



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3450 OF 2024

Prashant Kaushik

..Petitioner

vs.

Staff Selection Commission (WR)
and anr.

..Respondents

Mr. Prashant Trivedi i/b. Ms. Khushboo Jain, for the Petitioner.
Mr. Rui Rodrigues a/w Mr. Aniruddha A. Garge, for the
Respondents.

**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 16th JUNE, 2025

ORAL ORDER (PER M. S. KARNIK, J.) :

1. Heard learned counsel for the parties.
2. Learned counsel for the Respondents opposed the Petition.
3. It is submitted by Mr. Rodrigues that there is a serious charge that somebody else has written the examination paper on behalf of the Petitioner. Mr. Rodrigues relied upon the FSL report in support of his submissions.
4. The Tribunal by the impugned order has stated thus :-

"By way of the present OA applicant has sought appointment to the post of Sub-Inspector in Delhi Police. He has challenged the order dated 29.11.2022 issued by Staff Selection Commission (WR), whereby the candidature of the applicant has been cancelled after issuance of show-cause notice to him. It is stated that he had earlier approached the Hon'ble High Court of Bombay seeking his appointment and the Hon'ble High Court was pleased to direct the respondents to provide an opportunity of hearing to the applicant before arriving at a final decision in pursuance to the show-cause notice issued by them.

2. The respondents, in deference to the direction passed by the Hon'ble High Court in WP No 759 of 2020, provided personal hearing and gave an opportunity to him to present his evidences and the witnesses to prove that he was the one who had appeared in all phases of ASI/CPO Exam, 2017. It has been recorded in the order that the applicant was unable to produce any evidence/witnesses and only offered an explanation that there was only a mismatch in signatures.

3. Respondents, in turn, have relied upon the CFSL report which is also annexed with the OA. The handwriting expert has opined in the said report as under :

"I am of the opinion that the person who wrote the enclosed writings and signatures stamped and marked S1 to S16 did not write the enclosed writings and signatures similarly stamped and marked Q3, Q4 and Q5. This opinion is based on the fundamental differences in handwriting characteristics observed between the Questioned and Standard Set of writings"

4. In the present OA, the applicant in effect seeks to challenge the opinion of the handwriting expert as recorded by him in the CFSL report. As CFSL report cannot be relied upon/challenged, unless the same is exhibited by some witness who could be cross examined and thus would require a trial.

5. In view of the above, the OA is dismissed at the admission stage itself. Pending MA, if any, also stands dismissed. No costs."

5. We thus find that the Tribunal has not adverted to any of the contentions raised by the Petitioner in the challenge to the order impugned before the Tribunal. The Tribunal has only recorded that the Applicant in effect seeks to challenge the opinion of the handwriting expert as recorded by him in the CFSL report and held that the CFSL report cannot be relied upon/challenged, unless the same is exhibited by some witness who could be cross-examined and thus would require a trial.

6. In our opinion, the Tribunal should have decided the original application based upon the contentions raised by the Petitioner (original applicant) in its challenge to the order impugned before the Tribunal. The order passed by the Tribunal calls for interference as it does not deal with any of the contentions raised by the Petitioner in the original application. Consequently, the impugned order is set aside. The original application is remitted to the Tribunal for a fresh hearing and in accordance with law. We may not be understood to have expressed any opinion on the merits of any of the contentions.

7. The Writ Petition is disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)