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

+ **W.P.(C) 9084/2018 & CM No. 34966/2018**

VEENA JATAV

..... Petitioner

Through: Mr Apurb Lal, Advocate.

versus

STATE OF NCT OF DELHI AND ORS.

..... Respondents

Through: Mr Devesh Singh, ASC (Civil),
GNCTD with Ms Sukriti Ghai,
Advocate for R-1 to R-3.

Mr Devendra Kumar, Tehsildar
(Kotwali) with Mr Sanjay Bhardwaj,
Reater to SDM (Kotwali).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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29.08.2018

VIBHU BAKHRU, J

1. The petitioner has filed the present petition, *inter alia*, praying that the caste certified issued to respondent no.2 (Smt Guddi Devi) be quashed. The petitioner also impugns the inquiry report (hereafter 'the impugned report') submitted by respondent no.4 (SDM Kotwali).

2. The petitioner states that respondent no.2 has illegally obtained a Scheduled Caste certificate (SC certificate) certifying that she belongs to "Jatava Caste". The said certificate was issued by the Executive Magistrate (Kotwali) on the basis of a SC certificate issued to Sh Babu Lal, the brother

of respondent no.2.

3. Prior to filing the present petition, the petitioner had filed another writ petition (W.P.(C) 9568/2017 captioned *Veena Katav v. The State of NCT of Delhi & Ors.*) assailing the SC certificates issued in favour of respondent no.2 and her brother. The said petition was filed with the object of challenging the election of respondent no.2 as a member of North Municipal Corporation of Delhi. The said petition was disposed of by an order dated 30.10.2017. Insofar as the challenge to the SC certificate issued to the petitioner's brother was concerned, this Court had noticed that the said certificate was issued by the authorities in Khurja, Uttar Pradesh and had declined to entertain any challenge to the said certificate. However, it was clarified that the petitioner would be at liberty to move the appropriate court for such relief. Insofar as the challenge to the SC certificate issued to respondent no.2 was concerned, this Court had directed the Chief Secretary, Government of NCT of Delhi to examine whether the SC certificate was issued in accordance with law. It was further directed that if the requisite procedure was not followed, the Chief Secretary, GNCT Delhi would ensure that the concerned authorities take the necessary action in accordance with law. It is stated that in compliance with the aforesaid order, respondent no.3 (SDM, Karol Bagh) was assigned the task to conduct an inquiry and examine the SC certificate issued to respondent no.2.

4. The copy of the inquiry report (impugned report) indicates that the SC certificate bearing No. 9039030696 was issued to respondent no.2 by the then Executive Magistrate, Kotwali on 12.03.2012. Subsequently, the erstwhile Kotwali Sub Division, Sadar Bazar Sub Division and Darya Ganj

Sub Division were merged into a new Kotwali Sub Division of Central District. The impugned report further indicates that no documents from the erstwhile Kotwali Sub Division could be traced in relation to the said certificate. The Tehsildar (Kotwali) was directed to obtain complete documents. Subsequently, he had obtained the following documents from respondent no.2:-

- i. Caste Certificate (SC) of her brother Sh. Babu Lal s/o Sh Harcharan Singh issued by Tehsildar (Khurja) U.P. vide dated 27.01.2012.
 - ii. Report of Gram Pradhan Village - Nagla Jagat, which reveals that Guddi Devi d/o Sh. Harcharan Singh belongs to Jatav caste.
 - iii. Report of Lekhpal & Tehsildar (Khurja) vide dated 31.01.2012 on the application of Sh. Babu Lal S/o Sh. Harcharan which also reveals that Guddi Devi belongs to SC caste.
 - iv. Ration Card of Sh. Ramesh Kumar issued on 01.12.2011 duly have the name of Smt. Guddi Devi as wife which reveals that they have four childrens and eldest son was born in 1995.
 - v. Voter I-Card of Smt. Guddi Devi issued on 06.08.2015.
 - vi. Secondary School Marksheet of Smt. Guddi Devi D/o Sh. Harcharan Singh issued on 26.06.2008.
 - vii. Copy of SC certificate of Smt. Guddi Devi issued on 12.03.2012 from Executive Magistrate (Kotwali).”
5. It is apparent from the tenor of the SC certificate issued to respondent no.2 that it was issued on the basis of the SC certificate issued to her brother

Sh Babu Lal. The Tehsildar (Kotwali) had also sent a letter to Tehsildar, Khurja for verification of the genuineness of the SC certificate issued to Sh Babu Lal and the impugned report indicates that the Tehsildar, Khurja had confirmed that the SC certificate – on the basis of which the SC certificate was issued to respondent no. 2 – had been issued to Sh Babu Lal. On aforesaid basis, it was concluded that respondent no.2 fulfilled the requisite criteria as she had produced a SC certificate from a relative on her paternal side. The relevant extract of the impugned report is set out below:-

“6) It is clear from the Certificate that caste Certificate No. 9039030696 dated 12.03.2012 of Guddi Devi is issued on the basis of the schedule caste certificate issued to Shri Babu Lal, brother of Smt. Guddi Devi resident of Hirapur Nagla Jagat, Tehsil-Khurja, Distt-Bulandshahar (Uttar Pradesh) issued by the Tehsildar Khurja, U.P. vide No. 11712400161 dated 27.01.2012. by the Tehsildar (Khurja)

7) Thereafter Tehsildar (Kotwali) vide letter No.SDM/Kot./VJ/Eng/2018210 dated 15.02.2018 has sent a letter to Tehsildar (Khurja) for verification of genuineness of Caste Certificate of Sh. Babu Lal S/o Sh. Harcharan Singh vide his letter 80(1) dated 13.3.2018 Tehsildar Khurja confirmed that SC certificate No. 11712400161 dated 27.01.2012 has been issued to Sh. Babu Lal S/o Sh. Harcharan Singh (Caste Jatav). (Annexure-IV)

8) Law/Provision/Documents required for SC Certificate In NCT of Delhi

Sl. No.	Category	Applicants Background	Proposal Documents
1.	Migrated and settled in Delhi with Certificate	Cases of those SC/ST applicants- i) Whose family has migrated to Delhi after 1951 and domiciled here and belong to A Caste	1. Completed application form. 2. Copy of Caste Certificate of any relative from paternal side. 3. Proof of

		which is notified as SC/ST in the State of origin as well as in Delhi. AND Where a caste certificate has already been issued to any of his/her relatives from paternal side;	relationship of the applicant with caste certificate holder. 4. One photo ID proof and 5. One residential proof 6. Any one of the following documents:- i. Birth Certificate for applicants born in Delhi. ii. Matriculation certificate/marks-sheet for applicant who have studied in Delhi. iii. Proof of residence for the last 5 years. iv. 7.
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9) Guddi Devi d/o Sh. Harcharan Singh & w/o Sh. Ramesh Kumar full fill all the criteria as follows:-

S.No.	Proposed Documents	Documents attached
01	Application Form	--
02	Copy of Caste Certificate of any relative from paternal side	Certificate of her brother sh. Babu Lal s/o Sh. Harcharan Singh which is duly verified by Tehsildar (Khurja)
03	Proof of relationship of the applicant with caste certificate holder.	i. Having the same father name in certificates ii. Report of Gram Pradhan Nagal Jagat. iii. Lekhpal & Tehsildar (Khurja) Reports
04	One photo ID proof	Voter I-Card
05	One residential proof	Ration Card
06	Any other documents	Matriculation Certificate of applicant which shows the address of Delhi.

6. This Court finds no infirmity with the impugned report.

7. The learned counsel appearing for the petitioner has earnestly contended that the SC certificate issued to Sh Babu Lal, the brother of respondent no.2 was not genuine, as persons belonging to Jatava Caste do not reside at Khurja, Uttar Pradesh.

8. As noticed above, this Court – by an order dated 30.10.2017 passed in W.P.(C) 9568/2017 – declined to entertain any challenge to the SC certificate issued to Sh Babu Lal and, therefore, it would not be open for the petitioner to re-agitate the said issue in the said petition.

9. Plainly, if the SC certificate issued to Sh Babu Lal is accepted as genuine, there is no infirmity in the SC certificate issued to respondent no.2.

10. In the aforesaid view, the petition is dismissed. However, nothing stated herein would preclude the petitioner from challenging the SC certificate issued to Sh Babu Lal in an appropriate forum. Plainly, if the said certificate is set aside, the SC certificate issued to respondent no.2 will also be nullified.

11. The petition is dismissed with the aforesaid observations. The pending application stands disposed of.

VIBHU BAKHRU, J

AUGUST 29, 2018

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