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

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Judgment delivered on: 28.09.2022

+ W.P.(C) 14099/2022, CM APPL. 43049/2022 & CM APPL.
43050/2022

MS PRIYANKA AGARWAL

..... Petitioner

versus

UNION PUBLIC SERVICE COMMISSION AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Pushpinder Yadav, Advocate.

For the Respondents: Mr. Naresh Kaushik, Advocate with Mr.
Shubham Dwivedi, Advocate for UPSC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 21.09.2022 whereby, the Original Application ('OA') filed by the petitioner has been dismissed by the Central Administrative Tribunal (hereinafter, referred to as the 'Tribunal').
2. Petitioner had applied for consideration for a post of Medical Physicist, Safdarjung Hospital, Ministry of Health and Family Welfare



under the Un-reserved Category.

3. The essential qualification, as prescribed by the notice published advertising the vacancies, is as under :

“ESSENTIAL QUALIFICATIONS: EDUCATIONAL: (i) Post Graduate degree in Physics from a recognised University plus Post M.Sc. Diploma in Radiological or Medical Physics from a recognised University and Internship of minimum twelve months in a recognised well equipped Radiation Therapy Department. OR (ii)....”

(emphasis supplied)

4. The educational qualification prescribed is Post Graduate degree in Physics plus Post M.Sc. Diploma in Radiological or Medical Physics both from a recognized University and an Internship of minimum 12 months in a recognized well equipped Radiation Therapy Department.

5. It is an admitted case of the petitioner that petitioner has not undergone requisite internship of minimum 12 months in a recognized well equipped Radiation Therapy Department.

6. The contention of learned counsel for the petitioner is that for obtaining a Diploma, prior to 2012, there was no requirement of a one year internship and requirement has been introduced only post 2012, and since this qualification is prior to 2012, one year internship is not required.

7. We are unable to accept this contention for the reason that the advertisement, in addition to prescribing an educational qualification of a Post Graduate degree and a Post M.Sc. Diploma also requires an



internship of a minimum 12 months in a recognized well equipped Radiation Therapy Department, which admittedly the petitioner does not possess.

8. In that view of the matter, petitioner does not satisfy the requisite essential qualification and, as such is not qualified for the post.

9. It is open to an organization while advertising its vacancies to prescribe qualifications as may be suitable, in the view of the Organization for appointment to the said post. Courts cannot substitute its view for the requirements prescribed by the organization.

10. As noticed hereinabove, since the petitioner does not satisfy the prescribed educational qualification, we find no infirmity in the order of the Tribunal rejecting the Original Application of the petitioner.

11. The petition is accordingly without merit and is dismissed.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

SEPTEMBER 28, 2022

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