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

+ W.P.(C) 3541/2017 & CM Nos. 15449/2017 & 3809/2018

NEERJA

..... Petitioner

Through: Mr A. K. Behera with Mr A. P. Singh,
Advocates.

versus

SDM, NAJAFGARH AND ORS

..... Respondents

Through: Mr Santosh Kumar Tripathi, ASC
(Civil), GNCTD with Mr Shashank S.
Tiwari, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.07.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 09.03.2017 issued by respondent no.1 (SDM, Najafgarh). By the impugned order, respondent no.1 has cancelled the OBC Certificate (OBC Certificate No.OBC/09/93/12497/17/9/2009/72813 dated 27.09.2009) issued in respect of the petitioner. The said order has been passed on the basis that it was issued in violation of the guidelines issued by the Government of NCT of Delhi as it was without any documentary proof that the petitioner was resident in Delhi prior to 1993. The impugned order also records that the petitioner is “ineligible for Delhi OBC Certificate.”
2. It is stated that the petitioner had applied for an OBC Certificate and did not make any specific request that Delhi OBC Certificate be issued.
3. The learned counsel appearing for the respondent has referred to an

Office Order dated 07.03.2017, which sets out the eligibility condition for issuance of an OBC certificate. He referred to part-II of paragraph 2 of the said Order, which expressly provides for eligibility for an OBC Certificate in case the applicant belongs to a state other than Delhi. He submits that since the petitioner was not a resident in Delhi prior to 1993 she would be eligible for an OBC certificate under paragraph 2(II) of the order but not a 'Delhi OBC Certificate'.

4. The learned counsel appearing for the petitioner emphasised that the petitioner had merely asked for an OBC Certificate and she was not concerned as to whether the certificate was issued under Paragraph 2(I) or 2(II) of the aforesaid Order; or whether the certificate issued to her is a OBC Certificate of Delhi or of another State.

5. In view of the above, respondent no.1 is directed to immediately process the petitioner's request for an OBC Certificate as per her eligibility criteria within a period of two weeks from today. It is clarified that if such Certificate is issued the same would relate back to the date on which the incorrect Certificate is stated to have been issued to the petitioner. It is so directed because the petitioner cannot be prejudiced by the delay in issuance of the correct certificate.

6. The petition is disposed of in the above terms. The pending applications are also disposed of.

VIBHU BAKHRU, J

JULY 26, 2018
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