

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 1380/2016
MA 177/2017
MA 1367/2016

Reserved on 13.02.2019
Pronounced on 25.02.2019

Hon'ble Ms. Nita Chowdhury, Member (A)
Hon'ble Mr.S.N.Terdal, Member (J)

Sombir (Un employed 24 years)
S/o Uday Vir
R/o VPO Kungar
Tehsil Bawani Khera,
District Bhiwani, Haryana

.... Applicant

(By Advocate: Mr.Anunaya Mehta)

VERSUS

1. Staff Selection Commission,
Through The Regional Director (NR)
Block No.12, 5th Floor, CGO Complex,
Lodhi Road, New Delhi.
2. Union of India
Through Secretary,
Ministry of Personnel, Public Grievances
& Pensions, 5th Floor,
Sardar Patel Bhawan, New Delhi.

... Respondents

(By Advocate: Mr. Gyanendra Singh)

ORDER

(Hon'ble Mr. S.N.Terdal, Member (J)):

We have heard Mr. Anunaya Mehta, counsel for applicant and Mr. Gyanendra Singh, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:

- "i) Quash, set aside and annul the order passed by the Respondent No.1 dated 07.03.2016 whereby the candidature of the applicant in the Multi Task (Non-technical) Staff Examination, 2013 has been cancelled and he has been

debarred for a period of three(3) years for the Commission's examination.

- ii) Direct the Respondents to issue appropriate joining orders to the Applicant so as to enable him to join the department assigned to him in furtherance of the Multi Tasking (Non-technical) Staff Selection Examination 2013 i.e. Central Bureau of Investigation;
- iii) Pass such other and further orders in the facts and circumstances of the case."

3. The relevant facts of the case are that the applicant had applied for the post of Multi Tasking (Non-Technical) Staff in response to the recruitment advertisement of 2013 for the said post published in the Employment News dated 10.11.2012. He was successful in the examination as such he was called for document verification on 01.01.2014. The respondents Staff Selection Commission had taken a conscious decision with a view to protecting the integrity of the selection process and to prevent candidates who are prima facie found indulging in unfair means in their examination from entering into government service through such unfair means and in furtherance of the said decision they have adopted a procedure of regular verification of signature, handwriting specimen etc. from forensic experts who have proven expertise in such verification. When the respondents subjected the signature and handwriting specimen of the applicant to such verification they received the report of the Forensic expert based on reliable evidence stating that they had come to the conclusion that the applicant resorted to malpractice/unfair means. Based on the said report of Forensic expert, the candidature of the applicant was cancelled and he was debarred for a period of three years from the Commission's examination vide order dated 07.03.2016. The said order of cancellation and debarring is

challenged in this OA. The relevant portion of the said order dated 07.03.2017 is extracted below:

"2. Whereas Shri Sombir provisionally called for Document Verification of the aforesaid examination and appeared on 01.01.2014.

3. Whereas the Commission, the Competent Authority in the matter, has made a conscious decision with a view to protecting the integrity of the selection process and to prevent candidates who are prima facie found to indulge in unfair means in such examination from entering into government service through such manipulative practice

4. Whereas the Commission gets regular verification of signature, handwriting specimen etc. From forensic experts who have proven expertise in such verification and had undertaken such verification of signature, handwriting and thumb impressions in the case of written examination papers and document verification of the aforesaid examination.

5. Whereas report of the forensic expert has been received and reliable evidence has emerged during such verification that Shri Sombir had resorted to malpractice/unfair means in the said papers

6. Now, therefore, Shri Sombir, Roll No. 2201537996, Rank No. SL/00003 is hereby informed that his candidates in the Multi Task (Non-Technical) Staff examination, 2013 is cancelled and he is "DEBARRED" for a period of three (3) years for the Commission's examinations, without prejudice to the rights of the Commission to initiate/seek criminal proceedings against you."

4. The counsel for the applicant vehemently contended that the action of the respondents is arbitrary, discriminatory and whimsical. In support of his contention, he relied upon the law laid down by the Hon'ble Supreme Court in the case of **Magan Bihari Lal Vs. The State of Punjab** (1977) 2 SCC 210) and **Board of High School and Intermediate Education, UP, Allahabad Vs. Ghanshyam Das Gupta and Others** (AIR 192 SC 1110).

5. The counsel for the respondents equally vehemently submitted that in view of the wide spread malpractice resorted to by some candidates and in view of protecting the integrity of the selection process, the above said

practice was adopted and there is no discrimination or hostile discrimination against any individual candidate much less with respect to the applicant. The respondents have also produced the report of the Central Forensic Science Laboratory (CFSL) as annexure R-3 which also demonstrates that based on the reasons given by the CFSL authorities only, they have come to the conclusion that some of handwritings and the signatures of the applicant are of different persons. In support of his contention, the counsel for the respondents relied upon the following orders/judgment of the Hon'ble High Court of Allahabad and CAT Allahabad Bench:

- (1) **Shailendra Kumar Verma Vs. UOI & Ors**
(OA 429/2003-Allahabad Bench)
- (2) **Shailendra Kumar Verma Vs. UOI & Ors**
(Civil Misc. Writ Petition No. 56185/2004
-Allahabad Bench)
- (3) **Hariom Kumar Singh Vs. UOI & Ors**
(OA 1147/2001-Allahabad Bench)

6. In view of the expert opinion given in this case by CFSL stating that the signatures and some of the handwritings do not tally as also in view of the judgment and orders referred to above by the counsel for the respondents, we are of the opinion that the impugned order dated 7.03.2016 passed by the respondents is neither arbitrary nor whimsical and cannot be interfered with.

7. Accordingly, OA is dismissed. No order as to costs

(S.N.Terdal)
Member (J)

(Nita Chowdhury)
Member (A)

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