



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**

No.O.A.350/107/2013

Date of order : 13.06.2019

Coram :Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Dr.(Ms.) N. Chatterjee, Administrative Member

Anirban Biswas
Son of Sri Anil Kumar Biswas,
Aged about 42 years,
By occupation : unemployed,
Residing at : Boro Kalitola (Near Kali Mandir),
P.O. Chunchura,
District : Hooghly – 712101.

..... Applicant.

Versus

1. Union of India,
through the General Manager,
Eastern Railway,
17, Netaji Subhash Road,
Fairlie Place,
Calcutta – 700 001.
2. The Chief Personnel Officer,
Eastern Railway,
17, Netaji Subhash Road,
Fairlie Place,
Calcutta – 700 001.
3. The Chairman,
Railway Recruitment Cell,
Eastern Railway,
56, C.R. Avenue,
RITES Buildings, 1st floor,
Calcutta – 700 012.
4. The Assistant Personnel Officer/Recruitment,
Railway Recruitment Cell,
Eastern Railway,
56, C.R. Avenue,
RITES Buildings, 1st floor,
Calcutta – 700 012.

..... Respondents

For the applicant : Mr. K. Chakraborty, counsel

For the respondents : Mr. K. Sarkar, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

Eastern Railway issued notification under Employment Notice No.0106 inviting applications for appointment to Group 'D' post. Number of applications were filed, and the applicant was one of the candidates. Written test was conducted and on the basis of the performance therein, candidates were short listed. It is stated that the applicant was declared successful in the written test and asked to appear for Physical Efficiency Test(PET). The applicant appeared in the PET and thereafter he was issued call letter to appear for medical test. At that stage the respondents withheld the appointment, and in the website it was mentioned that non-issue of order of appointment was on account of 'non enclosure of requisite certificates'.

2. Feeling aggrieved by similar steps, number of candidates approached this Tribunal by filing O.A.No.706/2009 and batch. The entire issue was examined at length and the O.As were disposed of vide order dated 09.04.2010 directing the respondents to permit the candidates to submit individual applications. Further direction was issued to examine the applications in detail, in the light of the observations made in the order.



3. The applicant was not part of that batch. It was only in the year 2012 that the applicant made an effort to know the reasons and this time the reasons mentioned in the website was that there was 'mismatch of answer scripts'. The applicant filed the present O.A. seeking relief in the form of direction to the respondents to set aside the remarks contained in the website and to direct the respondents to select him for the purpose of appointment.

4. The respondents filed counter affidavit opposing the O.A.. They narrated the entire history pertaining to the recruitment. It is stated that on receipt of number of complaints the matter was examined and it was detected that several candidates became successful by resorting to impersonation. Detailed exercise is said to have been undertaken to verify answer scripts. It is stated that in the course of undertaking such exercise it emerged that the applicant has also resorted to impersonation and the same was evident from the report given by the handwriting expert. The result of the verification was said to have been displayed through online.

5. We heard Mr. K. Chakraborty, learned counsel for the applicant and Mr. K. Sarkar, learned counsel for the respondents.

6. More than a decade passed, since the recruitment notification was issued. We notice that hundreds of OAs were filed ventilating one grievance or the other. Initially the respondents rejected the candidature of the applicant on the ground that "Copies of requisite certificates/documents not attached/enclosed with the application". In



O.A.No.706/2009 and batch the Tribunal took exception to this and directed the respondents to verify the individual applications and state the reasons. The applicant did not approach the Tribunal at that stage. However, the directions issued in the said O.A. was general in nature. Along with the cases of other candidates, that of the applicant was verified. It is stated that the person who wrote the blue enclosed standard writings, stamped and marked S-1 to S-7, did not write the blue enclosed disputed writings similarly stamped and marked Q-7 to Q-10 for the reasons that there are differences in handwriting characteristics. However, individual communications could not be issued since number of candidates were involved in the matter. The information was given on the website. Against the name of the applicant "mismatch of handwriting." was mentioned.

7. In the counter affidavit, it is stated that the expert who examined the answer scripts of the applicant made a clear observation about impersonation. Relevant portion of the counter affidavit reads as under:-

"10. With reference to the statements made in para 4(j) of the original application I State that the 1st reason of rejection was for non-submission of documents which was required to be attested by a gazette officer. The candidates whose applications have been cancelled on the ground of specific defects in application/enclosures have been given opportunity to submit representation against such cancellation as per the order of Hon'ble CAT/Calcutta dated 20.8.2009. Accordingly Sri Anirban Biswas submitted his representation while further thorough scrutiny is made by the Railway empanelled Ex-GEQD, it is detected that the hand writing of Declaration sheet and attendance sheet and OMR sheet and verification Form are not



identical with personal Data Sheet(PDS) and Application Form (AF) of the applicant and the Railway Empanelled Ex-GEQD has given their expert and scientific opinion in writing in this regard. Accordingly, the candidate has been communicated the result through RRC/E. Rly's website that the candidature of Sri Biswas is rejected on the ground of "Mismatch of Hand writing". The above information is still available in the RRC/E. Rly's website. So RRC/E. Rly has only carried out the order of Hon'ble CAT/Calcutta dated 9.4.2010 in O.A.No.706/2009 and nothing more."

8. Though with undue delay, the respondents have placed before us

a copy of the opinion rendered by the expert. It reads as under:-

"The original documents relating to the recruitment of the person called ANIRBAN BISWAS, Roll No.23115094 (kept in RRC-ER's Folder No.10102) have been carefully and thoroughly examined by me with the help of available scientific instruments in all aspects of handwriting identification and detection of forgery. In my opinion :

1. Inter-se comparison of the blue enclosed writings stamped and marked S-1 to S-7 and Q-1 to Q-6 reveals similarities in handwriting characteristics indicating that they were all written by one and same person.
2. The person who wrote the blue enclosed standard writings stamped and marked S-1 to S-7 did not write the blue enclosed disputed writings similarly stamped and marked Q-7 to Q-10 for the reasons that there are differences in handwriting characteristics."

9. The applicant is not able to demonstrate that the view expressed by the expert cannot be relied upon by the respondents. More than a decade has elapsed since selection process started and it is a subject matter of hundreds of cases. We do not find any ground to reopen the issue or deal with the matter, at this stage.

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10. We do not find any merit in the O.A. and it is accordingly dismissed. There shall be no order as to costs.

(Dr. N.Chatterjee)
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman