



2026:DHC:7272-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 20.08.2026*# **CNR No. DLHC010143532026**+ **LPA 241/2026**

ASHOK SAWARIA Appellant

Through: Mr. Manoj Kr. Gaur, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI AND
ORS

.....Respondents

Through: Mr. Randhir Kumar and Ms. Chelci
Chahar, Advocates for R-3.**CORAM:**
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA**TEJAS KARIA, J. (ORAL)****CM APPL. 22850/2026 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CM APPL. 22849/2026 (Condonation of Delay)

3. Having heard learned Counsel representing the Parties and perused the averments made in the instant Application, the Application is allowed and delay of 37 days in filing the Appeal is condoned.
4. The Application stands disposed of.

**LPA 241/2026**

5. The present Letters Patent Appeal has been preferred assailing the order dated 12.01.2026 (“**Impugned Order**”) passed in W.P.(C) 11104/2020 (“**Writ Petition**”), instituted by the Appellant, whereby the Writ Petition challenging the appointment of Respondent No. 3 under the Other Backward Class (“**OBC**”) quota to the post of Assistant Education Officer (General) (“**Post**”), as well as her continuance with Respondent Nos. 1 and 2, came to be dismissed.

6. Respondent No. 1, the Municipal Corporation of Delhi (“**MCD**”), issued an advertisement for the Post, and the selection process was conducted through the Union Public Service Commission (“**UPSC**”). *Vide* communication dated 22.05.2009, the UPSC recommended six candidates for appointment to the Post, including Respondent No. 3. The Appellant was not amongst the candidates so recommended.

7. The MCD, thereafter, issued an offer of appointment dated 17.07.2009 (“**Offer of Appointment**”) in favour of Respondent No. 3. The said Offer of Appointment was accepted by Respondent No. 3, and the verification conducted by the Police and the Vigilance Department of the MCD did not disclose any adverse record against her. The OBC/Domicile Certificate was also verified and confirmed by the Sub-Divisional Magistrate *vide* communications dated 24.09.2009 and 16.11.2009.

8. Several complaints were lodged alleging that Respondent No. 3 had secured appointment to the Post based on a fraudulently obtained OBC Certificate. Upon investigation and inquiry, the said complaints were closed.



9. In December 2020, the Appellant instituted the Writ Petition alleging that Respondent No. 3 had obtained the OBC Certificate in contravention of the applicable rules and instructions governing the issuance of OBC certificates to sons and daughters of persons of origin of the State of Delhi for the purposes of reservation in employment under the Government of NCT of Delhi/Central Government. It was further alleged that Respondent No. 3 was appointed by the MCD to the Post on the basis of the said OBC Certificate, despite the fact that her parents, along with their family, including Respondent No. 3, are permanent residents of Village Tihara Khurd, Sonapat, Haryana, and belong to the Jat community. The Writ Petition further asserted that the Jat community has not been notified as an OBC in Haryana and, therefore, no benefit under the OBC quota is available to members of the said community for reservation in employment in Haryana. The Appellant also alleged that the father of Respondent No. 3 had never migrated from Sonapat, Haryana to Delhi, and that her mother was appointed as a Primary Teacher with the MCD in the General Category, having furnished her permanent address as Sonapat, Haryana.

10. The Appellant further alleged that Respondent No. 3 had obtained all her educational qualifications from institutions situated in Sonapat/Rohtak, Haryana, which, according to the Appellant, demonstrated that she was a person of origin of the State of Haryana, where the Jat community has not been notified for reservation in employment. On this basis, it was contended that the OBC Certificate had been wrongly issued in favour of Respondent No. 3. The Writ Petition accordingly sought a declaration that the appointment of Respondent No. 3 under the OBC quota, as well as her



continuance with the MCD while holding the post of Deputy Director of Education (Admin.), was illegal, unjust, arbitrary and contrary to the applicable rules, since the OBC Certificate had allegedly been wrongly issued to Respondent No. 3 notwithstanding that she was a resident of Haryana, had been brought up there, and had obtained all her educational qualifications in the State of Haryana.

11. By the Impugned Order, the learned Single Judge, after considering the submissions advanced on behalf of the Appellant, observed that the caste status of Respondent No. 3 had been verified on multiple occasions by the competent authorities and that, upon confirmation of the genuineness thereof, her appointment to the Post was confirmed. The learned Single Judge further observed that, in the absence of any material demonstrating perversity, *mala fide* or violation of statutory provisions in the decision-making process, no justification existed for interfering with the factual determination arrived at based on repeated verification processes. Accordingly, the Writ Petition was dismissed.

12. We have heard learned Counsel appearing for the Parties and have carefully perused the material placed on record.

13. The allegation advanced by the Appellant that the appointment of Respondent No. 3 with the MCD was founded upon an OBC Certificate obtained by fraud is based on conjectures and is unsupported by any cogent material. The Appellant also lacks the requisite *locus* to assail the appointment of Respondent No. 3 to the Post, as he was neither a candidate recommended by the UPSC for the Post nor a public-spirited person pursuing the matter in public interest.



14. During the pendency of the Writ Petition, the learned Single Judge, *vide* order dated 04.02.2021, directed the Appellant to file an affidavit disclosing his vocation and indicating whether he had made any complaint to the authorities in relation to the subject matter of the Writ Petition. Pursuant thereto, the Appellant filed an affidavit dated 04.03.2021 (“**Affidavit**”), stating that any citizen may maintain a writ of *quo warranto* without demonstrating any special or personal interest, the relevant inquiry being whether the person holding the office is authorised in law to hold the same. As regards his vocation, the Appellant stated in the Affidavit that he was an entrepreneur and was also engaged in social activities. The Affidavit further disclosed that the Appellant had not made any complaint to any authority concerning the subject matter of the Writ Petition.

15. It is the case of the MCD that the Offer of Appointment issued to Respondent No. 3 was provisional and subject to verification of the OBC Certificate. Pursuant to the Offer of Appointment, which was duly accepted by Respondent No. 3, the requisite verification of her character and antecedents was carried out by the Deputy Commissioner of Police, Special Branch, Delhi Police. Further, the Sub-Divisional Magistrate, North-West District, Delhi, also verified the OBC Certificate of Respondent No. 3. The Vigilance Department of the MCD found that no police case or adverse police record existed against Respondent No. 3 as on 07.09.2009. The MCD has also submitted that, pursuant to several complaints lodged against Respondent No. 3, her OBC Certificate was again verified by the Vigilance Department of the MCD, and upon such verification, the said complaints were closed.



16. In view of the aforesaid, the veracity of the OBC Certificate issued in favour of Respondent No. 3 stood examined by the MCD through multiple rounds of verification, pursuant to which it was concluded that no foul play was attributable to Respondent No. 3.

17. Accordingly, the learned Single Judge, in the Impugned Order, observed that there was no perversity, *mala fide* or violation of any statutory provision in the decision-making process, particularly in view of the inquiries conducted by the MCD as well as the Delhi Police, which found the OBC Certificate issued in favour of Respondent No. 3 to be genuine and valid.

18. Upon consideration of the material placed on record, and having regard to the *locus* of the Appellant, we are of the considered view that the learned Single Judge rightly dismissed the Writ Petition and declined to interfere with the factual determination arrived at on the basis of the repeated verification processes undertaken by the MCD.

19. In view of the foregoing, we find that the Appellant has not been able to make out any case to interfere with the findings returned by the learned Single Judge in the Impugned Order. Consequently, the present Appeal is dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 20, 2026/sms