GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-92

F.1(184)/CC-II/DSSSB/2010/25145 Dated: 14/12/16

ORDER

Subject: in compliance of the order dated 15.07.2013 of LD. CAT in OA No. 2192/2012 titled as Sunil Kumar Vs. Govt of NCT of Delhi & Ors (Post Code 65/09).

1. Whereas, The DSSSB had advertised 5000 vacancies of DTC (Driver) in Delhi Transport Corporation under post code 065/09 vide advertisement NO. 03/2009 and written examination was held on 21/03/2010;

2. Whereas, The petitioner Sh. Sunil Kumar appeared in the examination against the Roll No. 6539417 as UR Candidate for the post of Driver (DTC) under post code 065/09. The written examination was conducted on 14/03/2010 and 21/03/2010.The result of the written examination was declared on 06.12.2010,14.06.2011 and 17.02.2012;

3. Whereas, the petitioner who had obtained 60/100 marks was declared short listed under UR category for appearing in Driving Skill Test vide result notice dated 25.05.2010. The petitioner appeared in Driving Skill Test and as per the report of evaluation Board of Skill Test, he was declared pass. These candidates who had qualified the driving skill test, dossiers of the were scrutinized to determine the eligibility as regards to educational qualification, caste certificate and validity of driving license;

4. Whereas, as per practice, DSSSB carried out physical scrutiny of application form at the time of final selection to the post. During the scrutiny of his dossier, variation in his signature/handwriting as sufficient by the candidate in his application form, admit card of written examination has been noticed. Accordingly, the petitioner was called in the Board to give the samples of is signatures and handwriting to the committee of the Dy. Secretaries on 25.01.2011. The samples of signature and handwriting given before the committee of Dy. Secretaries were examined by the committee and in its report, the committee observed that the hand writing/LTI of the candidates was compared with the sample available in the dossier and on close scrutiny it appears to differ prima facie;

5. Whereas, the candidature of Sh. Sunil Kumar was rescinded by the Board on the ground that he was found involved in the malpractice in the examination vide order dated 17.02.2012 and later he was debarred from appearing in any examination conducted by the Board for next 05(Five) years vide Board's department order dated 07/06/12;

6. Whereas, the applicant aggrieved with the decision of the Board, filed an OA No.2192/2012 in ld. CAT. The order dated 15.07.2013 of Ld. CAT in OA No. 2192/2012 is reproduced hereunder:

"We find no reason to take any view different from the one taken by the various Division Benches of this Tribunal in the aforementioned cases. In the circumstance the impugned order is quashed. The respondents would be liberty to refer the issue of discrepancy/authenticity of signatures of the applicant to the expert for its opinion and take a final view in the matter after issuing show cause notice to the applicant

and giving him an opportunity to file his response thereto, within eight weeks from the date of receipt of a copy of this order

7. Whereas, in compliance of Ld. CAT order dated 15.07.2013, vide this office letter dated 08.09.2013, the case file of Sh. Sunil Kumar was sent to FSL for obtaining expert opinion in the matter. The details are as under:-

(i) Original Application form bearing ID No. 04714666 of Shri Sunil Kumar containing his signatures (Q4 & Q7) and handwritings (Q6)

(ii) Original Admit Card bearing Roll No. 06539417 of Shri Sunil Kumar of Written Examination held on 21.03.2010 containing Questioned signature Q5 and thumb impression Q'2.

(iii) Original Admit Card bearing Roll No. 06539417 of Shri Sunil Kumar of Driving Skill Test held on 20.08.2010 containing Questioned signature Q4 and thumb impression Q'3 .

(iv) Copy of Answer Sheet/OMR Sheet bearing No. 132379 of Roll No. 06539417 of Shri Sunil Kumar containing Questioned signature Q1 & Q3 and handwriting Q- 2

(v) Original Signature, Thumb impression and sample handwriting of Shri Sunil Kumar obtained in the Board (S-1 to S-12).

8. Whereas, the FSL vide their letter dated 21.01.2015 has forwarded their opinion in the matter as mentioned below:-

" *The aforesaid similarities in the writing habit are significant and sufficient and cannot be attributed to accidental coincidence and when considered collectively they lead me to the opinion that the person who wrote the red enclosed writings/signatures stamped & market S1 to S10 also wrote the red enclosed writings/signature similarly stamped & marked* ***Q2 (handwriting made on OMR Sheet),Q3(Signature made on Answer Sheet/OMR Sheet)& Q4 (signature made on Admit Card of Driving Skill Test)***.

It has not been possible to express any opinion on rest of the items on the basis of materials at hand".

9. Whereas, as per the report (as reproduced above), it appears from the available documents that FSL has not given their opinion on the thumb impression (Q1 to Q4) in the documents available in the department, vis-a-vis the thumb impressions which were obtained from the candidate in a controlled environment and provided for verification (S1A, S1B, S2A, S2B & S2C).

10. Whereas, the FSL informed that facility of fingerprints examination is not available with FSL Delhi. However the same may be availed at the Finger Print Bureau, Kamla Nagar, Delhi;

11. Whereas, the Finger Print Bureau (FPB) was requested for matching of thumb impressions (Q1to Q4) in the documents available in the department, vis-a-vis the thumb impressions which were obtained from the candidate in a controlled environment and provided for verification (S1A, S1B, S2A, S2B & S2C), vide this office letter No.F.1(187)/DSSSB/CC-II/2011/13456 dt. 07.10.15 and subsequent reminder dated 20.07.16, 23.08.16. Now the FPB has forwarded it's report which is reproduced as under:-

ENCLOSURES:

1.Government of NCT of Delhi, Delhi Subordinate Services Selection Board Admit Card (Driving skill test) of Sunil Kumar S/o sh. Ram Singh (roll No 06539417) bearing left questioned thumb impression marked **Q1.**

2. Government of NCT of Delhi, Delhi Subordinate Services Selection Board Admit Card (One tire main Examination) of Sunil Kumar s/o Sh. Ram Singh (Roll No.06539417) bearing left questioned thumb impression marked **Q 2.**

3. Government of NCT of Delhi, Delhi Subordinate Services Selection Board,answer sheet No 132379 of Sunil Kumar s/o Sh. Ram Singh (Roll No.06539417) bearing left questioned thumb impression marked **Q 3**.

4.DSSSB (03/09) 047146 form of Sunil Kumar s/o Sh. Ram Singh bearing left questioned thumb impression marked **Q4**.

5. Specimen admitted thumb impression slip of Sunil Kumar s/o sh. Ram Singh marked S1.

6. Specimen admitted thumb impression slip of Sunil Kumar s/o sh. Ram Singh marked S2. , *(S1A, S1B, S2A, S2B & S2C)*

Questionnaire:

Whether left hand questioned thumb impressions marked Q1 to Q4 are identical with any of the specimen/admitted thumb impression of Sunil Kumar S/o Sh. Ram Singh marked SIA,SIB,S2A,S2B &S2C on his specimen slips marked S1 & S2.?

Result of examination:

1. Left hand questioned thumb impression marked **Q2** is identical with admitted thumb impression of Sunil Kumar S/o Sh. Ram Singh marked S1B &S2B on his specimen slips marked S1 &S2 respectively.
2. Left hand questioned thumb impression marked **Q2** could not be compared with admitted thumb impression of Sunil Kumar S/o Sh. Ram Singh marked S2A &S2C due to non availability of corresponding area in the above said admitted thumb impressions.
3. 3. Left hand questioned thumb impressions marked **Q1,Q3 &Q4** and admitted thumb impressions marked S1A are either partial, blurred, smudged or faint and do not disclosed sufficient no of ridge details in their relative positions for comparison, hence they are unfit for comparison.

N.B. Left hand questioned thumb impressions marked Q1 to Q4 and admitted thumb impressions of Sunil Kumar S/o Sh. Ram Singh marked S1A, S1B, S2A S2B & S2C were photographed in FPB by Police photographer.

12. Whereas, the FSL has matched the sample handwritings and signatures with the questioned handwritings and signatures as **Q2** (handwriting made on OMR Sheet), **Q3** (Signature made on *Answer Sheet/OMR Sheet*) & **Q4** (signature made on Admit Card of Driving Skill Test);

13. Whereas, the FSL has not confirmed/provided their report on **Q1 & Q5** i.e Signature made by the Candidate on OMR sheet/Answer sheet & Admit Card for written Exam held on 21.03.2010 respectively. Further, the same is apparently different;

14. Whereas, the Finger Print Bureau (FPB) has confirmed only Left hand questioned thumb impression marked **Q2** (Questioned thumb impression on Original Admit Card

exam held on 21.03.2010 issued in the name of candidate Sunil kumar Roll No. 0653941) is identical with admitted thumb impression of marked as S1B &S2B on his specimen slips marked S1 &S2 respectively;

15. Whereas, the FPB could not confirm that the thumb impressions i.e. **Q1** (Thumb impression made by Candidate on Original Admit Card of Driving Skill Test held on 20.08.2010), **Q3** (Thumb impression made by Candidate on Answer Sheet/OMR Sheet bearing No. 132379 of Roll No. 06539417 exam held on 21.03.2010), **Q4** (Thumb impression made by Candidate on Original Application form bearing ID No. 04714666) and admitted thumb impressions marked S1A and reported that they are either partial, blurred, smudged or faint and do not disclose sufficient no of ridge details in their relative positions for comparison.

16. Whereas, it was noticed by the then committee that some of the candidates in contravention of the terms and conditions of advertisement had pasted blurred photograph in their application forms or had pasted defaced photographs. Thumb impressions had also been put up by them in the Exam, related documents i.e. admit card/descriptive answer sheets in such a manner that the same could not be recognized/deciphered;

17. Whereas, of all the identity markers, thumb impression is a unique and immutable identity marker;

18. Whereas, the above said fact cannot be ignored, at this stage, in the instant case as the candidate Sunil Kumar seems to have deliberately laid thumb impressions which are smudged and therefore cannot be deciphered;

19. Whereas, the Board cannot operate on the principle of granting 'benefit of doubt to the candidate especially in circumstances where doubt exists regarding impersonation in the process of the Exam. The conduct of the candidate in the examination process has to be above board, in its entirety;

20. That the DSSSB in these circumstances and indeed, in general, also, cannot operate on the threshold of "benefit of doubt" but must necessarily ensure elimination of malpractice and suspect-transactions for the entirety of Exam transaction. Seggregability of defects suggesting malpractices is not a legal option.

21. Accordingly, Competent Authority finds no reason to interfere with the earlier decisions taken by the then Competent Authority vide Result Notice no. 162 dated 17.02.2012 whereby the selection of candidate Sunil Kumar was rescinded and also vide order no. 3409 dated 07.06.2012 wherein the candidature of Sh. Sunil Kumar was debarred for the post code 65/09.

22. The petitioner is informed accordingly.

23. The Board reserve the right to take any further criminal or civil action as deemed appropriate.

24. This issue with the approval of Chairman, DSSSB.

Bhatia 14/12/16

Dy. Secretary (CC-II)

Sh. Sunil Kumar S/o Ram Singh
R/O VPO- Dinad, House No. 2078
Ward No. 19, Teh. &Distt.- Bhiwani,
Haryana-127024

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Copy for information and further necessary action to:

1. PS to the Chairman, DSSSB.
2. PA to the COE/Member-II, DSSSB.
3. Dy. Secretary (Legal), DSSSB.
4. SA (IT) with the request to upload the same on the website of DSSSB.
5. Office order file.

Dy. Secretary (CC-II) 14/12/16