

5. We are conscious of the fact that the petitioner has suffered three years of litigation before the learned Tribunal and another five years before this Court. It is eight years since the date when the OA was filed.

6. The only issue in controversy was with respect to the identity of the petitioner. During the course of these proceedings on 9 September 2022, the following order was passed by this Court:

“1. Original record has been produced. Perusal of the original record prima facie shows that handwriting on the OMR sheet as well as application form is of the same individual though there is an opinion annexed which states that handwriting does not match.

2. Prima facie, we are not in agreement with the opinion. It is, however, observed that the application form as well as OMR sheet,



both contain thumb impression. There is no forensic opinion with regard to the thumb impression.

3. Accordingly, it is directed that OMR sheet as well as application form be sent to the Central Forensic Science Laboratory, Rohini for rendering an opinion on the thumb impression as well as the handwriting and signatures of the applicant contained therein.

4. Respondents are accordingly directed to send the same to the CFSL for rendering an opinion. Director, CFSL is requested to expedite the examination and submit a report to the Court, before the next date of hearing.

5. List on 23.01.2023.”

7. Thereafter, the report of the FSL was obtained and submitted to the Court in a sealed cover, as recorded on 22 March 2024 and 12 July 2024. In accordance with the directions issued by this Court, the said report has also been placed on record. The report reads as under:

“REPORT NO. SFSLDLH/16164/QD/660/22 Dated 13/01/2023

To,

The Chairman,
Railway Recruitment Centre,
Lajpat Nagar-1
New Delhi-110024.

The documents forwarded with your Letter No. 220-E/open Mkt/RRC/2019/CC-Dinesh Kr. Meena Dated 23.12.2022 in connection with case WPC No. 10205/19 titled as Sh. Dinesh Kr. Meena Vs U.O.I & Ors Org-Northern Railway and received in the Laboratory on 23.12.2022 in open condition.

EXHIBITS

QUESTIONED - Red enclosed writings and signatures marked Q1, Q2, Q7 & Q8 on Application Form No 4094416 dated 25.01.2014 of Railway Recruitment Cell, Northern Railway, Lajpat Nagar-1, New Delhi-110024 and Q4, Q5 & Q9 on OMR Answer Sheet No. 5283855 dated 30.11.2014.

STANDARDS - Red enclosed writings and signatures marked S1



to S16 and A1, A2, A4 to A6 & A8 of Sh. Dinesh Kumar Meena.

LABORATORY EXAMINATION

All the documents were carefully and thoroughly examined with the help of available scientific instruments using various lighting condition and magnification and I am of the opinion that:

The standard writings & signatures in the red enclosed portions stamped & marked S1 to S16 and A1, A2, A4 to A6 & A8 are freely written, show natural variations and consistency among themselves. The questioned writings & signatures in red enclosed portions similarly stamped & marked Q1, Q2, Q4, Q5 and Q7 to Q9 are also freely written, show natural variations and consistency among themselves in execution of characters. On comparison of questioned writings marked Q8 & Q9 with standard writings marked S5 to S8 and A4 & A6, similarities are observed between the standard and questioned writings in their minute and inconspicuous details in the execution of characters and parts of character, such as: -formation of letter 'D', downward straight vertical staff, nature, direction and location of commencement of curved body part with location of its finish in words 'DINESH', 'DISTT', 'DAUSA' etc; formation of letter 'N', downward vertical staff, upward retrace movement followed by middle downward diagonal staff, angular bifurcation at its end to execute upward movement of terminal vertical staff in words 'DINESH', 'RAJESTHAN', 'MEENA' etc; formation of letter 'H', downward movement of initial vertical staff, location of middle horizontal bar, upward movement of connecting bar followed by short retrace movement at apex to execute terminal vertical staff in words 'RAJESTHAN', 'DINESH', 'TEH' etc; formation of letter 'T' in two pen operation, commencement of upper horizontal bar towards rightward movement, location of middle straight downward movement of vertical staff, right ward oriented connecting link to execute retrace movement followed by lower horizontal staff in words 'T', 'DINESH', 'BIWAI', 'DISTT', 'JAIPUR' etc; formation of letter 'y', commencement of upper curved body part in bowl shape, short retrace movement followed by descended curved nature of vertical staff with curved movement at base in left side in words 'my', 'any', 'may' etc; formation of letter 't', location of commencement of initial vertical stroke in upward movement, downward retrace movement till middle portion followed by vertical staff, nature, direction and location of middle horizontal bar in words 'that', 'this', 'true', 'event', 'candidature', 'application' etc; formation of letter 'r', commencement of initial curved stroke followed by eyelet formation at base in clockwise direction of movement to execute terminal curved stroke, location of intersection of both the curved stroke in words 'declare', 'true',



correct', 'candidature' etc; formation of letter 'w', commencement of initial curved body followed by terminal curved body part, peculiar eyelet formation at its apex in anticlockwise direction of movement, nature of middle bifurcation in words 'without', 'knowledge' etc; formation of letter 'f', downward movement of initial vertical staff, nature, direction and location of upper curved stroke on anticlockwise direction and middle horizontal bar in words 'information', 'of', 'belief', 'found' etc; similarities are also observed in formation of figures '4', '5' and '8' as observed in standard writings similarly observed in questioned writings with similar variations at one or the other places etc.

On comparison of questioned signatures marked Q1 & Q4 with standard signatures marked S5 to S12 and A1, similarities are observed between the standard and questioned signatures in their minute and inconspicuous details in the execution of characters and parts of character, such as: formation of letter 'D', downward straight vertical staff, nature and location of commencement of curved body part in anticlockwise direction of movement with location of its finish; formation of letter 'i', commencement of short vertical stroke, location and nature of its i-dot (.); formation of letter 'n', nature of commencement of downward vertical staff, upward retrace movement followed by curved nature of shoulder body part; formation of letter 'e', eyelet formation at commencing part in anticlockwise direction of movement followed by succeeding curved body part; formation of letter 's', commencement of upper curved body part followed by lower curved body part; formation of letter 'h', downward movement of initial vertical staff, upward retrace movement till lower portion to execute curved nature of shoulder body part with nature of its finish; formation of letter 'k', downward movement of initial vertical staff; nature and location of formation of upper diagonal arm, location of its bifurcation followed by lower diagonal arm; formation of letter 'u', commencement of curved body part, downward retrace movement at right side to execute terminal stroke; formation of letter 'm', commencement of initial downward vertical stroke, upward retrace movement to execute curved nature of shoulder body part, nature of middle bifurcation; formation of letter 'a', commencement of oval body part in anticlockwise direction of movement followed by terminal stroke, nature of oval body part; formation of letter 'r', commencement of initial curved stroke followed by eyelet formation at base in clockwise direction of movement to execute terminal curved stroke; formation of letter 'M', downward movement of vertical staff, upward retrace movement to form both the shoulder body parts, nature and location of middle bifurcation as observed in standard signatures similarly observed in questioned signatures with similar variations at one or the other places etc.



On comparison of questioned Hindi signatures marked Q2, Q5 & Q7 with standard Hindi signatures marked S1 to S4, S13 to S16 and A2, A5 & A8, similarities are observed between the standard and questioned Hindi signatures in their minute and inconspicuous details in the execution of characters and parts of character, such as: -formation of Hindi letter 'Da', commencement of upper curved body, twisted movement at base in anticlockwise direction of movement to execute eyelet formation followed by terminal stroke; formation of Hindi letter 'Na', eyelet formation in clockwise direction of movement at commencing part followed by middle horizontal stroke, upward movement of connecting link to execute downward movement of terminal vertical staff; formation of Hindi letter 'sha', eyelet formation at commencing part in anticlockwise direction of movement followed by upper curved body part, twisted movement at its end to form middle bifurcation and execute terminal stroke, nature of its terminal stroke, downward movement of terminal vertical staff; formation of Hindi letter 'ka', downward movement of middle vertical staff, nature of commencement of upper curved body part in anticlockwise direction of movement at left side followed by terminal curved stroke in right side, nature of curvature part and location of its intersection; formation of Hindi letter 'ma', commencement of initial downward vertical staff, twisted movement at its end in clockwise direction of movement to execute eyelet followed by middle horizontal bar, upward movement of connecting link, twisted movement at apex in anticlockwise direction to execute terminal vertical staff; formation of Hindi letter 'ra', nature and location of commencement of upper curved body followed twisted movement at middle part to form bifurcation and execute terminal stroke; similarities are also found in formation Hindi vowel signs 'Ikar', 'Eekar', 'Ukar', 'Aakar' etc Etc. as observed in standard writings & signatures similarly observed in questioned writings & signatures with similar variations at one or the other places etc. Beside these, similarities are observed in the general features such as writing movement, skill, speed, spacing, alignment, relative size and proportion of characters and nature of commencing & terminating strokes etc. These similarities in the writing habits are significant and sufficient and cannot be attributed to accidental coincidence and when considered collectively **indicate that the person who wrote the red enclosed writings & signatures stamped and marked S1 to S16 A1, A2, A4 to A6 & A8 also wrote the red enclosed writings & signatures similarly stamped and marked Q1, Q2, Q4, Q5 and Q7 to Q9.**

Encls: Documents stamped and marked Q1, Q2, Q4, Q5, Q7 to Q9 and S1 to S16, A1, A2, A4 to A6 & A8 in Twenty Six (26) sheets.



Note: (i) The query in respect of Thumb Impressions may be submitted again please.

(ii) Documents sent to this laboratory for examination and case report will be sealed with the seal of FSL DOC DELHI in the presence of authorized messenger at the time of handing over the crime exhibits/documents along with case report.

(SMITA SINHA)
Jr. Forensic/Asstt. Chemical Examiner(Documents)
Forensic Science Laboratory
Govt. of National Capital Territory of Delhi.”

8. We have seen the report. Mr. Srivastava, learned counsel for the petitioner has pointed out, correctly, that the FSL has confirmed that the handwriting of the petitioner in the documents submitted during the examination/selection process corresponded to his admitted handwriting.

9. As such, there is no handwriting mis-match of the petitioner as was originally suspected.

10. Ms. Dwivedi points out that the said opinion dated 13 January 2023 required the query in respect of the thumb impression to be again submitted to the FSL. She submits that this has been done but no report from the FSL is forthcoming till date.

11. Nonetheless, as the hand writing of the petitioner has been found by the FSL to be matching with his admitted handwriting, we do not deem it appropriate to keep this matter any further. The report of the FSL is extremely detailed and compares the petitioner's handwriting with his admitted handwriting letter by letter. There is no



reason for us to doubt the credibility of the decision of the FSL.

12. In that view of the matter, the doubt regarding mismatch of the handwriting/signature of the petitioner on his application form, ORM sheet and other documents submitted by him consequent to the Notification dated 30 December 2013 pursuant to which the petitioner applied, stands allayed.

13. Accordingly, the impugned order of the learned Tribunal is quashed and set aside.

14. The respondent is directed to appoint the petitioner consequent to the Notification dated 30 December 2013 along with others, who had applied with the petitioner consequent to the said Notification. The petitioner would also be entitled to all consequential benefits except back wages. The petitioner would also be entitled to notional fixation of pay with effect from the date he would be appointed.

15. Let compliance with this order be ensured within eight weeks from today.

16. The writ petition stands allowed in the aforesaid terms.

C.HARI SHANKAR, J.

DR. SUDHIR KUMAR JAIN, J.

NOVEMBER 4, 2024/yg

Click here to check corrigendum, if any