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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 544/2024, CM APPL. 2397/2024 –Stay & CM APPL.
2399/2024 -Addl. doc.

UNION OF INDIA & ANR.

..... Petitioner

Through: Mr. R.V.Sinha with Mr. A.S.Singh &
Mr. Amit Sinha, Advs.

versus

SANTOSH MEENA

..... Respondent

Through: Mr. U.Srivastava, Mr. R.K.Parsad,
Mr. Gaurav Sarawat, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

02.04.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 19.12.2022 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 731/2020. The petitioner also assails the subsequent order dated 25.09.2023 vide which it's review petition was dismissed.
2. Vide the impugned order, the learned Tribunal has partly allowed the original application filed by the respondent/applicant by quashing the petitioner's decision to cancel the candidature of the respondent on the basis of a report submitted by purported expert. The petitioner has however been directed to forward all the relevant documents i.e.,



OMR Sheet, application form, document verification form and the undertaking submitted by the respondent to the CFSL within a period of 15 days for examination with a further direction to the CFSL to take a final decision in the present matter.

3. Mr. R.V.Sinha, learned counsel for the petitioner, submits that the impugned order is wholly perverse as despite the report of an expert having the requisite knowledge and experience being available, the learned Tribunal has once again directed the documents to be forwarded to CFSL for examining the mismatch of the hand writing of the respondent in these forms. He, therefore, prays that the impugned order be set aside.
4. On the other hand, Mr. U.Srivastava, learned counsel for the respondent supports the impugned order and submits that there is no infirmity with the order passed by the learned Tribunal, wherein the petitioner has been directed to sign all the documents submitted by the respondent to the CFSL for verification and for removing of any doubt regarding the purported discrepancy in his hand writing. He contends that the learned Tribunal has correctly failed to accept the report of the purported expert appointed by the petitioner which without any basis holds that there is mismatch in the hand writing of the respondent. He, therefore, prays that the writ petition be dismissed.
5. Having considered the rival submissions of the parties and perused the record, we find that while dealing with similar report of a purported independent expert, this Court had vide its order dated 01.04.2024 in W.P.(C) 5395/2019 referred the matter to the FSL for determining



whether there was any mismatch in the hand writing of the candidates. Even otherwise, we find no reason to differ with the view taken by the learned Tribunal that without the report of the CFSL it cannot be conclusively held that there was a mismatch in the hand writing of the respondent.

6. In the light of the aforesaid and following the ratio of our decision dated 01.04.2024 to which one of us is a party, we see absolutely no reason to interfere with the impugned order. As prayed for, we grant the petitioner two weeks time to comply with the directions issued by the learned Tribunal.
7. It is, however, made clear that while forwarding the respondent's documents to the CFSL, the petitioner will not enclose a copy of the report of the purported expert *lest* the opinion of the CFSL is influenced by the same.
8. For the aforesaid reasons, the petition, alongwith all pending applications, is dismissed.

REKHA PALLI, J

DR. SUDHIR KUMAR JAIN, J

APRIL 2, 2024
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