

Manoj Kumar Vs. Union of India and anr

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Court : Delhi

Decided On : Nov-05-2012

Judge : Pradeep Nandrajog

Appellant : Manoj Kumar

Respondent : Union of India and anr

Judgement :

\$~ * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Decision: November 05, 2012 + W.P.(C) 6966/2012 MANOJ KUMAR Petitioner
Represented by: Mr.Anil Singal, Advocate. versus UNION OF INDIA AND ANR
Respondent Represented by: Mr.Amrit Pal Singh, Advocate and Ms.Gurjinder Kaur, Advocate. CORAM: HONBLE MR. JUSTICE PRADEEP NANDRAJOG
HONBLE MR. JUSTICE MANMOHAN SINGH PRADEEP NANDRAJOG, J.

(Oral) 1. 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.

2. 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 his name was not included in the select list. The reason was (probably) 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 in October, 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 or around November, 2011, for opinion, 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.

3. 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 that day 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.

4. 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 4 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 5 weeks from today.

5. No costs. PRADEEP NANDRAJOG, J.

MANMOHAN SINGH, J.

NOVEMBER 05 2012 /dk/

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