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

Date of Decision: December 18, 2015

+ W.P.(C) 11818/2015 & C.M. 31395/2015 & 31396/2015

NISHA THAKUR Petitioner

Through: Mr. Sunder Khatri, Advocate

versus

UNION PUBLIC SERVICE COMMISSION AND ANR.

..... Respondents

Through: Mr. Naresh Kaushik, Advocate for
respondent No.1-UPSC

Mr. Gautam Narayan, Additioinal
Standing Counsel for respondent
No.2-GNCTD

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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On petitioner's complaint, a Fact Finding Committee, vide proceedings of 15th September, 2015 has opined that the earlier Fact Finding Committee has already gone into the allegations made against some officers of *Forensic Sciences Laboratory, Delhi* (henceforth referred to as the 'FSL, Delhi') and so petitioner's complaint has not been proceeded with. The Fact Finding Committee's Report (*Annexure P-12*) of the even date, on the complaint of *Kehar Singh* and *Naresh Kumar*, against some officers of FSL, Delhi, has opined that the educational

qualification as well as experience certificate etc. of FSL officer- *Babyto Devi*, SSO (Biology) may be got verified, if not already done earlier. Similar opinion is expressed by the Fact Finding Committee in respect of other FSL officers. Infact, the Fact Finding Committee's Report does not appear to be conclusive. It reads as under:-

FINDING OF THE COMMITTEE

On cumulative consideration of above observations it seems that:

1) Most of the attached certificates with respect of Education have already been verified in nature. However, in some of the matters where documents are not verified, the same may please be got verified from concerned agencies/ appropriate Deptt. for completion of record.

2) Committee is also of view that no question has been raised by both the complainants on Educational qualification, but have created doubts on relevance/ genuineness of experience certificates. Committee again recommends that in case where Experience Certificates are not complete in nature with respect to period, emoluments and name of authorized person etc. may please be got clarified with specific queries.

3) Committee is again of the view that the relevancy of experience claimed by the candidate can't be examined at this stage. Mater of relevancy of experience is beyond the purview of this committee as selection was made by the Interview Board constituted by UPSC/ DSSB and none of the committee member was part of Interview Board.

“Further this matter is sub-judice in nature as cases are pending

in the Hon'ble High Court of Delhi.” ’

This Court was informed that the matter which is sub-judice before this Court is selection of some of the FSL officers, before a Division Bench of this Court in W.P.(C) 2552/2011 *Nisha Thakur Vs. UPSC & Ors.*

Learned counsel for respondent No.2 draws attention of this Court to letter of 5th December, 2015 issued by the Director, FSL, Manipur to Director, FSL, Delhi to show that verification of the Experience Certificate of one of the selected officer is in progress and inquiry against selected officer is also in progress. The Fact Finding Committee does not indicate so.

Upon hearing and on a bare perusal of the Fact Finding Committee's Report (*Annexure P-12*), this Court finds that it may not be appropriate to relegate petitioner to assail the Fact Finding Committee's Report before the Division Bench of this Court where petitioner's challenge to reinstatement of some of FSL officers is sub-judice. Since the officers whose educational qualification and experience certificate is being questioned by petitioner, are already working in FSL, Delhi, therefore, it would be appropriate to direct the competent authority to treat this writ petition as Representation and to examine the Fact Finding Report (*Annexure P-12*) and to proceed in accordance with the law and the needful be done within a period of twelve weeks. The fate of the Fact Finding Inquiry be intimated to petitioner so that petitioner may avail of the remedies, as available in law, if need be.

With aforesaid directions, this petition and applications are

disposed of, while leaving the parties to bear their own costs.

(SUNIL GAUR)
JUDGE

DECEMBER 18, 2015

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