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Central Administrative Tribunal, Principal Bench, New Delhi

O.A.No.2152/2004

M.A.No.2157/2004

New Delhi, this the 18th day of March, 2005

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr.S.A. Singh, Member(A)

Shri Sumit,
S/o Shri Brij Mohan Saini,
R/o 2378/ 178, Tri Nagar,
Ganesh Pura,
Delhi - 110 035.

... Applicant

(By Advocate: Shri Sachin Chauhan)

Versus

1. Union of India through
The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.

2. Commissioner of Police,
Delhi,
Police Headquarters,
IP Estate, MSO Building,
New Delhi.

3. Deputy Commissioner of Police,
IP Estate, MSO Building,
New Delhi.

... Respondents

(By Advocate: Shri Ashwani Bhardwaj proxy for Shri Rajan Sharma)

Order(Oral)

Justice V.S. Aggarwal, Chairman

The applicant, in pursuance of the advertisement for recruitment in Delhi Police, had applied for the post of Assistant Sub Inspector (Finger Print). In accordance with the recruitment rules, the educational qualifications prescribed were:

Educational and other qualifications	<p>Graduate in Science with Physics or Chemistry or Maths or Zoology or Anthropology</p> <p>Or</p> <p>Higher Secondary with Science/Maths and having served for three years with any Finger Print Bureau.</p> <p>Or</p> <p>CPSL or FSL dealing with Finger Print Science or Single Digit Section of CRO.</p> <p>Or</p> <p>Serving Head Constable of Single Digit Section of Finger Print Bureau with at least five years service in the grade and 2 years experience of the trade.</p>
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2. The applicant is a Graduate of Applied Science (Electronics). He was served with a show cause notice pointing out that he is not qualified in terms of the recruitment rules and advertisement for the post. The said notice reads:-

"You, Sumit Roll No.499 S/o Sh. Brij Mohan Saini had applied for the post of ASI (Finger Print) in Delhi Police during the recruitment 2002. During checking of eligibility test for the post held on 11.04.2002, you have produced provisional certificate and marks sheet of having passed the Bachelor of Applied Science (Electronics) from Bhaskaracharya College of Applied Sciences (University of

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Delhi) Pusa, New Delhi - 110 012. As per recruitment rules/terms and conditions of advertisement published in the Employment News dated 02.02.2002 to the post, the required educational qualifications was "Graduate in Science with Physics or Chemistry or Math or Zoology or Anthropology". On verifying from the concerned Institution/University it has been found that your Educational Qualification is not matching with the required Educational qualification for the post. Since your educational qualification is not matching with the required qualifications mentioned in the advertisement as per Recruitment Rules for the post of ASI (Finger Print), as such your candidature for the post is liable to be cancelled as there is no provision for accepting any qualification identical or equivalent of it.

You are, therefore, called upon to show cause as to why your candidature for the post of ASI (Finger Print) in Delhi Police should not be cancelled on the above grounds. Your reply, if any, in this regard should reach the undersigned within 15 days from the date of receipt of a copy of the notice; failing which it will be presumed that you have nothing to say in your defence and decision will be taken ex-parte on merits."

3. The applicant replied but on the reasons that we have reproduced in the show cause notice, his candidature has been rejected. In other words, it has been concluded by the department that the applicant is not a graduate in Science with Physics or Chemistry or Maths or Zoology or Anthropology as one of the subjects.
4. By virtue of the present application, the applicant seeks to assail the said order dated 5.8.2004. According to him, he is a Graduate in Science with Physics as one of the subjects and therefore, he is eligible to be considered for appointment.
5. The petition is being contested.
6. The respondents insist that they have found that the applicant was not eligible as per the educational qualifications prescribed. They had called for the verification report from the Faculty of Science, Delhi University. It had opined that B.Sc (Electronics) can



be treated as identical to the graduate in Science with Physics and the Association of Indian Universities had also opined that B.Sc. (Electronics) can be treated as identical to the graduate in Science with Physics.

7. We have heard the parties' counsel and have seen the relevant records.

8. As already pointed above and re-mentioned at the risk of repetition, the educational qualifications prescribed are graduate in Science with Physics or Chemistry or Maths or Zoology or Anthropology as one of the subjects. The applicant has passed his Bachelor's Degree in Applied Science. He has appended a certificate from Bhaskaracharya College of Applied Science affiliated to the Delhi University, which reads as under:-

"This is to certify that the Bhaskaracharya College of Applied Sciences is affiliated to Delhi University and is running three Degree Courses viz.

Bachelor of Applied Science - Electronics

Bachelor of Applied Science
- Instrumentation

Bachelor of Applied Science - Food Technology

The above said courses are Three year honours graduation course in Science. This implies that the Bachelor in Applied Science is a graduate in Science.

Sh. Sumit S/o Sh. Brij Mohan Saini was the student of Bachelor of Applied Science (Electronics) from 1998-2001. He has studied Physics as the part of their curriculum for all the 3 years.

First Year

1.2 - Physics
1.7 - Physics Practical



Second Year

- 2.3 - Semiconductor Physics, Solid States
devices & Circuits
2.5 - Quantum & Modern Physics
2.9 - Physics Practical

Third Year

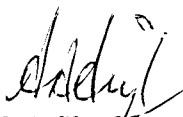
- 3.1 - Electromagnetics and Applied Optics


This certificate is issued to Mr. Sumit (a pass out student of this College) for the purpose of his recruitment in Delhi police for the post ASI (finger print)."

9. Not only that, the recruitment rules only prescribe that a person should be graduate in Science. The graduate in Science necessarily would be a person who graduates in Science subjects. The applicant has graduated in Applied Science (Electronics). By no stretch of imagination, it can be taken that he is not a graduate in Science. The certificate dated 8.8.2002 from Delhi University clearly indicates that he had Physics as one of the subjects. Thus, it is established beyond any pale of controversy that applicant meets the requirement of the advertisement and recruitment rules.

10. In fact the clarifications that were received by the respondents even do not rule out, what we have recorded above, that he is not a Graduate in Science.

11. Resultantly, we allow the present application and quash the impugned orders. It is directed that further action pertaining to the candidature of the applicant should be taken in accordance with law. Necessary exercise may be done preferably within three months of the receipt of the certified copy of the present order.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

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