

Form No.J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 6956 of 2019

**Shiv Charan Meena & Anr.
Versus
Union of India & Ors.**

For the petitioners : Mr. Achin Majumder
Ms. Ananya Adhikary

For the respondents : Mr. S.N.Dutta

Heard on : 12.12.2025.

Judgment on : 12.12.2025

Raja Basu Chowdhury, J (Oral):

1. Pursuant to an employment notice issued by the Railway Protection Force, the petitioners had applied for appointment for the post of constable. The petitioners appeared in the written examination and thereafter in the viva voce test wherein they qualified. A final list of qualified candidates was published by the Railway Protection Force where the names of the petitioners appear with the remark '*LTI not identical*'.
2. The petitioners along with several other approached the High Court of Judicature for Rajasthan, Jaipur Bench at Jaipur, challenging non issuance of the appointment letter in their favour. The Hon'ble

Court vide its order dated 8th January 2018 dismissed the writ petition qua the petitioners on the ground of want of territorial jurisdiction, though for the other petitioners the respondents were directed to issue appointment letters.

3. Following the above, the instant writ petition has been filed.
4. The matter was heard from time to time and affidavits have been exchanged.
5. Mr. Majumder, learned advocate representing the petitioners would submit that in identical set of fact, the Hon'ble Rajasthan High Court had allowed the writ petition by holding that the petitioners had not only appeared for written test but also in the interview. Only because the thumb impression did not match as it was smudged, they cannot be kept outside the selection process. According to him, the petitioners are no different and have scored more than the cut off marks of the candidates where the appointments were processed.
6. Mr. Dutta, learned advocate appearing for the respondents by placing before this Court the communication dated 21st March 2017 which is enclosed to the affidavit in opposition, has submitted that since there was finger print mismatch, their cases were referred to the police authorities. Apropos such submission and in response to a query from this Court, the learned advocate for the respondents had submitted on instruction that the police authorities despite such complaint could not arrive at any particular finding, and that

the enquiry had not progressed. Taking note of the facts that this matter had been pending for long and on the basis of the submissions made by the parties and upon going through the relevant records, this Court by order dated 2nd May 2025 was, inter alia, pleased to direct as follows:-

1. The respondents had produced the relevant records including OMR sheet of both the petitioners.

2. Since all the documents are readily available and since the petitioners are dissatisfied with the impugned opinion of the fingerprints verifications of the petitioners by the Security Commissioner, I am of the view that the fingerprints as available on the OMR sheets and the application form can be verified from a Central Forensic Science Laboratory.

3. The costs for carrying out the aforesaid investigation through the Central Forensic Science Laboratory at the first instance shall be required to be borne by the petitioners.

4. The original documents are hereby returned to the learned advocate representing the respondents for being produced on the returnable date.

5. Having regard thereto, let this matter appear under the heading "To Be Mentioned" on 21st May, 2025.

7. Subsequently, on 9th June 2025 since Mr. Majumder, learned advocate appearing for the petitioners had submitted that the petitioners are ready and willing to put in the costs for the purpose of compliance of the direction dated 2nd May 2025, this Court at the suggestion of the parties had directed the Director of Central Forensic Science Laboratory (CFSL in short) having its office at 30, Gorachand Road, Kolkata – 700014 to verify the finger print as available in the OMR sheet. Since then, the Director of the CFSL by

letter dated 19th June 2025 had informed that they do not undertake the examination of finger prints, and that examinations of finger print are undertaken by National Crime Records Bureau (NCRB in short), National Highway – 9, Gurgaon – Delhi Expressway, Mandi, Mahipalpur, New Delhi – 110037.

8. Accordingly, this Court by order dated 11th July 2025 had directed the respondents to approach the NCRB for the purpose of verification of the finger print as available in the OMR sheet and the application form. Pursuant to the aforesaid direction, the NCRB had undertaken to examine the finger prints as available in the OMR sheet and the application forms in respect of the two petitioners and have presented before this Court a detailed report which has been handed over by Mr. Dutta in Court today in a sealed cover and is taken on record.
9. Mr. Dutta submits that he has received the documents from Mr. N.K.Sinha, S.I. who in turn had collected the documents from NCRB. The envelope has since been opened in Court in presence of the parties, and the report has been perused. Upon perusal of the report it would transpire that the NCRB has reported the following findings in respect of the two petitioners.

“III. QUESTIONNAIRE:

*Whether the given finger impression marked as **S3** is identical with finger impressions marked as **Q1, S1** and **S2** of **Shiv Charan Meena (Roll no. 2141301307)** or not?*

The case is examined with the help of scientific aids and enlarged photographs of the finger prints, the result of examination is mentioned below:

IV. RESULT:

*The given finger impression marked **S3** is **DIFFERENT** with the finger impressions marked **Q1, S1** and **S2** of **Shiv Charan Meena (Roll no. 2141301307)***

(Note:- 10 Digit Finger Impression (Rolled & Plain) of the candidate may be required for further detailed report)

“III. QUESTIONNAIRE:

*Whether the given finger impression marked as **S2** is identical with finger impressions marked as **Q1, S** and **S1** of **Gheesa Ram Meena (Roll no. 2141104481)** or not?*

The case is examined with the help of scientific aids and enlarged photographs of the finger prints, the result of examination is mentioned below:

IV. RESULT:

1. *The given finger impression marked **S2** is **IDENTICAL** with the finger impressions marked **S** and **S1** of **Gheesa Ram Meena (Roll no. 2141104481)***
2. *The given finger impression marked **Q1** is **IDENTICAL** with the finger impressions marked **Q1** of **Gheesa Ram Meena (Roll no. 2141104481)***

(Note : - Finger Impressions marked as S,S1 and S2 are inter – se Identical)”

10. Having regard to the facts noted hereinabove and since, in the case of the petitioner no. 1 a clear finding has been returned that

the finger impression marked S3 is different with the finger impression marked Q1, S1 and S2 of the petitioner no. 1 though such recording is with caveat that a further detailed report may be necessary, I am of the view that the matter should be put to an end having regard to the fact that the respondents have already taken a decision in this regard.

11. Insofar as the petitioner no. 2 is concerned, I find that in the aforesaid report the NCRB has returned the finding that the finger impression is identical with the finger impressions S and S1. Having regard thereto, and since the parties have accepted the aforesaid final report by the NCRB, I direct the respondents to take steps for issuance of the appointment letter in favour of the petitioner no. 2 since he has already qualified and has secured normal marks of 71.46 having percentage of 59.55, GTO marks 75.46 which works out to GTO percentage of 58.05 and 4 in Viva. Noting that the cut off panel percentage for the petitioners' category was 45 per cent and since the petitioner no.2 scored marks, which is way above the cut off marks, the respondents are directed to take immediate steps and issue appointment letter in favour of the petitioner no. 2 so as to permit him to join the services. The petitioner no. 2 shall be entitled to the actual benefits from the date of appointment and notional benefits including seniority and pay revision shall be made available to the petitioner from the date of filing of the writ petition.

12. Let a copy of the report as placed before this Court by the NCRB along with the original file of the petitioners be made over to the learned advocate appearing for the respondents against a receipt to be retained on the file.
13. With the above direction and observation, the writ petition is disposed of.
14. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)

**Saswata
A.R. (Court)**