



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

F.4 (226)/CC-II/DSSSB/2009/Pt.file/ 23585

Dated: 26/10/16

ORDER

SUBJECT:-Speaking order in compliance of the order dated 19.11.2014 of LD. CAT in OA. No.1930/2014, titled as Anil Kumar Vs Govt. of NCT of Delhi & Ors. (Post Code 063/07)

1. Whereas, the Board vide its advertisement No. 04/2007, 05/2007 & 02/2008 had advertised 2247 vacancies for the post of LDC/Gr.-IV (DASS), Asstt. Grade-III, Clerical Asstt. in the office of DAMB, Services, DSIDC, MCD and NDMC under post code 54/07, 63/07, 90/07, 23/08, 36/08 and 38/08. The examination for this post was held on 11.04.2009, 12.04.2009 and 19.04.2009;
2. Whereas, the Board had cautioned the candidates vide instructions in Para (11) of SECTION-B of advertisement about actions that the Board may initiate for misconduct in examination by them. The actions stipulate debarment of candidates either permanently or for a specified period which may extend to 10 years from any examination held or selection made;
3. Whereas, the petitioner (Roll No. 2334828) was nominated to the post of Gr.-IV (DASS) LDC under post code-63/07 and 38/08 in UR category in the Services Department, GNCTD, vide Result Notice No.83 dated 10.03.2010;
4. Whereas, variation in signatures were noticed while processing his dossier and thus the dossier was withheld for ascertaining authenticity of his identity in the exam process;
5. Whereas, on detecting discrepancies in handwritings and signatures in the dossiers of candidates the result was kept pending and the Board took a decision to examine the genuineness of all such candidates including Sh. Anil Kumar. Accordingly, the Board had called all such candidates whose roll numbers were in pending list of the result notice dated 10.03.2010, in the Board for verification of candidature. The Board had constituted a Committee for verification of the candidature of candidates;
6. Whereas, after declaration of final result of the above post codes, the candidature of applicant was rescinded vide result notice 132 dated 31.12.2010, due to variation in signature noticed and the applicant failed to respond to the notice of the Board for appearing before the committee;
7. Whereas, a Show Cause Notice dated 31.08.2012 was issued to the petitioner for furnishing his reply as to why DSSSB should not debar him from appearing in any

examination conducted by the Board for 05 years for indulging in the misconduct as per Para (11) Sub Para (iii) of advertisement of the said post;

8. Whereas, the reply furnished by the applicant dated 27.09.2012 had been examined and found not satisfactory and thereafter the petitioner was debarred vide order dated 13.02.2013, from appearing in any examination conducted by the Board for next 05 (Five) years.

9. Whereas, the candidate approached CAT and Ld. CAT passed an order dated 19.11.2014 in OA No. 1930/2013 issued directions to the Board. The observation/operative part of the order is as under:-

"6. We heard the learned counsel for parties and perused the record.

There is sufficient merit in the arguments put-forth by learned counsel for respondents that mere declaration of the result of the applicant may not lead to any inference in his favour that he did not indulge in the malpractice. Similarly, when the applicant him self did not avail the opportunity to appear before the Committee of Deputy Secretaries, the plea of violation of principle of natural justice cannot be raised by him.

*Nevertheless in OA No. 1879/2011, this Tribunal viewed that in a case where not only the candidature of a candidate in the examination in question is cancelled but he is debarred from future selections also, the view of expert is required to be obtained before arriving at a final conclusion. **Paragraphs 7 and 8 of the order read thus:-***

"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."

Indubitably, in the present case, the respondents did not obtain any opinion of the expert before taking final view in the matter.

9. In the circumstances, following the view taken by the Full Bench/Division Bench in OA No. 1879/2011 (supra), the Original Application is disposed of with direction to the respondents to refer the discrepancy in the matter to the first category expert classified in the order of the Full Bench and take a final view only after obtaining the expert opinion. Needful shall be done as expeditiously as possible preferably within three months from date of receipt of a copy of this Order. No costs."

10. Whereas, in compliance of Ld. CAT order dated 19.11.2014, the matter regarding the genuineness of the candidature of Sh. Anil Kumar, for the post of Gr.-IV(DASS) in Services Department of GNCTD (post code 63/07), the candidate was called to DSSSB

13

on 13.02.2015 wherein fresh samples of his signature and handwriting were obtained. DSSSB referred the matter to FSL for verification of genuineness of candidature of candidate (Roll No. 2334828) vide this department's letter No.F.4(226)/CC-II/DSSSB/09/Pt.File/2506 dated 17.03.2015 enclosing the following documents:

- a) The original application form for the post code 63/07 bearing ID No.148502 containing the signature (Q 29) and handwriting of the applicant.
- b) The original Admit card of the applicant for the tier I written exam dated 11.04.2009 bearing Roll No. 2334828 containing the signature of the applicant (Q 26 & Q 27).
- c) The original descriptive answer sheet bearing Question Booklet No. E 934828, dummy No. a8702 (containing pages 1 to 36) for the post code 63/07, containing the signature (Q 1) and handwriting of the applicant (Q 2 to Q Q 25).
- d) The original admit card of the applicant for the typewriting test dated 29.12.2009 bearing Roll No. 2334828 containing the signature of the applicant (Q 28).
- e) Original signatures (S-1 to S-6, S-13) and sample handwriting of the applicant (S-7 to S-12, S-14), given by the applicant in the Board on 13.02.2015.

11. Whereas, in the mean time the Ld. CAT vide its order in CP No.110/2016 dated 22.09.2016 has stated/directed as under:-

"Admittedly, the directions of this Tribunal contained in order dated 19.11.2014 passed in OA No. 1930/2013 have not been complied with on the last date of hearing also respondent were allowed last opportunity to comply with the order. Even today no compliance has been reported. The Tribunal is left with no option but to initiate effective action. All the respondent are directed to appear in person on next date of hearing. However, if, in the meantime, the directions are complied with, personal appearance of the respondents may not be required."

12. Whereas, FSL vide its fax/letter dated 17.10.2016 informed that they required some more admitted genuine writings and signatures of contemporary period as well as some more specimen writings and signatures of the person concerned namely Sh. Anil Kumar, to their laboratory so as to enable the expert to complete its examination and furnish the case report.

13. Whereas, in view of above, FSL was provided additional samples as per following which were in possession of the Board vide the letter dated 18.10.2016 :

- a) Original application form bearing ID No.23006319 of Sh. Anil Kumar for post code 23/08 dated 03.08.08 containing original signature (A-1 to A-3) and handwriting (A-9)
- b) Original declaration dated 06.08.2010 by Sh. Anil Kumar containing original signature (A-5 and A-6) and handwriting (A-7)
- c) Original application dated 26.09.2012 by Sh. Anil Kumar containing original signature (A-4) and handwriting (A-8)



14. The FSL vide its report No. FSL.2015/D-1736 dated 24.10.2016 has stated that all the documents were carefully and thoroughly examined with Scientific instruments such as Stereo Microscope, Docubox Dragon, Docucenter Nirvis and different Magnifying glasses etc. under different lighting conditions and given following opinion:-

"I. These similarities in the in the writings habit are significant sufficient to indicate that the person who wrote the red enclosed signatures stamped and marked S1 to A6, S8, S10, S12, S13 & A1 to A6 also wrote the red enclosed signatures similarly stamped and marked Q1, Q26, Q27 & Q29.

II. These similarities in the writings habit are significant and sufficient to indicate that the person who wrote the red enclosed writings stamped and marked S7, S9, S11, S14 & A7 to A9 also wrote the red enclosed signatures similarly stamped and marked Q2 to Q25.

III. It is not possible to express any opinion on red enclosed signature stamped & marked Q28 on the basis of materials at hand and in the absence of further specimen signatures as well as some more admitted genuine signatures of contemporary period of the person concerned. Further attempt can be made if the requisite materials are supplied to this Laboratory for examination."

15. Thus, based on the above questioned documents as well as sample/admitted documents which were handed over to FSL for comparison, the FSL has matched the sample / admitted signatures with the signatures in the application form and the first admit card only (for the descriptive test). They have not confirmed the matching of the signature (Q 28) in the second admit card (for the typewriting test) with any of the sample signatures provided.

16. Whereas, the Q28 is the signature made by the person who appeared in Tier-II exam (Typewriting skill test) held on 29.12.2009. The said exam was independent and as vital for final selection as the Tier-I exam (Written exam). The FSL also could not confirm that the above questioned signature is of the same candidate. This validates the discrepancy noticed by DSSSB in the first instance. The Board cannot operate on the principal of granting a 'benefit of doubt' to the candidate especially in circumstances where doubts exist regarding impersonation in the process of the exam. The conduct of the candidate in the examination process has to be above board for its entirety;

17. 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. Seggregability of defects suggesting malpractices is not a legal option.

18. Accordingly, the Competent Authority finds no reason to interfere with the earlier decision of the then Competent Authority in approving the result notice 132 dated 31.12.2010 wherein the candidature of Sh. Anil Kumar was cancelled for the post code 63/07.

19. The petitioner is informed accordingly.

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



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

Sharma
26/10/2016
Dy. Secretary, (CC-II)

**Sh. Anil Kumar S/o Sh. Baldev Singh,
RZ-106A, Phase-II Prem Nagar,
Najafgarh, Delhi-110043**

F.4 (226)/CC-II/DSSSB/2009/Pt.file/

Dated:

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.

Sharma
26/10/2016
Dy. Secretary, (CC-II)