

**Central Administrative Tribunal
Principal Bench**

OA No. 3748/2016

New Delhi this the 9th day of November, 2016

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)**

Syed Ahmar Ali Hashmi, Age 32,
S/o Late Sh. Syed Mahmood Ali Hashmi,
R/o C1/304, Taj Enclave Apartments,
Geeta Colony, Delhi-110031

- Applicant

(By Advocate: Ms. Esha Mazumdar)

VERSUS

1. Union of India,
Ministry of Home Affairs,
Through Home Secretary,
North Block,
Cabinet Secretariat,
New Delhi-110001

2. Union Public Service Commissioner,
Through Chairman,
Dholpur House,
Shahjahan Road,
New Delhi-110069

3. Directorate of Forensic Science Services,
Through Director cum Chief Forensic Scientist,
Block 9, 8th Floor,
CGO Complex,
Lodhi Road,
New Delhi-110003

- Respondents

(By Advocates: Mr. Hanu Bhaskar for respondent nos. 1 & 3 and Mr. RV Sinha for respondent no.2)

ORDER (Oral)

Mr. V. Ajay Kumar, Member (J):

Heard the learned counsel for the applicant.

2. The applicant, who is possessing B.Sc (Hons.) as well as MSc. in Forensic Sciences from Amity University (UP), filed the present O.A. seeking the following reliefs:-

“a) Issue a direction thereby directing the Respondents to include Graduates in Forensic Science or Forensic

Science as subject in the graduation level as essential qualification in Vacancy No. 16101904222 of advertisement no. 19/2016 for the position of Scientist 'B' Documents;

- b) Issue a direction thereby directing the Respondents accept the application of the Applicant for Vacancy No.16101904222 of advertisement no. 19/2016 for the position of Scientist 'B' Documents for the applicant to participate in the recruitment process;
- c) Pass any other or further order which this Hon'ble Tribunal may deem fit and proper in the interest of justice."

3. In short, the applicant is seeking a direction to the respondent – UPSC to include Graduates in Forensic Science or Forensic Science as subject in the graduation level as essential qualification in Vacancy No. 16101904222 of advertisement no. 19/2006 for the position of Scientist 'B' (Documents).

4. It is settled principle of law that a recruiting agency or an employer, as per the rules in vogue, can prescribe the essential qualifications to any post. This Tribunal cannot issue any direction to any recruiting agency or employer to include a particular degree or qualification as an essential qualification for a particular post.

5. In the circumstances, we do not find any merit in the O.A. and the same is accordingly dismissed. No costs.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

/1g/