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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

DATED : ALLD. ON THIS 30th DAY OF JULY, 1998

CORAM : HON'BLE MR. S. DAYAL , MEMBER (A)
HON'BLE MR. S. L. JAIN, MEMBER (J)

ORIGINAL APPLICATION NO. 88 OF 1997

Jagjivan Ram S/o Shri Rajpati Ram,
R/o Basni(Bisenpur), Post Office - Basni,
District - Varanasi.

..... Applicant.

C / A : Shri J.N.Singh, Advocate

Versus

1. Union of India through Secretary, Govt. of India,
Deptt. of Personnel & Training, Ministry of
Personnel Public Grievances & Pensions, New Delhi.
2. Asstt. Director(N), Staff Selection Commission,
8-A, Beli Road, Allahabad
3. Regional Director, Staff Selection Commission,
(CR), 8-a, Beli Road, Allahabad.

..... Respondents

C / R : Shri Prashant Mathur, Advocate.

O R D E R

(By Hon'ble Mr. S.L.Jain, Member (J))

This is an application under section 19 of the Administrative Tribunals Act, 1985 to quash the order dated 25-10-96 passed by the respondent no.3 (Annexure-1) and to issue the order or direction commanding respondents for the order of appointment of the applicant on the post of Divisional Accountant / Auditor etc. and provide seniority to the

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applicant to which he is entitled therefor.

1) A combined examination for the appointment to the post of Divisional Accountants / Auditors / U.D.C. etc. was held by the Staff Selection Commission at Allahabad on 26/3/95, the applicant applied for the above post, Admit Card was issued to him and Roll No.2414161 was allotted to him. While applying he attached his photograph on the application. The examination was conducted by the respondents on the scheduled date. The result of the examination was declared in the Rozgar Samachar dated 18 - 24 November 1995 and he was declared a successful candidate. Only Written examination is to be held for the post of Divisional Accountant, hence the applicant was finally selected for the above post. A letter dated 22.5.96 was sent to the applicant and it was mentioned that the signature / photo on his application does not tally with the signature / photo on his attendance sheet establishing thereby that he has procured impersonation in the said examination. The applicant was directed to ^{Submit} ~~show cause~~ ~~alongwith~~ two attested photographs from a Gazetted Officer within ten days and to show cause why his candidature may not be cancelled and criminal proceeding may not be initiated against him for procuring impersonation and securing a Govt. job by fraudulent means. The applicant filed an application alongwith two attested copies of photographs signed by a Gazetted Officer and also mentioned that he has not attached any forge photo with his application. Vide letter dated 25.10.96, the candidature of the applicant has been cancelled by the Commission.

The above facts are not disputed by the parties.

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- 2) The applicant's case in brief is that no forgery has been committed by him for his appointment and his photographs and signatures are correct. In order to post some other person in place of the applicant, his candidature is intentionally cancelled by the respondents.
3. The said facts are denied by the respondents and it is alleged that on final scrutiny of the application of the applicant, it was detected that the photograph of the applicant as pasted on the application form does not tally with the photograph attached to the attendance sheet and as such it was suspected to be a case of impersonation and the applicant has adopted mal practices in securing a job. The result declared was provisional one, hence prayed for dismissal of the O.A. with the cost.
- 4) The original record was called for and on perusal of the said record, we find that on ~~the~~ application form a photograph has been pasted with the signature of the applicant and on the Admission Card an entirely different photograph is pasted. A lay man by naked eyes can say that the photograph pasted on the application form and the Admission Card is not of the same person for the reason that it differs ⁱⁿ ~~for~~ features, structure ^{of the applicant}, hair style and so on. ^{with each other}.
- 5) If photograph of the applicant pasted on the application form is compared with the photograph which he has submitted in pursuance of the show cause notice with his signature dated 17-6-96, we find that it does tally with each other. Thus, the person who intended to appear in the examination is the person, whose photograph is pasted on the application form while the person appeared as per the Admission Card is entirely a different person.

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6) The photograph which is pasted on the application is said to bear the signature of the applicant. Under Section 73 of the Indian Evidence Act, the Court is entitled and competent to compare the signature though not an expert in this respect. If so compared, we find that mode of signing in letter "J" is entirely different one. It gives a curve on left side on the Admission Card while in the application, it is just straight one. Furthermore, the signature on the application form is 'J.Rama' while in the Admission Card it is only 'J.Ram'. Formation of letter "m" is also different one. It is a case of intentional forgery as well, in addition to a case of impersonation.

7) The respondents have cancelled the candidature of the applicant rightly after issuing show cause notice and on the basis of the material on record.

8) The declaration of the result does not give any right to the applicant for appointment for the reason that in the result Annexure A-2, it is specifically mentioned that "

ਪ੍ਰਕਾਸ਼ਿਤ ਹੋਣ ਨਾਲ ਕਿ ਜੋ ਅਭਿਆਸੀ ਪਰੀਖਾ ਕਰੇ ਅਤੇ ਜਿਹਨਾਂ ਨੂੰ ਵਿਦਵਾਨਾਂ ਨੇ ਵਿਦਵਾਨਾਂ ਪਾਸ ਤੋਂ ਬਾਹਰ ਤੋਂ ਪ੍ਰਸਤੁਤ ਕਰਦੇ ਹਨ, ਉਹ ਨਿਭਾਉਣ ਵਾਲੇ ਨਾਮਾਂ ਵਿਚ ਨਹੀਂ ਹਨ। ਇਸ ਪ੍ਰਕਾਰ ਨਾਲ: ਜਿਸਨੇ ਦਿੱਤਾ ਗਿਆ, ਪਰਿਭਾਸ਼ਾ ਕਰਦੀ ਹੈ ਪਾਤਰ (ਜਿਸਨੇ ਦਿੱਤਾ ਗਿਆ) ਦਿੱਤਾ ਗਿਆ। ਪਾਤਰ ਨੂੰ ਅਭਿਆਸੀ ਕਰਦੇ ਹਨ, ਅਤੇ ਉਹਨਾਂ ਨੂੰ ਸਹੀ ਤਰ੍ਹਾਂ ਦਿੱਤਾ ਗਿਆ।

Thus, it was only a result of successful candidates and the appointment was subject to the facts mentioned in the application to be true one.

9) In the result, we find no substance in the O.A. Hence, the application is liable to be rejected and is rejected with costs. The applicant shall pay the costs of Rs.650/- (Rs.500/-as advocate's fee plus Rs.150/-as the expenses) to the respondents.

MEMBER (J)

MEMBER (A)