



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

F.1(174)/CC-II/DSSSB/2010 / 24528

Dated: 23/11/16

ORDER

Subject: Speaking order in compliance of the order dated 13.03.14 of LD. CAT in OA No. 4371/2012 titled as Gaurav Dabas Vs. Govt of NCT of Delhi & Ors (Post Code 13/08).

1. Whereas, the DSSSB vide its advertisement No. 01/2008 had advertised vacancies for the posts of Warder in the office of the Director General of Prisons under post code 13/08. Written Part I (Objective) and part II (Descriptive) examination for the post was held on 14-15/11.2010. Based on merit of written Part II (Descriptive) Exam, candidates, numbering twice the numbers of the advertised vacancies, were called for appearing in Physical Endurance/Examination Tests which were conducted at BSF Camp Chhawla during Feb. 2010;
2. Whereas, the applicant Shri Gaurav Dabas was a candidate for the post of Warders in the Department of Prisons, GNCT of Delhi in selection carried out by the Board under post code 13/08. As per result notice dated 26.02.2010 his name appeared in the list of selected candidates;
3. Whereas, based on the result of Physical Endurance Test final result of the post code was declared on 26.02.2010. Results in respect of 12 candidates were declared as pending for verification of their identity in the written Exam. In respect of two candidates their result was declared subject to their appearing before the Board within 03 days of declaration of result for completion of documentation;
4. Whereas, immediately after declaration of final results, some of the candidates whose result were shown as pending in the result notice, approached the Board. On examining these candidates glaring discrepancies were noticed about genuineness of their candidature for the post, as a result the matter was brought into the notice of the Secretary/C.O.E. On detail scrutiny of dossiers, it was also noticed that some of the candidates in contravention of the terms and conditions of advertisement had pasted blurred photographs 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 cannot be recognized/deciphered;
5. Whereas, after due consideration of the above such facts, it was decided that all the 240+12 candidates shall be examined by the team of Deputy Secretaries to ascertain genuineness of their candidature in the Exam;
6. Whereas, notices were sent to the candidates for appearing in the Board. Thereafter, the candidates were examined by the team of Deputy Secretaries. The dossier with original descriptive answer sheets were made available to the Team. The team as per their report dated 23/05/2010 declared candidature of 56 candidates as prima facie not genuine.

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7. Whereas, as per terms and conditions of advertisement as appeared in the Employment News/Rozgar Samachar issue June, 2008 the Board vide instructions in SECTION-C Para (11) had cautioned the candidates about action, the Board can initiate for misconduct in examination by them if any. One of the action stipulates debarment of candidate either permanently or for a specified period which may extend to 10 years from any examination held or selection made.

8. Whereas, in view the report of the team of officers, and observations of the Chairman, action for debarring 59 candidates including the Petitioner i.e. Gaurav Dabas from appearing in any examination conducted by the Board for next 5 (five) years, was initiated for involvement of these candidates in misconduct as indicted in Para (11) sub para (iii) {procuring impersonation by any person}.

9. Whereas, during verification of genuineness of his candidature for the post, the facts about his indulgence in misconduct in written examination for procuring impersonation, came into notice. Therefore, vide order of debarment No. 10395 Dt 27/09/2010 candidate Gaurav Dabas was debarred from appearing in Exam conducted by the Board for next 05 year;

10. Whereas, the selection of Sh. Gaurav Dabas for the post was subsequently rescinded vide corrigendum No. 890 dated 04.10.2010;

11. Whereas, the candidate approached the court and filed OA No.-4371/2012 titled as Gaurav Dabas Vs. Govt of NCT of Delhi & Ors. and Ld. CAT passed order dated 13.03.2014 and issued directions to the Board . The observation /operative part of the order is as under:

"We have heard the learned counsel for the parties and perused the documents filed by them, which are on record. We fully agree the view taken by the Coordinate Bench of this Tribunal in case of Shri Vikram Singh (Supra). We, therefore, dispose of this OA by directing the respondents to refer the case of the applicant to Forensic Science Laboratory and get their expert advice in the matter. Thereafter, they shall re-consider the case of the applicant for appointment to the post of Warder in the light of opinion given by them. If the applicant succeeds in the matter, he shall be appointed notionally from the date his mates have been appointed, with all consequential benefits except arrears of pay. The aforesaid exercise shall be carried out by the DSSSB within three months from the date of receipt of a copy of this order."

12. Whereas, in compliance of order dated 13.03.2014 of Ld. CAT in OA No. 4371/2012 and after approval of Chairman DSSSB, Shri Gaurav Dabas was called in the Board for obtaining his hand writing and signatures as per the advice of FSL. In response to Boards letter dated 08.05.2014, Shri Gaurav Dabas appeared in the office of DSSSB on 19.05.2014 and the samples of his handwriting and signatures were obtained and in compliance of above said order the case was forwarded to Forensic Science Laboratory vide this office letter dated 10.06.2014 for obtaining the expert opinion in the matter. The detail of documents is as under:-

- (i) Original Application form bearing ID No. 139766 of Shri Gaurav Dabas containing his signatures **(Q5 & Q6)**
- (ii) Original Admit Card bearing Roll No. 01313221 of Shri Gaurav Dabas of Written Examination held on 14.11.2009 containing Questioned signature **Q2 & Q3** and thumb impression **Q32 & Q33**

- (iii) Original Admit Card bearing Roll No. 01313221 of Shri Gaurav Dabas of P.E. Test held on 22.02.2010 containing Questioned signature **Q4** and thumb impression **Q34**.
- (iv) Copy of Descriptive Answer Sheet bearing question booklet No. E516221 Dummy No. 622 and Roll No. 01313221 of Shri Gaurav Dabas containing Questioned signature **Q1** and thumb impression **Q31** and handwriting (**Q7 to Q30**)
- (v) Original Signature, Thumb impression and sample handwriting of Shri Gaurav Dabas obtained in the Board (**S-1 to S-13**).

13. Whereas, the applicant filed Contempt Petition No. 213/2016 in view of non compliance of above said Ld. CAT order dated 13.03.2014;

14. Whereas, the FSL vide their letter dated 05.08.2015 has forwarded their report in respect of Sh. Gaurav Dabas which is reproduced hereunder:

I The person who wrote the red enclosed writings and signatures stamped and marked S1 to S13 also wrote red enclosed writings and signatures similarly stamped and marked Q1 to Q21, Q24/1 and Q25 to Q30.

.....Similarities are 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.

There is no divergences observed between the questioned and specimen writings and signatures and 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 above said opinion.

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

15. Whereas, as per the report (as reproduced above), in para II it has been stated that it is not possible to express any opinion on rest of the items on basis of materials at hand;

16. Whereas, it appears from the available documents that FSL has not given their opinion on the thumb impression (Q31 to Q34) 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 (S14 to S-17);

17. Whereas, the facility of Finger Prints examination is not available with FSL and the same is available at the Finger Print Bureau, Kamla Nagar, Delhi, the Finger Print Bureau (FPB) has been requested to provide the report regarding genuineness of candidature of Sh. Gaurav Dabas at the time of examination with the documents obtained by the board for verification vide letter dated 18/08/16 and subsequent reminders dated vide letters dated 30.08.16, 14.09.16 and 06.10.16. The detail of documents which were provided to the FPB is as under:-

- 1. Original Questioned-Answer Booklet No. E 516221 of candidate Gaurav Dabas Roll No. 01313221 bearing Questioned thumb impression marked as **Q31** by the I.O.
- 2. Original Admit Card issued in the name of candidate Gaurav Dabas Roll No. 01313221 bearing Questioned thumb impressions marked **Q-32 & Q-33** by the I.O.

3. Original Admit Card exam date 22/02/2010 issued in the name of Gaurav Dabas Roll No. 01313221 bearing Questioned thumb impression marked **Q-34** by the I.O.
4. Specimen left thumb impressions of Gaurav Dabas marked by the I.O. as S-14, S-15, S-16 and S-17 on Page No. 15 of Answer Sheet (Extra).
18. Whereas, the Finger Print Bureau has provided the requisite report received in this office on 20/10/16, the report is reproduced as under:-

“III QUESTIONNAIRE:-

Whether Questioned thumb impression marked Q-31 to Q-34 are identical with any of the specimen thumb impressions marked S-14 to S-17 or not?

IV RESULT OF EXAMINATION:-

1. Questioned thumb impression marked Q-33 (Questioned thumb impression on Original Admit Card exam held on 14.11.2009 issued in the name of candidate Gaurav Dabas Roll No. 01313221) is **IDENTICAL** with left thumb impression marked S-17 on the specimen left thumb impression slip of Gaurav Dabas.
2. Specimen left thumb impressions marked S-14, S-15, S-16 and S-17 are **inter-se IDENTICAL** means these are impressions of the same thumb of the same person.
3. Questioned thumb impressions marked **Q-31** (Questioned thumb impression descriptive answer Book No. 516221 in the name of candidate Gaurav Dabas Roll No. 01313221), **Q-32** (Questioned thumb impression on Original Admit Card exam held on 14.11.2009 issued in the name of candidate Gaurav Dabas Roll No. 01313221) and **Q-34** (Questioned thumb impression on Original Admit Card exam held on 22.02.2010 issued in the name of candidate Gaurav Dabas Roll No. 01313221) are either faint or blurred and do not disclose sufficient number of ridge details, hence these are **UNFIT** for comparison and opinion cannot be given regarding these Questioned prints.”
19. Whereas, the FSL has matched the sample handwritings and signatures with the questioned handwritings and signatures but did not offer any opinion with regard to thumb impressions;
20. Whereas, the Finger Print Bureau(FPB) has confirmed only Questioned thumb impression marked Q-33 (Questioned thumb impression on Original Admit Card in respect of Exam(written) held on 14.11.2009 issued in the name of candidate Gaurav Dabas Roll No. 01313221) is **IDENTICAL** with left thumb impression marked S-17 on the specimen left thumb impression slip of Gaurav Dabas and also reported that the specimen left thumb impressions marked S-14, S-15, S-16 and S-17 are inter-se **IDENTICAL**, means these are impressions of the same thumb of the same person;
21. Whereas, the FPB could not confirm that the thumb impressions i.e. Q31, Q32, Q34 are of the same candidate. It is to mention here that Q31 and Q34 are the thumb impression made by candidate on descriptive answer Book No. 516221 in the name of candidate Gaurav Dabas Roll No. 01313221 and on Original Admit Card for Physical Endurance Test (PET) held on 22.02.2010 issued in the name of candidate Gaurav Dabas Roll No. 01313221 respectively;

22. 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;
23. Whereas, of all the identity markers, thumb impression is a unique and immutable identity marker;
24. Whereas, the above said fact cannot be ignored, at this stage, in the instant case as the candidate Gaurav Dabas seems to have deliberately laid thumb impression on his Original Admit Card for Physical Endurance Test (PET) held on 22.02.2010 which is smudged and therefore cannot be deciphered;
25. Whereas, the Board cannot operate on the principle of granting 'benefit of doubt' to the candidate especially in circumstances where doubt exist 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;
26. 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.
27. Accordingly, Competent Authority finds no reason to interfere with the earlier decisions taken by the then Competent Authority either vide order no. 10395 Dated 27.09.2010 wherein the candidature of Sh. Gaurav Dabas was debarred for the post code 13/08 or vide order no. 890-896 dated 04.10.2016 thereby the selection of candidate Gaurav Dabas was rescinded.
28. The petitioner is informed accordingly.
29. The Board reserve the right to take any further criminal or civil action as deemed appropriate.
30. This issue with the approval of Chairman, DSSSB.

Signature
22/11/16
Dy. Secretary (CC-II)

Sh Gaurav Dabas S/o Dharmvir Dabas
R/O Village Sawda, P.O Nizampur
Delhi-110081

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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.