

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No.1010/2012
M.A No. 2480/2016, M.A No. 2481/2016,
M.A 1756/2018 in M.A 3557/2013**

New Delhi, this the 10th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Mr. Dileep G.
R/o. 38/R, CBI Residential Complex,
Vasanth Vihar,
New Delhi-110 057, India. ...Applicant

(By Advocate : Mr. Wills Mathew)

Versus

1. The Union Public Service Commission
Represented by its Chairman
Dholpur House, Shahjahan Road,
New Delhi, India.

2. The Central Forensic Science Laboratory
Represented by its Director
Central Bureau of Investigation
Block IV, CGO Complex,
Lodhi Road, New Delhi, India.Respondents

(By Advocate : Mr. R. V. Sinha with Mr. Amit Sinha and Mr. Vaibhav Pratap Singh for Respondent no. 1 and Mr. Rajinder Nischal for Respondent no. 2)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

The UPSC issued an advertisement on 27.08.2011 proposing to select the candidates for the post of Senior Scientific Officer Grade-II (Lie Detector) in Central Forensic Science Laboratory (CFSL), for the Central Bureau of Investigation. The essential qualifications stipulated for the post are :-

- (i) Master's Degree in Criminology or Psychology from a recognised University or equivalent recognised institution.
- (ii) Three years of experience in the field of Applied Psychology or Criminology/Crime Investigation.

It is also mentioned that holding of PhD Degree in the related field of study would be treated as desirable qualification.

2. The applicant and several others submitted their applications. The applicant stated that apart from holding a Master's Degree in Criminology he has 8 years of experience in the field of lie detection, associated with crime investigation and he is eligible for the post. He enclosed a certificate to this effect, issued by Head of Forensic Psychology Division, IFCL, CBI marked as Annexure P/2. However, the candidature of the applicant was not considered by the UPSC, on the ground that he lacks eligibility qualification, namely, the experience and, he was not short listed. Feeling aggrieved by that, he filed the O.A. The applicant's contention is that though he holds the requisite qualification his case was not considered.

3. Several developments have taken place ever since the O.A is filed. At one stage, the O.A was allowed, only to be recalled in a Review Petition.

4. The applicant has also filed certain Miscellaneous Applications with a prayer to set aside the appointment of the candidate who was selected.

5. On behalf of the respondents counters are filed. It is stated that though the applicant holds a Master's Degree in Criminology, he lacked experience. It is stated that the experience of the applicant is only as Lab Assistant and the question of his having any experience in the Crime Investigation does not arise.

6. Heard Mr. Wills Mathew, learned counsel for the applicant, Mr. R. V. Sinha, learned counsel appearing for respondent no. 1 and Mr. Rajender Nischal, learned counsel for respondent no. 2.

7. The record of the OA has become bulky on account of filing of various petitions from time to time. The only question that arose for consideration in the O.A is as to whether the applicant holds the qualification stipulated in the advertisement dated 27.08.2011. It has already been mentioned that two essential qualifications prescribed by the UPSC are:- (a) Master's Degree in Criminology or Psychology and (b) three years of experience in Applied Psychology and Crime Investigation. There is no dispute as to holding of first qualification by the applicant. The controversy is as to whether he has any experience in the fields mentioned above. The only sole basis for him to claim experience is at Annexure P/2. A reading of this shows that the applicant is having experience only as Lab Assistant. The first para of the Annexure P/2 reads as under :-

“This is to certify that Mr. Dileep. G, S/o. Mr. C. N. Gopalan has been working as Laboratory Assistant in the Forensic Psychology Division of this Laboratory since September 15, 2003. His performance in the Organisation during the period has been highly satisfactory.”

8. An attempt is made to demonstrate that the experience of the applicant, albeit as Lab Assistant, is in the field of Crime Detection. However, it was only in the field of Lie Detection Technique. No where it is mentioned that the applicant has undertaken or has been entrusted with any crime investigation. The applicant never claimed any experience in Applied Psychology. When this is the background, there is no way the applicant can be treated as qualified for the post in question.

We, therefore, dismiss the O.A with no order as to costs.

9. In view of our finding in the O.A, nothing remains to be decided in the Miscellaneous Applications. The effort was only to challenge the selection and appointment of successful candidate. That can be possible only for a candidate who is qualified and not for a person like the applicant who does not hold the qualification. The M.As shall stand disposed of.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/