
(2024) 05 CAL CK 0070
Calcutta High Court (Appellete Side)
Case No: WPA No. 12382 Of 2015

Surya Manddy & Ors.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision: May 24, 2024

Hon'ble Judges: Raja Basu Chowdhury, J

Bench: Single Bench

Advocate: Suryasarathi Basu, S.N. Dutta, Saikat Karmakar

Judgement

Category,"Total

Post/Last

Rank",Roll,"Name of last

candidate

selected",DOB,"GTOT

percentage

UR,8887,4124024779,AJAY KUMAR,20.05.1991,56.15

OBC,2826,4124031571,"DEEPAK

KUMAR",09.09.1988,45.00

SC,1965,2131103668,"CHINMAY

MANDAL",14.04.1993,47.38

ST,1365,5145166784,"SURESH

KUMAR

MEENA",04.08.1992,40.45

respective categories.,,,,,

14. Having regard to the aforesaid, I am of the view that the petitioners except Krishna Murari Kumar and Binod Kumar have failed to make out a",,,,,
case for interference.,,,,,

15. Insofar as Krishna Murari Kumar and Binod Kumar are concerned, although, a claim has been made by the respondents that they have",,,,,

impersonated in as much as the LTI of the relevant candidates does not match with the LTI in the OMR sheets, and a FIR had been lodged against",,,,,

the aforesaid persons, no opportunity was afforded to the aforesaid persons to take an exception in respect such finding. Interestingly, Krishna Murari",,,,,

Kumar had secured 77.29% under OBC category though the last selected candidate in such category secured 65%. Insofar Binod Kumar is,,,,,

concerned, he had secured 66.79% under ST category while the last selected candidate under the said category only secured 40.45%.",,,,,

16. Having regard to the aforesaid, I am of the view that the respondents cannot be permitted to reject a candidate based on mere suspicion.",,,,,

Although, certain documents captioned "opinion on finger print verification"™ have been disclosed, there is nothing on record to demonstrate the",,,,,

respective candidates were put on notice with regard to the aforesaid documents or had been given any opportunity to explain. In this context, it would",,,,,

be relevant to quote the relevant provision on impersonation of candidates as appearing in the employment notice no.01/2011 dated February 23, 2011.",,,,,

The relevant provision is extracted hereinbelow:-,,,,,

â€œ9. e) Impersonation, if any, detected at any stage of the recruitment, may result in initiating criminal cases against the applicant and",,,,,

the impersonator as well as cancelling the candidature of the applicant.,,,,,

f) Candidates found to be having adverse report on their antecedents and character may not be appointed in RPF including RPSF. False,,,,,

declaration is an offence under the law and will lead to disqualification of the applicant, institution of criminal case and also dismissal from",,,,,

service, if appointed. Hence, applicants are advised to be careful while filling in the application.",,,,,

g) The decision of Selection Committee on all matters relating to eligibility, place, venue, date, mode of selection, acceptance or rejection of",,,,,

the application will be final and binding on the applicants.,,,,,

h) If a candidate has any grievance regarding physical measurement and the Chairman of the Recruitment Committee does not redress the.,,,,,

same, he may, within three days, approach the Grievance Redress Cell in the office of the Zonal Chief Security Commissioner concerned",,,,,

whose decision shall be final.,,,,,

i) Persons applying under the Ex. Servicemen quota should note that in accordance with the instructions of the Ministry of Personnel," ,,,,,

Public Grievances and Pension, Govt. of India, an applicant who has already availed the benefit of Ex. serviceman's status and got any" ,,,,,

Govt. job shall not be allowed to avail the benefit under the Ex. Serviceman quota in this recruitment.,,,,,

j) An applicant serving under a Govt. or Public Sector Enterprise/Undertaking including Railways will be considered for appointment only.,,,,,

after he/she furnishes a No Objection Certificate duly issued by the employer at the time of Viva-Voce along with an undertaking from the.,,,,,

employer that in case of selection, the department will spare the candidate for joining the RPF." ,,,,,

k) The Railway Administration reserves the right to call an applicant to any place for the Written Examination/PET/Viva-Voce/Documents.,,,,,

Verification.,,,,,

l) Railway Protection Force includes Railway Protection Special Force.,,,,,

m) The Railway Administration shall not be responsible for postal delay or wrong delivery of the Application or any Call letter.,,,,,

n) Canvassing in any form will be a disqualification.â€ ,,,,,

17. From the disclosure made by the respondents in the affidavit affirmed by the Senior Divisional Security Commissioner on March 15, 2024, an FIR",,,,,

appears to have been lodged. Mr. Dutta learned advocate representing the respondents submits that a police case has also been started by the Hare.,,,,,

Street Police Station. The respondents have however, failed to demonstrate the steps taken by them in connection with the above FIR. The" ,,,,,

respondents have also failed to identify the steps taken by the police authorities in furtherance to the FIR. In view thereof, meritorious candidates" ,,,,,

securing high marks cannot be ignored on the whims and caprice of the respondents that to on the basis of suspicion.,,,,,

18. Accordingly, I direct the respondents to forthwith process the candidatures of Krishna Murari Kumar and Binod Kumar for appointment as",,,,,

expeditiously as possible, preferably within a period of four weeks from the date of communication of the order. If, however no vacancy is presently",,,,,

available to wait-list the aforesaid two candidates and to complete the process by accommodating them in the next available vacancy for the post of,,,,,

constable in the RPF.,,,,,

Since, the writ petition had been pending for several years, the impediment of age bar, if any, shall not stand in the way of processing the candidature",,,,,

of the aforesaid petitioners for appointment.,,,,,

19. To the aforesaid extent, the writ petition stands allowed.",,,,,

20. There shall be no order as to costs.,,,,,

21. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.",,,,,