

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.429 OF 2022**

DISTRICT : MUMBAI

1. Shri Venkatesh Narayan,)
 2. Shri Abhishek Shekhar Mane,)
 3. Shri Pratik Sudhakar Pawar,)
 4. Shri Akshay Rajendrarao Darne,)
 5. Shri Mukul Bharat Meshram,)
 6. Shri Shubham Shivaji Sawant)
- All C/o Shri S.S. Dere, Advocate, MAT Mumbai)..Applicants

Versus

1. The State of Maharashtra,)
Through Secretary,)
Higher and Technical Education Department,)
Mantralaya, Mumbai)
2. The State of Maharashtra,)
Through Secretary,)
Home Department, Mantralaya, Mumbai)
3. Director,)
Directorate of Forensic Science Laboratory,)
Vidya Nagari, Kalina, Santacruz East,)
Mumbai 400098)

4. The Secretary,)
Maharashtra Public Service Commission,)
5th, 6th and 7th Floor, Cooperage Telephone)
Exchange Building, M.K. Road, Mumbai-21)..Respondents

Ms. Pooja Mankoji holding for

Shri S.S. Dere – Advocate for the Applicants

Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula Bhatkar, Chairperson
Smt. Medha Gadgil, Member (A)
DATE : 13th January, 2023
PER : Smt. Justice Mridula Bhatkar, Chairperson

J U D G M E N T

1. Heard Ms. Pooja Mankoji holding for Shri S.S. Dere, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Ld. Advocate for the applicants submitted that all the applicants are Post Graduate in M.Sc. Forensic Science and as per advertisement dated 14.4.2022 the educational qualification required for the post of Assistant Chemical Analyser is 1) post graduate degree at least in second class in any branch of Chemistry or Bio-Chemistry of a recognized University or an equivalent qualification, 2) Post Graduate Degree in at least the Second Class in any branch of Forensic Science of a recognized University is considered as an equivalence as per GR dated 28.4.2017. Ld. Advocate

submits that in the syllabus of the examination the only subject relating to Analytical Chemistry, Analytical techniques in Inorganic Chemistry, Analytical Techniques in Organic Chemistry, Analytical Techniques in Biochemistry are prescribed no subject relating to Forensic Science is prescribed. In view of this, Ld. Advocate submitted that equal opportunity to get appointed in the public employment as per Article 16(1) of the Constitution is denied to the applicants. Therefore, it is submitted by Ld. Advocate that respondents be directed to amend the rules of recruitment of each and every department of Directorate of Forensic Science Laboratory and to add M.Sc. Forensic Science as the only eligibility criteria. It is also prayed that respondent no.2 be directed to call for record as the Govt. institute of Forensic Science is established for creating manpower in the field of Forensic Science and providing more efficient work and why respondent no.2 and 4 have not recruited Forensic students. Further it is prayed that directions be given to respondent no.4 to give preference only to Forensic Science candidates who hold M.Sc. Degree pursuant to advertisement dated 14.4.2022 for the post of Assistant Chemical Analyzer, Group B.

3. Shri Abhishek Shekhar Mane-Applicant No.2 has filed affidavit in rejoinder dated 11.1.2023. In para 26 of the affidavit it is stated that, Chemistry and Biochemistry have various other opportunities in their field but forensic students are having only this opportunity and cannot apply anywhere else as a reason of the specialized and applied course started by the State Government. Ld. Advocate for the applicant has annexed a chart as Exhibit RJ-6 to the affidavit in rejoinder and has mentioned day to day duties performed in the Forensic Science Laboratory in various departments. The chart is reproduced as prayed by the Ld. Advocate for the applicant:

1. Toxicology Department
<ul style="list-style-type: none"> i. Classification Of Poisons And Poisoning ii. Post Mortem Findings In Poisoning: iii. Isolation And Purification Of Poisons iv. Isolation Of Pesticides In Non-Biological Materials: v. Extraction Of Pesticides In Blood: vi. Stas-Otto Method: vii. Extraction Of Pesticides In Stomach-Wash, Urine And Vomit: viii. Extraction Of Drugs In Urine ix. Extraction Of Drugs In Blood x. Determination Of Ethyl Alcohol In Blood And Urine. xi. Method For The Determination Of Alcohol In Blood By Gc-Hs xii. Gas Chromatographic Determination Of Ethanol And Other Volatiles In Blood/Urine/Visceral Distillate.
Msc In Chemistry
<ul style="list-style-type: none"> i. Total reducing sugars before and after inversion in honey using: (a) Cole's Ferricyanide (b) Lane - Eynon method. ii. Analysis of lactose in milk iii. Estimation of Caffeine in tea iv. Estimation of Vitamin C in lemon Juice/squash by Dichlorophenol-indophenol method 5. Iodine value of oil / fat v. Analysis of alcoholic beverages (Beer) for alcohol content by distillation followed by specific gravity method, acidity by titration, total residue by evaporation.
Msc in Forensic Science
<ul style="list-style-type: none"> i. Analysis of viscera and food material in case of food poisoning by chemical microscopic and instrumental techniques. ii. Determination of phosphine in poisoning cases due to Aluminium phosphide and zinc phosphide in Viscera by chemical and instrumental techniques.

- iii. Analysis of pharmaceutical sample by UV IR and NMR spectroscopy.
- iv. Identification of common plant kaner, dhatura and Nux vomica, aconite by colour test and instrumental techniques.
- v. Analysis of animal and inset toxins.
- vi. Detection and identification of ammonium drugs and poison in pharmaceutical preparation by colour test and instrumental technique.
- vii. Systematic analysis of Viscera and blood in case of poisoning
- viii. Extraction of poisons and drugs from hair samples
- ix. Analysis of residue material in fire and arson cases by TLC, UV spectrophotometer and GC.

Msc in Biochemistry

Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus

2. Biology and Serology Department

- i. Biological and serological examination of body fluids)
- ii. Examination of blood & blood stains
- iii. Examination of other body fluids and their stains Examination of semen & seminal stains
- iv. Examination of vaginal fluid & stains of vaginal secretions
- v. Examination of saliva and saliva stains
- vi. Examination of vomit
- vii. Examination of urine stains
- viii. Examination of faecal matter and faecal stain
- ix. Forensic identification of hair & fibre
- x. Diatom examination
- xi. Human skeleton examination**

Msc In Chemistry

- i. Estimation of cholesterol and Uric acid in the given sample of blood serum
- ii. Estimation of fluoride in a tooth paste.

Msc in Forensic Science

- i. To determine the combined frequency of occurrence.
- ii. To determine the discrimination power and power of exclusion.
- iii. To determine paternity index using serum profile.

- iv. Preliminary examination of biological fluids (blood, semen, saliva, sweat, tear and milk).
- v. Macroscopic and Microscopic characterization of human hair and animal hair
(minimum five animals).
- vi. Estimation of antibody concentration in body fluid using ELISA technique.
- vii. Isolation of antigen and determination of its concentration from various body fluids
- viii. Examination of blood stains: physical and chemical tests; spectroscopic examination
- ix. Examination of menstrual blood by microscopic, spectroscopic, electrophoretic methods.
- x. ABO blood grouping from other body fluids.
- xi. Synthesis of antibody using various models.
- 16. Principle and working of various advanced microscopy techniques.
- xii. RNA profiling in various body fluid for human identification.
- xiii. Determination of electrophoretic profile of body fluid.
- xiv. Chromatographic analysis of body fluid.

Msc in Biochemistry

Estimation of: from blood/plasma/serum/urine)

- a. Creatinine by Jaffe's method
- b. Blood Urea Nitrogen (BUN) by Diacetyl Monoxime Method
- c. Uric Acid by Caraway method
- d. Haemoglobin by Drabkin Method
- e. Differential Proteins (A/G Ratio) by Reinhardt Biuret Method

3. 'M' Department (Analysis of Petroleum Products, explosives, Narcotic Drugs, Soil etc.)

- i. Detection and identification of inflammable materials or their residues in the
- ii. exhibits of fire/arson cases.
- iii. To profile various opium alkaloids in various crime exhibits related to opium.
- iv. To profile various types of heroin samples in crime exhibits.
- v. To analyze various cannabinoids.
- vi. Identification & estimation of cocaine and ecgonine
- vii. Identification and estimation of Methaqualone and Mecloqualone in crime exhibits.
- viii. Identification and estimation of amphetamine/

methamphetamine drugs or their derivatives.

- ix. Identification and estimation of Barbiturates & derivatives. x. Identification and estimation of lysergide (LSD)
xi. Analysis of Various Petroleum Products like Petrol, Kerosene, Diesel, Aviation

Turbine Fuel (ATF-Kerosene) Lubricating oil, Furnace oil, etc., in the Crime Cases. xii. To detect the presence of hydrochloric acid, sulphuric acid, nitric acid and alkalies in crime exhibits.

- xiii. Examination of chemicals used in Trap Cases.

MSc In Chemistry

- i. Estimation of drugs by non aqueous titration: Pyridoxine hydrochloride,

Sulphamethoxazole.

- ii. Estimation of strong acid, weak acid and salt in the given mixture conductometrically.

- iii. Analysis of drugs by non aqueous titration: Glycine, Sodium Benzoate

MSc in Forensic Science

- i. To Explosive analysis by spot tests and IR

- ii. Analysis of residue material in fire and arson cases by TLC, UV spectrophotometer and GC. Colour test for nitrate explosives (Griess, DPA, Brucine sulphate)

- iii. Colour test for TNT & Tetryl (Alcoholic KOH, Sodium sulphite)

- iv. Identification of narcotic drugs, opium and alkaloids, morphine and heroine, cannabis by colour test, TLC and instrumental techniques.

- v. Experiment of FTIR spectra of benzodiazepines

- i. Analysis of gasoline as per BIS specifications.

- vi. Analysis of bromine content in cold drinks by chemical and instrumental method.

- vii. Drug extraction from urine and UV- visible, GC-MS analysis.

MSc in Biochemistry

Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus

4. 'Prohibition' Department (Analysis of Alcohol)

- i. Analysis of various types of alcoholic drinks/liquor in crime exhibits.

ii. Qualitative and quantitative estimation of ethyl alcohol in various alcoholic preparations.
MSc In Chemistry
i. Analysis of alcoholic beverages (Beer) for alcohol content by distillation followed by specific gravity method, acidity by titration, total residue by evaporation.
MSc in Forensic Science
ii. Analysis of alcoholic liquor as per BIS specifications.
iii. Determination of methanol and ethanol in alcoholic liquors.(wet test, GC,TLC)
iv. Estimation of ethyl alcohol in blood sample by wet test, TLC, GC-HS
MSc in Biochemistry
Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus
5. 'Physics' Department
i. Determination of crystalline Structure of substance using XRD Techniques.
ii. Examination of heat fracture, impact fracture and fracture caused by projectile by studying radial crack dispersion and fluorescence examination under ultra-violet radiation.
iii. Differentiation of paint chips and paint transfer material of vehicles using Raman Spectroscopy.
iv. Study of tool marks under comparison microscopy and superimposing images.
v. Comparison of glass fragments by measuring density and refractive index of glass. vi. Estimation of vehicle speed from skid lengths considering braking efficiency.
vii. Comparative study of VIN from various vehicles and Chassis numbers of various motor bikes for identification.
viii. Restoration of Number using chemical etching,
ix. Identification of adulteration in cement using various chemical test like, Bromoform Test, Fineness Test, Ignition test.
MSc In Chemistry
i. Calibration of a 10 mL pipette by weighing at room temperature and reporting the

result With statistical data.

ii. Analysis of XRD pattern of cubic system

MSc in Forensic Science

x. Determination of crystalline Structure of substance using XRD Techniques.

xi. Examination of heat fracture, impact fracture and fracture caused by projectile by studying radial crack dispersion and fluorescence examination under ultra-violet radiation.

xii. Differentiation of paint chips and paint transfer material of vehicles using Raman

Spectroscopy.

xiii. Study of tool marks under comparison microscopy and superimposing images.

xiv. Comparison of glass fragments by measuring density and refractive index of glass.

xv. Estimation of vehicle speed from skid lengths considering braking efficiency.

xvi. Comparative study of VIN from various vehicles and Chassis numbers of various motor bikes for identification.

xvii. Restoration of Number using chemical etching,

xviii. Identification of adulteration in cement using various chemical test like Bromoform Test, Fineness Test, Ignition test.

MSc in Biochemistry

Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus

6. 'Ballistic' Department

i. Estimation of trajectory of projectile using MATLAB Software with data obtained

from scene of crime of shooting.

ii. Identification of firearms using various characters, ie. Rifling, bore size, firing methods, loading etc.

iii. Study of GRS residue and barrel wash using FTIR and Spectroscopy.

iv. Comparison study of bullets, cartridge case or projectiles using comparison microscope.

MSc In Chemistry

Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus

MSc in Forensic Science
<p>v. Estimation of trajectory of projectile using MATLAB Software with data obtained from scene of crime of shooting.</p> <p>vi. Identification of firearms using various characters, ie. Rifling, bore size, firing methods, loading etc.</p> <p>vii. Study of GRS residue and barrel wash using FTIR and Spectroscopy.</p> <p>viii. Comparison study of bullets, cartridge case or projectiles using comparison microscope.</p>
MSc in Biochemistry
<p>Not applicable. The above topics are not included in the Msc. Bio-Chemistry Syllabus</p>

4. Ld. Advocate submitted that last recruitment process was held in 2017 and after 5 years the Govt. has taken this exercise. Ld. Advocate submitted that advertisement is issued on 14.4.2022 and the OA is filed within limitation on 4.5.2022. However, till today the Tribunal has not decided the matter and the Tribunal should have heard the matter earlier. Ld. Advocate submitted that on 3.8.2022 the Ld. Advocate prayed for interim relief. However, reply of respondent no.4 is filed on 28.6.2022 and reply of respondents no.2 & 3 is filed on 19.10.2022. Thereafter rejoinder is filed by the applicant on 11.1.2023. Ld. Advocate submitted that applicants have applied for the said examination and they are eligible to appear in the examination which is scheduled on 19.1.2023. They have come out with a grievance that syllabus should be made suitable to them.

5. Ld. CPO opposes the OA and prays that OA be dismissed as there is no substance. Ld. CPO relies on the affidavit dated 19.10.2022 filed by Rahul Rajaram Pawar, Deputy Director, Forensic Science Laboratories, Mumbai on behalf of respondents no.2 & 3. He points out that the major work carried out by Forensic Science Laboratories is chemical analysis of samples deposited by the Investigating Officers. In most of the cases chemical analysis is carried out to conclude the result with the help of

chemical reagent. In the sensitive cases the unit of Forensic Science Laboratories visits the crime scene and helps Investigating Officer to collect the samples and these collected samples are submitted in laboratories for detail chemical analysis. He further states that the Directorate has given fair chances to Forensic Graduates and many candidates were also selected and are working in Forensic Science Laboratories. It is stated in reply that for various departments of Forensic Laboratory, there is difference in qualification according to Department. Department such as Biology / DNA / Toxicology / Prohibition / General Analytical and Instrumentation etc. are out chemical analysis and, therefore, the basic qualification to do the daily work is Graduate or Post Graduate of Chemistry/Bio-chemistry. For Cyber/TASI department basic qualification is graduate/post graduate or Bachelor of Engineering in Computer/IT/Electronics etc. It is stated that not only DFSL but also other institutes are accepting various graduates of other courses. Therefore, applicants cannot state that the respondents are violating the fundamental rights of the applicants under Article 16 of the Constitution.

6. The prayer for calling record is very random, general, just to find out why respondents no.2 and 4 have not recruited Forensic Science students. It is a fishing enquiry. The OA is irrelevant in itself. The Courts are not there to fix the syllabus or add or change the syllabus. The Courts are not there to decide what should be the syllabus. We are not experts in this field. Similarly this lies in the domain of the Government where judicial intervention is not required.

7. During the arguments, Ld. Advocate for the applicant has asked for reservation of 25% for students who have PG Degree in Forensic Science. It is not within the domain of this Tribunal to decide on reservation for a particular branch or stream of Science for giving jobs in Government. The

recruitment rules are also a matter of policy decision of the Government and lies squarely within the domain of the Government.

8. In this case it is seen that the applicants are not barred from appearing for the examination on merit.

9. In view of the above, we hold that OA is baseless and the same deserves to be dismissed. OA is dismissed. No orders as to cost.

Sd/-

(Medha Gadgil)
Member (A)
13.1.2023

Sd/-

(Mridula Bhatkar, J.)
Chairperson
13.1.2023

Dictation taken by: S.G. Jawalkar.