



GOVERNMENT OF NCT OF DELHI
DELHI SUBORDINATE SERVICES SELECTION BOARD
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092

F.1 (166)/CC-II/DSSSB/2009/ 23162

Dated: 13/10/16

ORDER

SUBJECT:-Speaking order in compliance of the order dated 05.09.2014 of LD. CAT in OA. No.1879/2011, titled as Mr. Kapil Dev Vs Govt. of NCTD & Ors.

1. Whereas, Hon'ble Tribunal in OA no 1879/2011, titled as Mr. Kapil Dev Vs Govt. of NCTD & Ors. in hearing on 07.10.2016 has directed the respondent to decide the candidature of Sh. Kapil Dev for post of Teacher (Primary) under post code 16/08 within a period of 07 days.

2. Whereas, DSSSB as per the requisition of User Department (MCD) had advertised 1000 Vacancies of Teacher (Primary) under Post Code 16/08 vide advertisement No. 02/2008 with closing date 12/8/2008.

3. Whereas, the petitioner had applied for the post of Teacher (Primary) under UR category and appeared in the examination against the Roll No. 1631552 and secured 155/200 mark in Part-II examination. The written examination for the said post was conducted on 05/2/2009.

4. Whereas, as per marks secured in the Part-II examination, the candidate was in the zone of consideration, and thus his dossier was put to the scrutiny for verifying the eligibility to the post as per the RRs and genuineness of his candidature in the examination.

5. Whereas, on examination of his application form and admit card, some discrepancies had been noticed in the signatures of the petitioner and the candidature of petitioner was put in the list of pending cases for verification of genuineness of his candidature along with similar other cases. As per the extant practice in DSSSB at that time a committee of three Dy. Secretaries was constituted by the competent authority for ascertaining the genuineness of this candidate along-with other such candidates for the post of Teacher (Primary) under post code 16/08.

6. Whereas, the petitioner was called in the Board on 22.09.2010 and samples of his signatures and handwriting were obtained by the Committee of three Dy. Secretaries. The committee in its report dated 20.01.2011 reported as under:-

"The handwriting sample of the candidate was compared with the answer booklet No. E 831552 for post code 16/08 but on close scrutiny in prime facie is appears to differ. Further the said handwriting sample was also compared with another answer booklet No. E 509331 for post code 164-165/07 of the same candidate. It also prime facie appears to

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differ. Further more there are also variation in the handwriting of the said candidate in the two answer booklets as stated above.”

7. Whereas, vide Advertisement No. 02/2008 it was categorically mentioned in para 10 (ii) that candidates are cautioned that they should not furnish any incomplete or false information or indulge in impersonation or submit any documents which is defective or fabricated or otherwise commit any act of misconduct in submitting the application forms or during the course of recruitment or fraudulently claim SC/ST/OBC etc. and other benefits. In case any such case is detected, The Board/Appointing Authority reserves its right to withdraw/ cancel any selection and take legal action against the candidate concerned. The candidate may be permanently or for a specific period debarred from taking part in the recruitments conducted by the Board.

8. Whereas, vide result notice dated 10.02.2011 the Board had cancelled the candidature of Sh. Kapil Dev (Roll No. 01631552) for the post of Teacher (Primary) under post code 16/08 on the ground that the candidate was found involved in malpractices in examination for the said post.

9. Whereas, being aggrieved by the cancellation of his candidature, petitioner filed the above OA No. 1879/2011 before Hon'ble Tribunal praying for a direction to respondents to consider the applicant's case for appointment as Teacher (Primary), MCD under post code-16/08 under the unreserved category as per merit position against the unfilled vacancies of the advertisement No. 02/2008.

10. And whereas, Ld. CAT vide their order dated 05.09.2014 has directed the Board to review the debarment decision against Sh. Kapil Dev on the following grounds:-

“7. We find that when in the reply the respondents have categorically stated that the candidature of the applicant was debarred, in the additional affidavit also a stand has been taken that the competent authority in the DSSSB has approved the proposal for initiating debarment proceedings against the applicant, thus it is established that the competent authority was of the conscious view that the applicant was liable to be subjected to the penalty of debarment. In such a situation, the view of the expert was required to be obtained before arriving at the final decision and not after taking the decision. Even when no order of debarment is under challenge before us, we are of the view that once the respondents had arrived at a conclusion that the discrepancy was such that the debarment should have been there, they should refer the discrepancy for the opinion of the expert of the first category for authentication of the same (discrepancy).

8. In view of the aforementioned, the Original Application is disposed of with direction to the respondents to refer the discrepancy in the matter to the first category expert and take a final decision in the matter only after obtaining the expert opinion. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.”



11. And whereas, the Board has requested the Forensic Science Laboratory for verification of genuineness of the candidature of Sh. Kapil Dev (Roll No. 1631552) for the post of Teacher (Primary) post code 16/08 in compliance of Ld. CAT order dated 05.09.2014, vide its letter dated F.1(166)/CC-II/DSSSB/2009/647 dated 16.01.2015. The Board had provided the following documents for verification of signature/handwriting:-

- a. Original application form bearing ID No. 41001533 of Sh. Kapil Dev.
- b. Original Admit card bearing Roll No. 01631552 of Sh. Kapil Dev of written exam held on 15.02.2009.
- c. Original descriptive answer sheet bearing question booklet No. E 831552, Dummy No. 4147 (containing page from 01 to 36) for post code 16/08 and Original descriptive answer sheet bearing question booklet No. E 509331, Dummy No. 6967 (containing page from 01 to 36) for post code 164/07 of Sh. Kapil Dev.
- d. Original signature and sample handwriting of Sh. Kapil dev obtained in the Board on 22.09.2010 (two pages).

12. And whereas, the FSL vide its report No. FSL.2015/D-0479 dated 30.06.2015 has stated that all the documents were carefully and thoroughly examined with various Scientific instruments and different Magnifying glasses etc. under different lighting conditions and opined that:-

" I. On comparison of the questioned writings with the specimen writing, when considered collectively they lead me to the opinion that the person who wrote the red enclosed writings stamped and marked S1, S3 & S9 also wrote red enclosed writings similarly stamped & marked Q3 to Q31"

***(the above opinion is with regard to answer booklet for post code 16/08 compared with the sample obtained on 22.09.2010)**

" II. On comparison of the questioned writings with the specimen writing, when considered collectively they lead me to the opinion that the person who wrote the red enclosed writings stamped and marked S1, S3 & S9 did not write the red enclosed writings similarly stamped & marked Q3A to Q28A"

***(the above opinion is with regard to answer booklet for post code 164-165/07 compared with the sample obtained on 22.09.2010)**

" III. It has not been possible to express any opinion on the red enclosed questioned writings/signatures marked Q1, Q1A, Q2, Q2A, Q32 to Q34 with the red enclosed specimen writings/signatures marked S2 & S4 to S6 in the absence of admitted writings/signatures.

However, further attempt can be made if some admitted genuine writing & signatures of contemporary period as well as some more specimen writings/signatures of the person concerned are procured and sent to this laboratory."



13. Whereas, in view of the above, Board vide its letter dated 28.10.2015, called the candidate to visit the Board on 09.11.2015 wherein fresh / additional samples of his signatures and handwriting were taken.

14. And whereas, FSL was again requested vide Boards letter No F.1(166)/CC-II/DSSSB/2009/1364 dated 28.01.2016 to give their report in view of the following documents being forwarded to them:-

- a. Original application form bearing ID No. 41001533 of Sh. Kapil Dev.
- b. Original Admit card bearing Roll No. 01631552 of Sh. Kapil Dev of written exam held on 15.02.2009.
- c. Original descriptive answer sheet bearing question booklet No. E 831552, Dummy No. 4147 (containing page from 01 to 36) for post code 16/08 and Original descriptive answer sheet bearing question booklet No. E 509331, Dummy No. 6967 (containing page from 01 to 36) for post code 164/07 of Sh. Kapil Dev.
- d. Additional original signature and sample handwriting of Sh. Kapil dev obtained in the Board on 09.11.2015.

15. And whereas, The FSL vide their report dated 15.09.2016 has stated that all the documents were carefully and thoroughly examined with Scientific instruments such as Stereo Microscope, Docubox Dragon and different Magnifying glasses etc. under different lighting conditions and given following opinion:-

1. The specimen signature in the red enclosed portions marked S2, S4 to S6 & S10 to S28 show freedom, inter consistency and natural variations among themselves in formation of characters. The questioned signature in red enclosed portions marked Q2 & Q32 to Q34 also have freedom, consistency and natural variation among themselves in formation of characters. On comparison of questioned signatures with the specimen signatures, similarities are observed in formation of characters and their parts such as- formation of initial letter "K" single downward stroke nature of its vertical staff, formation of its upper & lower diagonal body strokes in one pen operation having compressed eyelet at its middle; formation of letter "a" shape & size of its oval body part and its curved terminal part; formation of letter "p" nature of its vertical staff, formation of its oval shaped body part from the foot of its vertical staff in continuous pen operation, nature of its oval shaped body part and manner of joining it with the subsequent letter "i", nature & location of "i-dot" and manner of joining it with terminal letter "l"; formation of terminal letter "l", shape & size of elongated loop at its vertical body part with downward finish etc. as observed in questioned signatures marked Q2, Q32 & Q33 similarly observed in specimen signatures with similar variations at one or the other places; formation of letter "p", nature of its vertical staff, formation of its oval shaped body part in separate pen operation & its location; single downward stroke nature of letter 'i' and nature & location of 'i-dot'; formation of terminal letter 'l', formation of an eyelet at its commencement & its



curved terminal part etc. as observed in questioned signature marked Q34 similarly observed in specimen signature with similar variation at one or the other places etc. Besides these, similarities are also observed in the general features such as writing movement, skill, speed, spacing, alignment, relative size and proportion of characters and nature of commencing & terminating strokes etc. These similarities in the writing habits are significant and sufficient to indicate that the person who wrote the red enclosed signatures stamped and marked S2, S4 to S6, S10 to S28 also wrote the red enclosed signatures similarly stamped and marked Q2 & Q32 to Q34.

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

16. Therefore, in the net, the following are the technical confirmations (by FSL) regarding the negatives and positives that has achieved clarity and finality:

(a). Handwriting of sample-I (taken on 22.09.2010) matches with handwriting on answer script post code 16/08 (FSL report 30.06.2015).

(b). Handwriting on sample-I (taken on 22.09.2010) **does not match** with handwriting on answer sheet of post code 164-165/07 (FSL report 30.06.2015)

(c). From ‘a’ and ‘b’ above it follows that the handwriting of answer scripts of post code 16/08 and 164-165/07 do not match and as per FSL report dt.30.06.2015 are not written by the same person.

(d) Signature on sample-1 taken on (22.09.2010) could not be conclusively matched with signatures on admit card or application form or answer sheet of 16/08 or answer sheet of 164-165/07 in the absence of admitted writings / signatures.

(e) Signatures in sample-II (taken on 09.11.2015) matched with the signatures in answer sheet of 16/08, admit card and application form.

(f) Matching of signatures in sample-II (taken on 09.11.2015) with signature on answer sheet of 164-165/07 is inconclusive as per FSL report (as the report is silent on this aspect).

17. Whereas, for 2008 exam DSSSB did not have the process of finger print capture.

18. Whereas, vide letter dt.05.10.2016 in compliance of the verbal directions issued in court on 04.10.2016, DSSSB sought a final confirmation with the 2 samples and 2 answer sheets as provided to FSL regarding matching of signature & hand writing. FSL has, vide its verbal report, informed Hon'ble CAT on 07.10.2016 that its two reports already provided to DSSSB are final and they have nothing more to add.

19. Whereas the competent authority has now given its anxious consideration to the matter and concluded as follows:

(a) The responsibility and moral and legal obligation not to participate in any suspect transaction or exam malpractices is an independent and immutable duty cast upon each candidate (as also mentioned in para 10 (ii) of the advertisement number 02/2008).

(b) That DSSSB is duty bound to resist such malpractices and deal with these in strictest possible means.

- (c) That the internal committee of DSSSB vide its report dated 20.01.2011 had prima facie detected a discrepancy in hand writing and signature in 2 answer sheet/scripts, admit card and application form of the candidate.
- (d) That this discrepancy in handwriting between the 2 answer sheets/scripts of the same candidate is now confirmed by a technical expert i.e. FSL.
- (e) That the match of the signature is confirmed only in second report of FSL after more samples were obtained
- (f) That the filter against prevention of malpractice in exam has to operate at the strictest level and must be validated for the entire exam sequence on the day of exam i.e. entry of the legitimate candidate and his/her actually taking the exam without indulging in any malpractices.
- (g) Thus the non matching of handwriting in 2 answer sheets/scripts, which were contemporary to the point of time of the two and half hours of exam itself, clearly confirms a suspect transaction for which the candidate, Sh. Kapil Dev has to take responsibility.
- (h) That the signature match itself cannot be adjudged as a sole basis to exonerate the negative of handwriting mis-match as impersonation and other exam malpractices can occur subsequent to the entry of a candidate in an exam hall.
- (i) 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 transaction for the entirety of exam transaction. Segregability of defects suggesting malpractices is not a legal option.

20. Thus, the DSSSB finds the findings of the internal committee of Dy. Secretaries validated by FSL. Accordingly, the Competent Authority finds no reason to interfere with the earlier decision of the then Competent Authority in approving the result notice 136 dated 10.02.2011 wherein the candidature of Sh. Kapil Dev was cancelled for the post code 16/08. It further cancels his candidature for post code 164-165/07 also.

21. The petitioner is informed accordingly.

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

23. This issues with the approval of Chairman, DSSSB.

Bhatia
13/10/2016
Dy. Secretary, (CC-II)

**Sh. Kapil Dev S/o Sh. Shiv Charan,
D-98, Yadav Nagar, Samaypur, Delhi.**

F.1 (166)/CC-II/DSSSB/2009/ 23162

Dated: 13/10/16

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.

Bhatia
13/10/2016
Dy. Secretary, (CC-II)