

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8728 of 2018

CNR No. BRHC010498532018

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Rahul Kumar Gautam S/o Shri Arun Kumar, resident of Village-
Hakikatpur, P.O. P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The Punjab National Bank, Through Its General Manager
2. The Zonal Manager cum Disciplinary Authority, Punjab National Bank,
Patna Zone at Zonal Office, R B
3. The Chief Manager-cum- Enquiry Authority, Punjab National Bank at
Circle Office, Ramchandarpur, Bih
4. The Manager HRD-cum- Presenting Officer PO, Punjab National Bank
at Circle Office, Ramchandarpur
5. Institute of Banking Personnel Selection IBPS, through its Authorized
Representative at Mumbai Ma

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chittranjan Sinha, Sr. Advocate
Mr.Sanchay Srivastava, Advocate
Mr. Sushant Srivastava, Advocate
Mrs. Sonali Priya, Advocate

For the Respondent/s : Mr.Kumar Priya Ranjan, Advocate

For IBPS : Mr. Siddartha Prasad, Advocate
Mr. Sunit Kumar, Advocate

For the Bank : Mr. Dr. Pankaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

CAV JUDGMENT

Date : 15-10-2026

1. Heard learned Senior counsel appearing on behalf of the petitioner
and learned counsel appearing on behalf of the Respondent-Bank.

2. The present writ application has been filed by the petitioner
seeking interalia for the following reliefs:



- I. For quashing and setting aside the order dated 31.03.2018 (Annexure P/24 to the writ application), by which respondent no. 2 has dismissed, disqualified and terminated the services of the Petitioner and has further debarred him from future employment on the ground of alleged impersonation;
- II. For directing the concerned respondent to grant and ex-parte ad-interim stay with immediate effect till the final outcome of this writ application;
- III. For directing the concerned respondents to reinstate the services and employment of the Petitioner in Punjab National Bank on the post and pay grade to which the Petitioner was rendering his services and accord all the consequential benefits to the Petitioner arising out of the service;
- IV. For directing the concerned respondents for continuance of payment of salary to the Petitioner with immediate effect on the ground that the Petitioner is the sole bread earner in his family.
- V. For issuance of any other relief which the Petitioner is found entitled to.
- vi. For quashing and setting aside the order dated 07.05.2024, by which the memorandum of appeal filed by the Petitioner before the Appellate Authority has been dismissed and the dismissal of



Petitioner dated 31.03.2018 has been approved. (Added vide order dated 24.09.2024 in terms of I.A. No. 01 of 2024).

Facts of the Case

3. The petitioner, pursuant to an advertisement published on 10.07.2013, by the Institute of Banking Personnel Selection (IBPS), for the Common Written Examination (CWE/PO/MT-III), applied and appeared for the online examination to be held on 20.10.2013. Upon qualifying in the written examination, he was called for an interview on 06.01.2014, following which he was selected as a Management Trainee / Probationary Officer. The Respondent-Bank issued an appointment letter dated 02.07.2014 to the petitioner. After successfully undergoing six months of pre-induction training at Belapur, the petitioner formally joined the service of the Punjab National Bank on 16.02.2015 and was eventually posted at Branch Office situated at Bhadseni under the Biharsharif Circle.

4. The Chief Vigilance Officer of the Respondent-Bank received complaint dated 20.03.2015, against the petitioner alleging impersonation in the written test. The record further indicates that forensic examination of the relevant examination and interview documents was undertaken thereafter. The CFSL, Shimla, submitted Report No. BX-90/2016 dated 07.10.2016, opining that the person who wrote the standard signatures marked S1, A1 and A2 did not write the



questioned signatures marked Q1 and Q2, on the basis of cumulative divergences in general and individual writing characteristics. The Central Finger Print Bureau also examined the questioned thumb impressions. Fresh specimen thumb impressions were obtained, but its report dated 17.08.2016, recorded that the questioned impressions marked Q1, Q2, A1 and A2 were blurred/hazy and devoid of sufficient ridge details and were therefore, found to be unfit for comparison.

5. Based on the FSL opinion, the Disciplinary Authority issued a Show-Cause Notice on 24.03.2017, to which the petitioner submitted his reply on 03.04.2017. Thereafter, the Circle Office Staff Accountability Committee (COSAC), recommended major penalty proceedings, leading to the issuance of the chargesheet dated 30.06.2017 (Annexure-P/11 Series to the writ application). The sole charge framed under Article-I alleged that the petitioner got indulged in unfair means by procuring impersonation in the CWE on 20.10.2013, thus constituting misconduct under Regulation 3(1) read with Regulation 24 of the PNB Officer Employees (Conduct) Regulations, 1977.

6. An Inquiry Officer and a Presenting Officer were appointed vide order dated 11.09.2017. Hearings were conducted between 12.10.2017 and 06.11.2017. The Presenting Officer submitted 8 management exhibits (ME-1 to ME-8), while the petitioner submitted 1 defense



document (DE-1). The enquiry record identifies ME-1 as the CWE attendance sheet dated 20.10.2013; ME-2 as the interview attendance list dated 06.01.2014; ME-3 and ME-4 as the respective call letters; ME-5 as the petitioner's joining report dated 16.02.2015; ME-6 as the specimen signature/thumb-impression document; ME-7 as the CFSL handwriting examination report dated 07.10.2016; and ME-8 as the Central Finger Print Bureau report dated 17.08.2016.

However, the prosecution failed to examine any witnesses including the Forensic Handwriting Expert who was the author of the CFSL report, official/invigilator from IBPS, and the anonymous complainant. On 06.11.2017, when the Presenting Officer was specifically asked regarding production of any further document to prove the charge, it was stated that he had no further document to produce. The Inquiry Officer submitted his report dated 12.12.2017, which was communicated to the petitioner on 30.12.2017. The Enquiry Officer held the charge proved substantially, on the basis of the CFSL document. The Disciplinary Authority accepted the report and passed the dismissal order dated 31.03.2018. The petitioner, thereafter, preferred a statutory appeal on 18.03.2024, which was dismissed by the Appellate Authority on 07.05.2024 on the ground of being time-barred, without examination of the merits of the appeal.



7. The petitioner also specifically contended during the enquiry that the examination records relied upon by the management contained his photograph, signature and thumb impression, and that the invigilator had verified his identity before permitting him to appear in the written examination. He further relied upon his personal appearance at the interview and the identity verification allegedly undertaken there. He had also sought a copy of the complaint alleging impersonation however, the Presenting Officer declined to provide the same to the petitioner on the ground that the complaint did not form part of the chargesheet.

Submissions on behalf of the Petitioner

8. Learned Senior counsel for the petitioner submits that the entire disciplinary proceeding is void ab initio as the alleged act of impersonation during a pre-employment recruitment exam conducted by an external body (IBPS), does not fall within the statutory definition of "misconduct" under Regulation 3(1) read with Regulation 24 of the PNB Officer Employees (Conduct) Regulations, 1977. Relying on the decisions of the Hon'ble Supreme Court in ***Glaxo Laboratories (I) Ltd. v. Presiding Officer, Labour Court, Meerut [(1984) 1 SCC 1]*** and ***Vijay Singh v. State of Uttar Pradesh [(2012) 5 SCC 242]***, it was contended that an act cannot be treated ex post facto as misconduct



unless it is specifically enumerated in the governing service regulations.

9. It has been further contended that the finding of guilt rests entirely on an unproved document, namely the CFSL Handwriting Expert Report. The Respondent-Bank failed to produce or examine the Handwriting Expert or any competent witness who authored or verified the document. The petitioner has submitted that the management was given full opportunity to prove its documentary case during the enquiry, but the management chose not to examine any witness, and that the later reliance on the unproved documents could not cure the defect. Relying on the landmark rulings of the Apex Court in ***Roop Singh Negi v. Punjab National Bank [(2009) 2 SCC 570]*** and ***State of Uttar Pradesh v. Ram Prakash Singh [2025 INSC 555 / 2025 (2) PLJR (SC) 331]***, the petitioner asserts that documentary evidence does not prove itself; contents of a document must be proved by examining a witness competent to depose as to its authenticity. Mere tendering or marking of an exhibit (ME-1 to ME-8) does not constitute legal evidence.

10. Learned Senior Counsel for the petitioner further submits that handwriting analysis is inherently a weak, frail, and fallacious science, as held in ***Smt. Bhagwan Kaur v. Shri Maharaj Krishan Sharma [(1973) 4 SCC 46]*** and In ***Re, Srinivasalu Naicker [1954 SCC OnLine***



Mad 246] In the absence of corroborative substantive evidence, such as fingerprint analysis or testimony of the hall invigilators who verified the photo admit card of the petitioner on the examination date, any adverse finding based solely on partial handwriting variance is perverse. Furthermore, conducting a secret ex-parte antecedent verification based on an undisclosed anonymous complaint violates the principles of natural justice, making the inquiry tainted with inherent bias.

Submissions on behalf of the Respondents (Bank)

11. Per contra, learned counsel appearing for the Respondent-Bank submits that departmental proceedings are not criminal trials and are governed by the standard of preponderance of probabilities rather than proof beyond reasonable doubt. Reliance was placed on the decision of the Supreme Court in *Airports Authority of India v. Pradip Kumar Banerjee* [Civil Appeal No. 8414 of 2017, decided on 04.02.2025 / (2025) INSC 149] contending that strict rules of the Evidence Act do not apply to domestic inquiries, and the non-examination of the complainant or expert is not fatal if overall circumstances establish guilt on probabilities.

12. It has been further contended by the counsel for the respondent that the Disciplinary Authority and Inquiry Officer evaluated the cumulative divergences in general and individual writing



characteristics (movement, skill, speed, slant, alignment, and letter formation) recorded in CFSL Report No. BX-90/2016. The bank argued that impersonation in a public recruitment process strikes at the root of integrity and honesty required in banking services. Relying on *U.P.S.R.T.C. v. Hotilal [(2003) 3 SCC 605]* and *Apparel Export Promotion Council v. A.K. Chopra [AIR 1999 SC 625]*, the respondent bank asserted that the court exercising writ jurisdiction under Article 226 should not sit as a court of appeal over factual findings recorded by disciplinary authorities.

Issues Involved in the Case

13. Having heard learned counsel for the parties and having perused the materials on record, the principal issues which falls for consideration are enunciated as follows:

- I. Whether an administrative finding of impersonation and major penalty of dismissal can be legally sustained when the sole primary evidence being a Forensic Science Laboratory Handwriting Report was merely marked as an exhibit without examining its author or any supporting witness during the departmental inquiry?
- II. Whether the alleged pre-employment irregularity of impersonation during a competitive examination conducted by an independent agency (IBPS) can be



procedurally adjudicated under Regulation 3(1) read with Regulation 24 of the PNB Officer Employees (Conduct) Regulations, 1977, without proving the charge through legally admissible evidence?

Considerations

14. The law governing the standard of proof and the evidentiary requirement in departmental proceedings is well settled. While strict rules of the Indian Evidence Act, 1872 do not apply to quasi-judicial departmental inquiries, findings of misconduct cannot be founded on mere suspicion, conjecture, or unproved documents. The standard of preponderance of probabilities requires that findings must be grounded on legally admissible evidence brought on record in a manner known to law and capable of supporting the findings of guilt.

15. On the requirement of proving documents in a departmental inquiry, the law stands authoritatively settled by the Hon'ble Supreme Court in ***Roop Singh Negi v. Punjab National Bank [(2009) 2 SCC 570]***. Paragraphs 14 and 23 thus establishes the principle as follows:

"14. Indisputably, a departmental proceeding is a quasi-judicial proceeding. The enquiry officer performs a quasi-judicial function. The charges levelled against the delinquent officer must be found to have been proved. The enquiry officer has a duty to arrive at a finding upon



taking into consideration the materials brought on record by the parties. The purported evidence collected during investigation by the investigating officer against all the accused by itself could not be treated to be evidence in the disciplinary proceeding. No witness was examined to prove the said documents. The management witnesses merely tendered the documents and did not prove the contents thereof. Reliance, inter alia, was placed by the enquiry officer on the FIR which could not have been treated as evidence."

"23. ...The materials brought on record/produced are required to be proved. A decision must be arrived at on some evidence which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding, but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained... Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof."

16. The principle that documentary evidence cannot prove itself without oral testimony has also been affirmed and expounded by the



Supreme Court in *State of Uttar Pradesh v. Ram Prakash Singh* [2025 INSC 555 / 2025 (2) PLJR (SC) 331]. Paragraph 14 lays down:

"14. ...'materials brought on record by the parties' (to which consideration in the enquiry ought to be confined) mean only such materials can be considered which are brought on record in the manner known to law. Such materials can then be considered legal evidence, which can be acted upon... Evidence tendered by witnesses must be recorded in the presence of delinquent employee, he should be given opportunity to cross examine the witnesses and no document should be relied on by the prosecution without giving copy thereof to the delinquent- all these basic principles of fair play have their root in such act. In such light, the documents referred to in the list of documents forming part of the annexures to the charge-sheet, on which the department seeks to rely in the enquiry, cannot be treated as legal evidence worthy of forming the basis of the finding of guilt if the contents of such documents are not spoken to by persons competent to speak about them. A document does not prove itself. In the enquiry, therefore, the contents of the relied-on documents have to be proved by examining a witness



having knowledge of the contents of such documents and who can depose as regards its authenticity. In the present case, no such exercise was undertaken by producing any witness."

17. Applying these settled legal principles to the facts of the case at hand, this Court finds that the Respondent-Bank committed a fatal procedural and evidentiary error. The entire edifice of the charge against the petitioner rests on CFSL Report No. BX-90/2016 dated 07.10.2016. Yet, during the inquiry, the Presenting Officer merely submitted 8 documents (ME-1 to ME-8) without calling a single witness. Neither the Government Handwriting Expert (Shri M.C. Joshi, Dy. Director, CFSL) who authored the opinion was examined, nor was the petitioner afforded with an opportunity to cross-examine the expert on the methodology, error rates, or character variances. No representative or invigilator from IBPS was examined to depose regarding the conduct of the exam on 20.10.2013.

18. In evaluating expert handwriting evidence, courts and tribunals must exercise extreme caution. As held by the Apex Court in ***Smt. Bhagwan Kaur v. Shri Maharaj Krishan Sharma [(1973) 4 SCC 46]***, handwriting opinion is generally of a frail and inconclusive character. It was propounded in this case that,



The evidence of a handwriting expert, unlike that of a fingerprint expert, is generally of a frail character and its fallibilities have been quite often noticed. The courts should, therefore, be wary to give too much weight to the evidence of handwriting expert..."

19. The CFSL opinion in the present case may constitute expert material, but the question before this Court is not whether the signatures in fact differ. The material point is that the expert report was relied upon as substantive support for the charge without examination of its author or any other witness competent to prove and explain the report. Further, the Central Finger Print Bureau did not provide an adverse identification of the petitioner. Its report recorded that the questioned impressions were unfit for comparison because they were blurred/hazy and lacked sufficient ridge detail. Thus, the fingerprint material did not independently corroborate the allegation of impersonation. When the CFSL itself failed to provide any conclusive opinion on the petitioner's fingerprints/thumb impressions, relying solely on an unverified handwriting opinion without corroborative witness testimony violates the mandatory standard of legal evidence established in ***Roop Singh Negi (supra)*** and ***Ram Prakash Singh (supra)***.



20. Furthermore, the argument of the bank relying on *Airports Authority of India v. Pradip Kumar Banerjee (supra)* does not assist the respondents. The reliance placed by the respondents upon *Airports Authority of India v. Pradip Kumar Banerjee (supra)* is distinguishable on facts. In that case, although the complainant/decoy was not examined, the trap-laying officer was examined in the departmental proceeding, and his testimony was substantially corroborated by other departmental witnesses. The Supreme Court, in that factual setting, held that non-examination of the decoy was not fatal.

21. In the present case, however, no witness was examined at all to prove the contents or authenticity of the documents relied upon, including the CFSL handwriting opinion which constitutes the principal foundation of the charge. The author of the CFSL opinion was not examined, and the petitioner was consequently afforded no opportunity to test the opinion through cross-examination. The distinction is therefore not merely one of non-examination of a particular witness, but of the absence of oral evidence connecting and proving the principal documentary material relied upon against the petitioner.

22. There is a further aspect concerning the applicability of *Regulation 3(1) read with Regulation 24 of the PNB Officer*



Employees (Conduct) Regulations, 1977. The allegation against the petitioner relates to the Common Written Examination held on 20.10.2013, whereas the petitioner joined the service of the Bank only on 16.02.2015. Thus, the alleged act forming the subject matter of the disciplinary proceedings admittedly relates to a period prior to the commencement of his employment with the Bank. In this context, the principle laid down by the Hon'ble Supreme Court in ***Glaxo Laboratories (I) Ltd. v. Presiding Officer, Labour Court, [(1984) 1 SCC 1]***, assumes relevance, inasmuch as, where penal consequences are attached to misconduct, an employee cannot be subjected to punishment for an act which does not fall within the scope of the applicable disciplinary provision merely by an ex post facto determination of the employer.

23. The said principle was reiterated in ***Vijay Singh v. State of U.P., [(2012) 5 SCC 242]***, wherein the Hon'ble Supreme Court emphasised that disciplinary action and punishment must remain within the framework of the governing statutory rules and that an employer cannot, ex post facto, treat an act not covered by the applicable rules as misconduct. The question, therefore, is not merely whether the alleged conduct, if established, would ordinarily be regarded as involving dishonesty, but whether such pre-employment conduct is, in law, capable of constituting misconduct under Regulation 3(1) read with



Regulation 24 of the 1977 Regulations, and whether the said provisions were lawfully invoked in the circumstances of the present case. At the same time, this Court is conscious that Regulation 3(1) contains obligations relating to integrity, honesty and conduct unbecoming of an officer employee, therefore, the mere fact that the alleged conduct preceding appointment cannot, by itself, be treated as conclusively barring disciplinary action. The applicability of the said provisions has to be determined from the language and scope of the governing Regulations and the facts proved in the departmental inquiry.

24. In the present case, however, this issue assumes significance particularly because the alleged pre-employment conduct has been sought to be converted into misconduct under the service Regulations without the principal material relied upon by the disciplinary authority having been proved in the manner discussed hereinabove.

25. In the facts of the present case as stated hereinabove, this Court is of the firm view that the Inquiry Report dated 12.12.2017 and the consequential dismissal order dated 31.03.2018 cannot be sustained because the principal evidence relied upon to establish the charge was not proved in the departmental inquiry. The Appellate Order dated 07.05.2024, having merely rejected the statutory appeal as time-barred



without adjudicating the merits, cannot independently cure the defect in the original disciplinary proceeding.

26. In view of the aforesaid detailed findings, statutory violations, and the established law, the writ petition is **allowed**.

27. The impugned Punishment Order dated 31.03.2018 (Annexure-P/24 to the writ application), the and the Appellate Order dated 07.05.2024 (Annexure-P/26 to the I.A.) are hereby **quashed and set aside**.

28. This Court does not consider it appropriate to remand the matter to the Disciplinary Authority for a fresh or de novo inquiry. The Supreme Court in *State of U.P. v. Ram Prakash Singh* (supra) has recognised remand as a possible course where a disciplinary proceeding is vitiated, but the question of remand must be considered in the circumstances of the particular case. In the present case, the management had full opportunity during the original inquiry to establish its case. It produced ME-1 to ME-8 and, despite being specifically asked on 06.11.2017, that whether it wished to produce any further document to prove the charge, it was stated by the Presenting Officer that it had no further evidence to produce. No witness was examined at the relevant time to prove the principal documentary and forensic material relied upon for the finding of guilt. The defect, therefore, concerns the evidentiary foundation of the



finding itself and is not a mere procedural irregularity capable of being cured without changing the evidentiary basis of the case. The chargesheet was issued in 2017, the dismissal followed in 2018, and the statutory appeal was filed only on 18.03.2024 and was dismissed on 07.05.2024, as being held as time barred.

29. Having regard to the substantial passage of time, the full opportunity already available to the management in the original inquiry, and the fact that the deficiency arose from its failure to prove the very material on which the charge was framed, a remand merely to provide a fresh opportunity to supply that evidentiary foundation would not be justified in the facts of the present case. Hence, it is expedient to direct that no fresh inquiry shall be undertaken on the basis of the impugned chargesheet.

30. Accordingly, the respondents are directed to reinstate the petitioner into service on the post held by him immediately prior to the order of dismissal, or on a corresponding/equivalent post, with continuity of service and consequential service benefits in accordance with the directions contained herein.

31. Since the order of dismissal is being set aside and no fresh inquiry is being permitted on the same charge, the petitioner shall be entitled to consequential monetary and service benefits flowing out from the setting aside of the impugned order of dismissal. The



Respondent-Bank is accordingly directed to release the back wages and consequential service benefits accruing to the petitioner from the date of his dismissal i.e. 31.03.2018, till his actual reinstatement in accordance with the rules & regulations of the Bank, within a period of three months from the date of receipt/production of a copy of this judgment.

32. The writ petition stands **allowed** to the aforesaid extent.

(Kumar Manish, J)

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AFR/NAFR	AFR
CAV DATE	29.09.2026
Uploading Date	15.10.2026
Transmission Date	

