

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 701 of 2005  
Cuttack, this the 22<sup>nd</sup> day of May, 2008

Ajaya Kumar .... Applicant  
-Versus-  
Union of India & Ors. .... Respondents.

FOR INSTRUCTIONS

1. WHETHER it be sent to reporters or not?
2. WHETHER it be circulated to all the Benches of the Tribunal or not?

(C.R.MOHAPATRA)  
MEMBER(ADMN.)

(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

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C O R A M:-

THE HON'BLE MR. JUSTICE K.THANKAPPAN, MEMBER(J)  
AND  
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER(ADMN.)

Ajaya Kumar, Son of Sri Rajballav Singh, aged about 21 years, resident of Kailash Nagar, Po/Ps. Masaurhi, Dist. Patna, Pin-804452 Dist. Bihar at present: C/o. Panchananda Satyarthi, Village/Post-Maranchi, Via. Punpun, Dist. Patna, Bihar-804453.

... Applicant

By legal practitioner - M/s. S.K.Nayak-2, B.K.Rout,  
S.K.Pattnaik, Miss. A.Nayak,  
M.K.Jena, Counsel.

-V e r s u s -

1. Government of India represented through Secretary of Ministry of Railway, New Delhi.
2. Railway Recruitment Board, Bhubaneswar, Govt. of India, represented through Chairman, Railway Recruitment Board, Bhubaneswar, D-79/80, Rail Vihar, BDA Rental Colony, East Coast Railway, Chandrasekharpur, Bhubaneswar-751 023.
3. General Manager, East Coast Railway, Chandrasekharpur, Bhubaneswar.

.... Respondents

By Legal practitioner - Mr. R.C.Rath, Counsel.

O R D E R

MR. JUSTICE K. THANKAPPAN, MEMBER (J):

Challenging Annexure-4, this Original Application is filed by the Applicant. By Annexure-A/4, the Railway Recruitment Board, Respondent No.2 cancelled the candidature

of Applicant and debarred him through out his life from appearing in all Railway Recruitment Board Examinations and also for appointment in Railways.

2. The case in nut shell is that the Applicant applied for the post of Trains Clerk pursuant to Employment Notice No. EN/2/2003 of the Railway Recruitment Board, Bhubaneswar. The Railway Recruitment Board after processing the application allotted a Roll No. 206357 to the Applicant and allowed him to sit in the first stage of examination held on 12.09.2004. On being successful in the first stage of examination, he was allowed to sit in the second stage of written examination held on 28.11.2004. Thereafter, he was intimated to be present on 28.01.2005 in the Office of the Railway Recruitment Board, Bhubaneswar for verification of original documents/testimonials. As the signature and handwritings of the Applicant taken on the date of verification of certificates were found to be different than the signatures and handwritings appeared in other documents e.g. application form, question booklets, call letters and answer sheets of written examination, all relevant documents were sent to the Government Examiner

of Questioned Documents 'in short GEQD', Central Forensic Institute, Kolkata for verification and report by the Railway Recruitment Board, Bhubaneswar vide letter No. RRB/BBS/GEQD/113 dated 03.03.2005 (Annexure-R/1).

Report of the test of the Forensic Institute Kolkata has been received by the Railway Recruitment Board in which it was stated that the signatures and handwritings taken on the date of the written examination differed from those taken on the date of certificate verification and the variance of handwritings and signatures prove that the applicant had arranged an impersonator to sit in the written examination conducted by the RRB. In view of the above, the RRB viewed the matter seriously and cancelled the candidature of the Applicant debarring him to appear in any of the examinations to be conducted by the RRB in future and intimated to the Applicant under Annexure-4 which is sought to be quashed in this Original Application.

3. This Tribunal heard Learned Counsel for both sides and also perused the records produced before this Tribunal. The main contention of the Applicant is that the certificate given by the Central Forensic Institute, Kolkata is not true and not

tenable. Learned Counsel for the Applicant submits there has been no impersonator in the written examination and documents produced by him are all genuine. Hence, the Applicant submits that Annexure-4 shall be quashed and a direction shall be issued to the Respondents to issue the offer of appointment to the Applicant and allow him to join the post in question. On the other hand, Learned Counsel for the Respondents, relying on the counter affidavit filed for and on behalf of the Respondents submits that since the Railway Recruitment Board doubted the genuineness of the documents/signatures and handwritings of the Applicant sent the entire matter for verification through Central Forensic Institute, Kolkata and as per the report of the CFI, Kolkata it is specifically established that the signatures and handwritings available on record and taken on the date of verification of documents varied <sup>with</sup> ~~to~~ each other. Since the verification of documents was made by scientific method by the Central Forensic Institute, Kolkata and the certificate issued by the Institute is admissible in evidence as per Section 293 of the Code of Criminal Procedure, 1973 it can be accepted without any further evidence. In the above circumstances, Learned

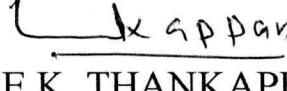
Counsel for the Respondents submits that Annexure-4 does not require any interference by this Tribunal. Section 293 of the Code of Criminal Procedure, 1973 provides as under:

**“Reports of certain Government Scientific experts –** (1) Any document purporting to be a report under the hand of a Government scientific expert to whom this section applies, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may be used as evidence in any inquiry, trial or other proceeding under this Code.”

4. On considering all the contentions of the parties and on perusing the records, this Tribunal is of the view that the certificate given by the Central Forensic Institute, Kolkata is acceptable and there is no other material or evidence made available to this Tribunal to hold otherwise in favour of the Applicant.

5. For the reasons stated above, we find no merit in this OA. This OA is accordingly dismissed. No costs.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)