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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 11.09.2025

+ W.P.(C) 7003/2020 & CM APPL. 23876/2020, CM APPL. 8791/2021

DILEEP G

.....Petitioner

Through: Mr.Wills Mathews,
Ms. S Soorya Gayathry, Advs

versus

UNION PUBLIC SERVICE COMMISSION & ORS.

.....Respondents

Through: Mr.Avinash Gautam, Adv for
R-1
Ms.Shiva Lakshmi, CGSC with
Mr.Madhav Bajaj,
Ms.Katyayani Joshi & Ms.Esha
Kumar, Advs for R-2 & R-4
Mr.Sanjeev Kumar Dubey, Sr.
Adv. with Mr.Shah Rukh Khan
& Ms.Tanya Verma, Advs for
R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 10.07.2018 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1010/2012, titled *Mr. Dileep G. v. The Union Public Service Commission & Anr.*, dismissing the O.A. filed by the petitioner herein.



2. The petitioner had filed the above O.A. being aggrieved by the rejection of his candidature for the post of Senior Scientific Officer Grade-II (Lie-Detector) with respondent no.2 for which he had applied pursuant to the advertisement dated 27.08.2011- 02.09.2011.

3. The advertisement, as regards the essential qualifications for the post, prescribed as under:-

“QUALIFICATION ESSENTIAL:

(i) Master’s Degree in Criminology or Psychology from a recognized University or equivalent.

(ii) Three years experience in Applied Psychology or Criminology/Crime Investigation.”

4. The petitioner claimed that he met both these essential qualifications.

5. As far as the educational qualification is concerned, there is no doubt raised by respondent no.1 on the same.

6. The respondent no.1, however, claimed that the petitioner did not possess the three years of experience in the requisite field.

7. The petitioner, in support of his claim for experience, had relied upon an experience certificate issued by one Dr. Asha Srivastava, Head of the Forensic Psychology Division, CFSL/CBI, New Delhi, which was quoted by the learned Tribunal in its initial Order dated 11.03.2016 passed in the above O.A., and is reproduced hereinbelow:-

"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 Organization during the period has been highly. satisfactory.



He is permanent employee of this Laboratory.

xxx xxx xxx

Mr. Dileep G has eight (08) years experience in field of lie-detection in lie-detection technique. During this period he has conducted lie-detection examination of more than 600 subjects in various cases referred by CBI, Delhi Police and other law enforcement agencies. He gained knowledge and skills of the theoretical and practical aspects of lie-detection technique in crime investigation. He acquired good expertise in the polygraph technique and is capable of conducting polygraph examination independently. He has conducted polygraph examination in a large number of cases at outstation too...."

8. Based on the above experience certificate, the learned Tribunal, in its initial Order dated 11.03.2016, disposed of the above O.A., holding that the petitioner was eligible to be considered for the above post, and passed the following directions:-

"13. On the basis of the above discussion, we find that the Certificate in question issued to the applicant by Dr. Asha Srivastava, Head of Forensic Psychology Division, CFSL/CBI, New Delhi has not been challenged or controverted to any effect. Therefore, the instant Original Application succeeds and the same is allowed with a direction to the respondents to convene a review DPC to consider the claim of the applicant for the post of Senior Scientific Officer Grade-II within a period of three months from the date of receipt of certified copy of this order and grant his all consequential benefits flowing therefrom."

9. Respondent no.1 herein filed a Review Application, being R.A. No. 161/2016, seeking review of the above Order passed by the



learned Tribunal, *inter alia*, contending therein that the direction to hold a review DPC had been erroneously passed inasmuch as the case of the petitioner herein was not for seeking promotion but for direct recruitment. It was further contended that the persons who had been recommended for the post, had already joined respondent no.2.

10. The learned Tribunal allowed the Review Application and restored the O.A. to be heard afresh on merits.

11. By the Impugned Order, the learned Tribunal, now finding the petitioner to be unqualified under the advertisement, has dismissed the O.A..

12. It is indeed strange that the learned Tribunal, in the Impugned Order, has placed reliance on the very same experience certificate issued in favour of the petitioner by Dr. Asha Srivastava, however, has reproduced only one paragraph of the said experience certificate and not the remaining portion, which had been quoted by the learned Tribunal in its initial Order dated 11.03.2016 and on the basis whereof the learned Tribunal had come to the conclusion that the petitioner possessed the requisite qualification for the post.

13. By only partially quoting the experience certificate, the learned Tribunal arrived at a conclusion that the experience of the petitioner as a Lab Assistant could not be counted as an experience in criminal investigation and, therefore, the petitioner did not possess the requisite qualification under the advertisement.

14. The learned Tribunal failed to note that the experience certificate produced by the petitioner further stated that he had eight years of experience in the field of lie detection, in the lie detection



technique, and had conducted lie detection examination in more than 600 subjects in various cases referred by the CBI, Delhi Police, and other enforcement agencies. The certificate stated that the petitioner had acquired good expertise in the polygraphy technique and was capable of conducting polygraph examinations independently, which he had conducted in a large number of cases.

15. It is worth noting and reiterating that the selection process in question was for the post of Senior Scientific Officer Grade-II (Lie-Detector), and, therefore, the experience of the petitioner in the Lie Detection techniques cannot be said to be irrelevant or as not meeting the mark.

16. In our view, therefore, the learned Tribunal has erred in differing from its earlier Order dated 11.03.2016, and for this reason alone, the present petition deserves to be allowed.

17. However, independently, we have again considered the objection of respondent no.1 that the petitioner did not have the requisite experience under the advertisement.

18. We have hereinabove quoted the essential qualification prescribed in the advertisement. Respondent no.1 asserts that the petitioner did not meet the said qualification, stating as under in its counter affidavit filed:-

“4. That regarding the eligibility of Sh. Dileep G for the post in question, it is stated that the application of Sh. Dileep G was rejected under the category of "LEQ-B" i.e. Lacking Essential Qualifications relating to experience as per the approved shortlisting criteria and modalities adopted by the Commission. His Application was rejected not on the basis of



quantity of service but on the basis of quality or level at which such services had been rendered by him. In the present case, the recommendation was being made for a post in the grade of pay of 5400/- and the experience of the applicant was at the level of Lab Assistant in the grade pay of Rs. 2800/-. As per modalities and shortlisting criteria adopted by the Commission for shortlisting candidates to be called for interview, Experience as Lab Assistant has not been considered relevant taking into account the Senior level of post under recruitment.”

19. A reading of the above would show that respondent no.1 has declared the petitioner as not having the requisite experience for the post only because of the reason that he was working as a Lab Assistant in the Grade Pay of Rs. 2800/-, while the post of Senior Scientific Officer Grade-II (Lie-Detector) carried a Grade Pay of Rs. 5400/-. It has further stated that the petitioner is lacking essential qualifications relating to experience ‘*as per modalities and shortlisting criteria adopted by the Commission for shortlisting candidates to be called for interview*’.

20. As far as the Grade Pay of the petitioner is concerned, the same had no relevance to the advertisement. The advertisement did not prescribe any Grade Pay at which the candidate must be posted while applying for the post of Senior Scientific Officer Grade-II (Lie-Detector).

21. Similarly, the decision of the respondent no.1 to not shortlist the candidates with experience as Lab Assistants was a condition generated by respondent no.1 post the advertisement and not in terms of the advertisement. There was no such embargo in the advertisement



which would disqualify a candidate who is otherwise working as a Lab Assistant from being considered for the post in question. The respondent has even otherwise not specified the “modalities and shortlisting criteria” adopted by it for shortlisting candidates to be called for interview.

22. Both the above reasons of the respondent no.1 to disqualify the petitioner, therefore, cannot be sustained.

23. The learned counsel for respondent no.1, however, orally submits that the petitioner did not meet the requisite experience inasmuch as the experience was required in applied psychology/criminology/crime investigation. He submits that while these are sciences, lie detection is only a technique used in the same.

24. We are unable to accept the above submission of the learned counsel for the respondent no. 1. Apart from the fact that this is a new submission by the learned counsel and not the basis on which respondent no.1 disqualified the petitioner from being considered for the post, even otherwise, the submission cannot be accepted as the post in question is of Senior Scientific Officer Grade-II (Lie-Detector). The experience of the petitioner in lie detection techniques, therefore, cannot be said to be extraneous for the said post.

25. The petitioner further challenges the qualification of respondent no.3 to be considered for the said post.

26. We are informed that, on the complaints of the petitioner, a departmental inquiry was initiated against respondent no.3 for having misled the department for gaining employment. The said inquiry has exonerated respondent no.3. Even otherwise, we find that the issues



raised by the petitioner in that regard are, at best, debatable. Given the long passage of time since when the respondent no.3 has been appointed, and the fact that she has been exonerated by the department in the departmental inquiry, we would not like to proceed further with yet another inquiry into the same issue.

27. Given our above findings, the Impugned Order dated 10.07.2018 of the learned Tribunal cannot be sustained. It is accordingly set aside. The case of the petitioner shall be reconsidered by the respondent no.1 for the post of Senior Scientific Officer Grade-II (Lie-Detector), in accordance with the rules that were applicable to the said advertisement, and in case the petitioner is found fit for appointment, consequential orders thereof shall be passed. In such case, the petitioner would be entitled to notional benefits of pay fixation and seniority, however, without any actual upgradation of pay that the petitioner would have earned by such appointment. In case of lack of vacancy, the respondent nos. 1, 2 and 4 shall create a supernumerary post, if the same is required to be created for accommodating the petitioner.

28. The above exercise must be completed by respondent nos.1, 2 and 4 within a period of eight weeks from today.

29. The petition, along with the pending applications, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 11, 2025/rv/ik