

(2012) 02 DEL CK 0253

In the Delhi High Court

Case No : Writ Petition (Civil) No. 7347 of 2011 and CM No. 16656 of 2011

Ramesh Chand Joshi

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 14-02-2012

Acts Referred:

Citation : (2012) 02 DEL CK 0253

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Advocate : N.L. Bareja, for the Appellant; Sachin Dutta with Mr. Abhimanyu Kumar, for the Respondent

Judgement

Sudershan Kumar Misra, J.—With the consent of learned counsel for the parties, the matter is disposed of by a short order which is as follows:

2. Admittedly, the petition has been filed impugning the decision published by the Staff Selection Commission (SSC) on the internet, canceling his candidature on the ground that the petitioner was overage, a copy whereof has been annexed as Annexure P1 to this petition.

3. Counsel for the respondents on instructions, and also on the basis of what has been set down in the counter affidavit, submits that on reconsideration of the matter, the respondents are satisfied that the petitioner was not overage and to that extent, the order canceling his candidature cannot be sustained.

4. He further submits that although the petition deserves to be allowed to that extent, however, a separate investigation is under way with regard to the candidature of the petitioner on suspicion of impersonation because some prima facie discrepancy has been noticed in the signatures of the petitioner. Similar discrepancies were also noticed in the signatures of some other candidates. In that connection, the specimen signatures furnished by the petitioner along with his purported signatures on the Admit Card and the Application Form etc. have since been forwarded to the Government Examiner of Questioned Documents

(GEQD), Shimla, whose opinion in the matter is awaited; and obviously, it would be open to the respondents to take such action as may be available to them in law in case opinion were to come against the petitioner.

5. Counsel for the petitioner states that the relief in the present petition was confined to the rejection of the petitioner's candidature on the sole ground of his being overage. This is because no decision has been communicated to the petitioner with regard to any discrepancy in his candidature on any other ground, including the ground of impersonation, discrepancy in the signatures etc., and he would, therefore, reserve the right to impugn any adverse decision that may be taken by the respondents hereafter in the matter of petitioner's candidature. Counsel for the respondents has no objection to this.

6. Under the circumstances, and as agreed by counsel for the parties, the aforesaid communication published by the Staff Selection Commission (SSC) on the internet, which is annexed as Annexure P1 to this petition, only to the limited extent that it declares the petitioner to be overage, is quashed.

7. The respondents shall proceed with the further consideration of the petitioner's candidature in accordance with the relevant rules and regulations and as per law. Since the matter pertains to the examination held in the year 2009, it is further directed that the respondents shall complete all further scrutiny, investigation, etc. into the candidature of the petitioner expeditiously and in any case, within three months from today. It is open to the petitioner to impugn any action of the respondents, other than the grievance raised by him in this petition, as he may be advised, and in accordance with law.

8. In view of the peculiar circumstances of this case where, even though the sole reason for the cancellation of the petitioner's candidature has been quashed, the petitioner's appointment cannot be processed further because, as noticed above, some other aspect, unrelated to his age, is being probed by the respondents whose outcome is uncertain; the interim orders passed by this Court on 12th December, 2011 shall continue to remain in force for further three months from the date any adverse decision on the petitioner's candidature on the ground of discrepant signatures is communicated to him. Needless to say that in case nothing adverse is found against the petitioner, the respondents shall consider the petitioner's case for appointment to the post of SI/GD in any one of the Central Police Organizations which has been kept vacant in terms of interim orders passed on 12th December, 2011.

9. The petition, along with CM No. 16656/2011, is disposed of in the above terms. The parties are left to bear their own cost.

10. Dasti to the parties.