

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 915/2014

New Delhi this the 6th day of December. 2016

**Hon'ble Mr. Shekhar Agarwal, Member (J)  
Hon'ble Mr. Raj Vir Sharma, Member (A)**

Shri Manish Gupta,  
S/o Shri Greesh Chandra Gupta,  
r/o H.No. 2697, Kharagjeet Nagar,  
Opp Bharadwaj Street Mainpuri,  
U.P.-205001. .... Applicant

(Through Mr. Ajesh Luthra )

**VERSUS**

1. Forensic Science Laboratory, Delhi  
Through Director,  
GNCT of Delhi  
Sector-14, Madhuban Chowk,  
Rohini, Delhi-85
2. Delhi Subordinate Services Selection Board,  
Through its Chairman,  
Govt. of NCT of Delhi, F-18, Kardadooma  
Institutional Area, Delhi-92. .... Respondents

(Through Mr. B.N.P.Pathak )

**O R D E R (ORAL)**

**Mr. Shekhar Agarwal, Member (A):**

The applicant responded to an advertisement bearing no. 2/2012 issued by the respondents in May, 2012 calling for applications for two posts of Senior Scientific Assistant (Biology), post code No.162/2012. According to the applicant, he was eligible for the post having all the necessary qualifications. However, the respondents vide their impugned order dated 4.03.2014 declared him ineligible for the post on the grounds that his experience was less relevant. The applicant then approached this Tribunal by filing this OA and as an interim measure on 18.03.2014, we directed the respondents to permit the

applicant to participate in the interview to be held for the aforesaid post on 19.03.2014 provisionally. Accordingly, the applicant has participated in the selection process. In this OA he seeking the following reliefs:-

- “(a) quash and set aside the decision (Annexure A/1) of the DSSSB holding the applicant as ‘ineligible’ for the post mentioned above on the ground of ‘less relevant experience’.
- (b) direct the respondents to further consider the candidature of the applicant for the said post and in the even of his selection, he be issued appointment as per merit obtained in the selection process with all consequential benefits.
- (c) award costs of the proceedings and
- (d) pass any other order/direction which this Hon’ble Tribunal deem fit and proper in favour of the applicant and against the respondents in the facts and circumstances of the case.”

2. The respondents have filed their reply, in para 4 of which under the caption “Brief facts of the case”, they have stated that in the instant case, Director, FSL has clearly mentioned that the candidate possesses relevant experience for the post if his experience with private Path Lab for the period from 30.10.2007 to 30.08.2009 is taken into account. The respondents have stated that this experience was not taken into account earlier and this led to rejection of the applicant’s candidature. Thus, the respondents have now admitted that the applicant was eligible to participate in the aforesaid selection.

3. Under interim order of this Tribunal, the applicant had participated in the recruitment process. It is an admitted case of the parties that the applicant did not make it to the final merit list.

4. In view of the aforesaid, the impugned order dated 4.03.2014 of the respondents declaring the applicant to be ineligible is quashed. It is held that the applicant possesses the necessary qualifications for

the aforesaid post. However, since the applicant did not make it to the final merit list, his prayer clause (b) cannot be allowed.

5. Accordingly, this OA is partly allowed to the extent that the applicant is declared to be eligible for the aforesaid post. Rest of the relief prayed for is denied. No costs.

**( Raj Vir Sharma )**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

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