

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present :-

The Hon'ble The Chief Justice SUJOY PAUL

&

The Hon'ble Justice PARTHA SARATHI SEN

WP.CT 63 OF 2026

ABINASH KUMAR

-Vs-

THE UNION OF INDIA & ORS.

For the Petitioner: Mr. Md. Salahuddin, Adv.,
Mr. Md. Raziuddin, Adv.

For the Respondents: Mr. Samir Kr. Dutta, Adv.,
Mr. Tapan Bhanja, Adv.

Hearing concluded on: 11.05.2026
Judgment on: 13.05.2026

PARTHA SARATHI SEN, J. : –

1. In this writ petition as filed under Article 226/ 227 of the Constitution of India the order dated 09.12.2025 as passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata ('Tribunal' in short) in OA no. 350/1139/2024 is assailed. By the impugned order the said Tribunal while disposing the said OA declined to interfere with the communication vide Memo no. RRB/ MLDT/ Court Case/OA 442 of 2017/Abinash Kumar dated

19.07.2024 whereby and whereunder the respondent no. 4 authority reaffirmed the decision taken by the respondent authorities regarding the candidature of the writ petitioner for the post of Technician Gr. III/Fitter(C&W), Cat No. 65 of CEN No. 01/2014 and debarring him from all RRB examinations for lifetime because of impersonation vide earlier communication dated 08.02.2017 remained same. The writ petitioner/original applicant felt aggrieved and thus approached before us by filing the instant writ petition.

2. For effective adjudication of the instant writ petition the facts leading to filing of the instant *lis* are required to be dealt with in a nutshell. Pursuant to an advertisement dated 18.01.2014 the writ petitioner made an application in the prescribed format for the post of Technician Gr. III/ Fitter (C&W) to the Railway Recruitment Board, Malda ('RRB' in short) and after obtaining admit card from the said RRB the writ petitioner appeared in the written examination on 13.07.2014 where he was found to be successful. On 29.12.2015 the writ petitioner was called for verification of the original certificates and other documents and in course of such process, it has been noticed by the respondent no. 4 authority that there are differences in handwriting characteristics available in the application form of the writ petitioner/ original applicant and document verification sheets with that of OMR answer sheet, attendance sheet and call letter for written examination.

3. Since a doubt arose in the mind of the respondent no. 4 authority, the entire matter was sent to Government Examiner for Questioned Document, Ministry of Home affairs (GEQD) and the said authority in its report confirmed

that the person who wrote the writings and signatures on the application form and document verification sheets did not rightly the writings and signatures on the OMR answer sheet, call letter and attendance sheet of the written examination.

4. Pursuant to such report a show-cause notice dated 20.10.2016 was issued by the respondent no. 4 authority to the writ petitioner and on receipt of the reply thereof, the respondent no. 2 authority found that the cause shown by the writ petitioner/ original applicant is not acceptable being devoid of any merit and thus, cancelled the candidature of the writ petitioner/ original applicant and debarred him from all RRB examinations for lifetime because of impersonation.
5. The said decision of the respondent no. 2 authority was challenged before the Tribunal by the writ petitioner/ original applicant by filing OA no. 350/00442/2017 which was disposed of on 17.08.2023 whereby and whereunder the said Tribunal directed the respondent authorities to get the handwriting of the writ petitioner/ original applicant verified by a Government agency namely; Central Forensic Science Laboratory, Government of India ('CFSL' in short). The said order dated 17.08.2023 of the Tribunal was assailed before this High Court by filing WP.CT 11 of 2025 which was disposed of by a coordinate Bench of this Court by observing that since the CFSL has already submitted its report and since the said report of CFSL is under challenge in OA no. 350/1139/2024 liberty was given to the writ petitioner/ original applicant to agitate all issues before the Tribunal in OA no. 350/1139/2024.

6. In course of hearing Mr. Salahuddin, learned Advocate appearing on behalf of the writ petitioner/ original applicant contended that before the said Tribunal it is the specific case of the writ petitioner/ original applicant that the reports of the GEQD and/or CFSL are faulty inasmuch as before submission on their respective reports by the GEQD and/or CFSL the said two authorities made no endeavour to examine the thumb impressions as available on record with the thumb impression of the writ petitioner/ original applicant to be given before the said authorities by the writ petitioner/ original applicant on his own volition. It is thus submitted on behalf of the writ petitioner that the said Tribunal while passing impugned order most mechanically accepted the report of the CFSL and for no reason whatsoever made any attempt to go into the root of the dispute as involved in the said original application. It is thus submitted that it is a fit case for allowing the instant writ petition by granting reliefs as prayed for before the said original application.

7. Per contra, Mr. Dutta, learned Advocate appearing on behalf of the respondent authorities supports the impugned judgment. It is argued on behalf of the respondents authorities that both the GEQD and CFSL examined the handwriting and signatures as available in the application form of the writ petitioner/ original applicant and the entries, writing and signatures on the OMR answer sheets, call letter and attendance sheet and found that the authors are different and thus, the said Tribunal is very much justified in not allowing the said original application.

8. We have carefully gone through the entire materials as placed before us. We have given our due consideration over the submissions of the learned Advocates for the contending parties.

9. As discussed earlier, in course of document verification on 29.12.2015 a doubt arose in the mind of the respondent no. 4 authority on account of differences in handwriting's characteristics as available in the application form of the writ petitioner with that of as available in OMR answer sheet, attendance sheet and call letter for written examination and accordingly, the case was sent to GEQD for its expert opinion. By the aforementioned letter dated 20.10.2016 the respondent no. 4 authority communicated to the writ petitioner regarding the finding of the GEQD in the following manner:

"..... The case was then sent to the GEQD (Government Examiner for Questioned Document), the Ministry of Home Affairs' Approved Handwriting Expert for its expert opinion. On the basis of his report it is confirmed that the person who wrote the writings and signatures on the application form and Document Verification Sheets did not write the writings and signatures on the OMR Answer Sheet, Call letter and Attendance sheet of Written Examination."

10. Pursuant to the order dated 17.08.2023 as passed in OA 350/00442/2017 the relevant documents were sent to CFSL and in the impugned judgment (internal page no. 6) the said Tribunal quoted the report of the CFSL dated 04.06.2024 in the following manner:

"The CFSL reported dated 04.06.2024 stated as follows:

"The documents of this case have been carefully and thoroughly examined.

2. The person who wrote the blue enclosed writings and signatures stamped and marked S1 to S3 did not write the red enclosed writings and signatures similarly stamped and marked Q1 to Q4.”

11. On careful perusal of the impugned judgment it appears to us that the said Tribunal while passing the said order perused the aforementioned two expert's reports as submitted by GEQD and by CFSL and after assigning sufficient reason came to a finding that there is no justification to disbelieve the said two reports of the expert in absence of any contrary material. In our opinion, the said Tribunal rightly placed its reliance upon the opinion of experts as to the identity of the handwriting and signature of the writ petitioner as available in its application form as well as in the OMR answer sheets, call letter and attendance sheets which are admittedly relevant facts in view of Section 39 of the Bharatiya Sakshya Adhiniyam, 2023 ('BSA' in short) which is *pari materia* to Section 45 of the Evidence Act (now repealed).

12. The argument of the learned Advocate for the writ petitioner/ original applicant that the said Tribunal ought to have directed either GEQD or CFSL to examine the left thumb impression of the writ petitioner appears to be not convincing in view of the fact that Section 65 of BSA mandates that in the event a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting. It is equally pertinent to mention herein that the provision of Section 65 of BSA is also *pari materia* to Section 65 of the Evidence Act (now

repealed). In our considered view though the said Tribunal is not bound to follow strict rules of BSA, however, in order to reach at a logical conclusion of the *lis* before it, the Tribunal rightly applied the principles analogous thereto.

13. It thus appears to us that by not directing the GEQD and/or CFSL to examine the left thumb impression of the writ petitioner/ original applicant no prejudice is caused as urged by the learned Advocate for the writ petitioner before us.

14. In view of the discussion made hereinabove, this Court thus finds that the view taken by the learned Tribunal in its impugned order dated 09.12.2025 is quite plausible one and requires no interference from our end.

15. With the aforementioned observation the instant writ petition is dismissed.

16. With the dismissal of the instant writ petition all pending interlocutory applications, if there be any, also stand dismissed.

17. Urgent photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

I agree.

(SUJOY PAUL, C.J.)

(PARTHA SARATHI SEN, J.)