

(2012) 09 DEL CK 0451
In the Delhi High Court
Case No : WP (C) 5465 of 2012

Balram Katara

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 04-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0451

Hon'ble Judges : Pradeep Nandrajog, J; Manmohan Singh, J

Bench : Division Bench

Advocate : Anil Singal, for the Appellant; Saqib, for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—Since the facts stated in the writ petition are not disputed, with consent of learned counsel for the parties the writ petition is being disposed of today itself. Employed as a Constable (GD) in CRPF the petitioner took the CPO Examination - 2009 held by Staff Selection Commission for the post of Sub-Inspector. The results were declared on July 20, 2010. In spite of having qualified at the written examination as also the interview and notwithstanding petitioner having obtained marks above the cut-off point, he was surprised to note that against his result, it was written: "Over-age". The petitioner represented that being in service, as per the advertisement in question, he was entitled to a age relaxation for the period notified in the advertisement, and correcting itself, the Staff Selection Commission treated petitioner as an eligible candidate, but still did not forward the name of the petitioner to the Ministry of Home Affairs, which would have then issued the necessary directive to the concerned Central Para Military Force to issue a letter of appointment to the petitioner. The reason was a complaint received by the Staff Selection Commission that at the written examination, with respect to some candidates, which included the petitioner, there was impersonation. The petitioner was called upon on January 19, 2011 to give his specimen hand writing and signatures, which were forwarded, along with the answer sheet of

the petitioner, to the Government Examiner of Questioned Documents at Shimla on February 02, 2011, and till date, the Staff Selection Commission or the Ministry of Home Affairs has not bothered to ensure that the Government Examiner of Questioned Documents sends an opinion on the reference made.

2. Only yesterday, i.e., on September 03, 2012 deciding W.P.(C) No. 5454/2012 Aman Kumar Vs. UOI & Anr. wherein similar issue had been raised, we had disposed of the writ petition directing the respondents to ensure that the opinion sought from the Government Examiner of Questioned Documents at Shimla is positively obtained within 3 weeks from today and the petitioner be issued a letter of appointment if the opinion is in favour of the petitioner. If the opinion is against the petitioner, the process of law with respect to the petitioner being granted an opportunity of fair hearing before the final decision is taken be resorted to. In either case, the decision taken to be conveyed to the petitioner within 4 weeks from the date of the decision. The reason was that more than one and half year had elapsed since matter was referred for opinion to the Government Examiner of Questioned Documents.

3. Instant writ petition also stands disposed of directing the respondents to ensure that the opinion sought from the Government Examiner of Questioned Documents at Shimla is positively obtained within 3 weeks from today and the petitioner be issued a letter of appointment if the opinion is in favour of the petitioner. If the opinion is against the petitioner, the process of law with respect to the petitioner being granted an opportunity of fair hearing before the final decision is taken be resorted to. In any case, the decision would be conveyed to the petitioner either way within 4 weeks from today.

4. No costs. Dasti.

C.M.No. 11149/2012 (for stay)

Since writ petition stands disposed of, instant application whereunder interim orders are prayed for is dismissed as infructuous.