

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15656 of 2024**

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CHARMIN NATAVARLAL PATEL

Versus

UNION OF INDIA THROUGH ITS SECRETARY & ANR.

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Appearance:

PARTY IN PERSON(5000) for the Petitioner(s) No. 1

DHANESH R PATEL(8226) for the Respondent(s) No. 2

MR SHUSHIL R SHUKLA(5603) for the Respondent(s) No. 1

MR TATSAT A BHATT(12760) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL**Date : 30/09/2025****ORAL ORDER**

1. Heard party-in-person and learned advocate Mr. Bhadrish Raju with learned advocate Mr. Dhanesh R. Patel for the respondent No.2 and learned AGP Ms. Nirali Sarada has assisted this Court at its request.

2. Considering the submissions made by the party-in-person as well as learned advocate Mr. Raju for the respondents, it would appear to this Court that the respondents had taken fingerprints of the petitioner at two different stages namely; bio-metric fingerprint of the petitioner had been saved by the bio-metric mode at the time of entry in examination hall, which had been verified at the stage of exit from the examination hall. It also appears that the physical fingerprint of the left thumb of the petitioner had also been taken during the examination in the attendance sheet.

3. The issue in this regard being that the petitioner, party-in-person claims to be the very person, who has appeared in the examination and whereas the grievance raised is that the bio-metric details of the petitioner, not matching at the stage of documents verification, the candidature of the

petitioner has been rejected.

4. Learned AGP Ms. Sarda had been asked to appear as an amicus to assist this Court and whereas the learned AGP has relied upon decision of the Constitutional Bench of the Hon'ble Supreme Court in case of Justice K.S. Puttaswamy (Retd.) & Anr. vs. Union of India & Ors. reported in (2017) 10 SCC 1, more particularly the observations of the Hon'ble Supreme Court at paras 282, 746 and 992.3, whereby the Hon'ble Supreme Court has inter alia observed that the bio-metric infrastructure is not infallible and does not guarantee 100% accuracy. To this Court, it would appear that whether a bio-metric verification would be an infallible exercise or not, is not required to be gone into, more particularly since to this Court, it prima facie appears that looking at the photographs of the petitioner, which are found at various places in the petition i.e. along with the identity card, along with the admit card of the petitioner etc. and having observed the party-in-person that in all probability, it is the party-in-person, who had appeared in the examination. To this Court, it would appear that the issue of whether the fingerprints of the party-in-person both in physical mode and bio-metric mode being verified by an independent agency would bring a quietus to this issue and whereas the party-in-person as well as learned advocate Mr. Raju under instructions, would have not any objection to such a course of action. Learned advocate Mr. Raju has further raised an apprehension that since the respondent is of the opinion, more particularly to ensure the sanctity of the selection process, that the petitioner may tender an affidavit, to this Court that neither the petitioner has an identically looking twin brother or even a brother for that matter and whereas the same would allay any apprehension of the respondents.

5. Learned AGP Ms. Sarda had been further directed to coordinate with the Directorate of Forensic Science Laboratory, State of Gujarat, and

whereas learned AGP has coordinated with Mr. Umang R. Patel, Deputy Director, Directorate of Forensic Sciences, State of Gujarat and would submit that the Directorate has the wherewithal to compare the fingerprint of the petitioner, which had been taken through a bio-metric mode at the relevant point of time with the actual fingerprint of the petitioner at present and also compare the physical fingerprint taken of the petitioner during the course of examination with the actual fingerprint of the petitioner.

6 Since it appears to this Court, as per the submissions made by learned advocate Mr. Raju that getting the copy of the fingerprint, which were saved as per a bio-metric mode by a third party, may take sometime and since the respondents would not have any objection, if the physical fingerprint of the petitioner, which had been taken at the time of examination is verified by the DFS, Gujarat State, with the actual fingerprint of the petitioner, to this Court, the following directions at this stage would meet with the ends of justice:

- (a) The petitioner – party-in-person to tender an affidavit inter alia stating that neither does he have a twin brother nor does he have a brother matching the description and whereas a pedigree chart of the family of the petitioner shall be also stated in the affidavit.
- (b) The respondent No.2 to forward the original fingerprint sample of the petitioner taken at the time of examination to the Directorate of Forensic Sciences, Gujarat State, through the learned AGP by 09.10.2025 in a sealed cover. The petitioner shall also give his details to the learned AGP on or before 09.10.2025 and whereas the same shall be forwarded to the Directorate of Forensic Sciences and whereas on a particular

day, as and when the Directorate of Forensic Sciences calls for the petitioner, he shall remain present before the concerned officer of the Directorate of Forensic Sciences without fail and after taking appropriate sample, the Directorate of Forensic Sciences shall prepare a report inter alia indicating whether the fingerprint tendered in the sealed cover matches with the actual fingerprint of the petitioner and whereas the said report shall be tendered to this Court by the next date i.e. on 15.10.2025, on which date, the matter shall be listed on Per Court Board.

Y.N. VYAS

(NIKHIL S. KARIEL,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: YAGNESH NARENDRABHAI VYAS(HC00207), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 03/10/2025 18:24:38