

\$~31

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

Date of Decision: 08.10.2018

+ LPA 570/2018

VEENA JATAV

..... Appellant

Through: Mr. Apurb Lal & Ms. Meenu Pandey,
Advs.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Devesh Singh, ASC (Civil)
GNCTD with Ms. Sukriti Ghai, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

CM APPL.41608/2018 (*exemption*)

Allowed, subject to just exceptions.

The application stands disposed of.

LPA No.570/2018

1. Seeking exception to an order dated 29.08.2018 passed by the learned writ Court in W.P.(C) 9084/2018, this appeal has been filed under Clause 10 of the Letters Patent. Seeking quashing of a Scheduled Caste Certificate (SC Certificate) issued to respondent No.2 – Smt. Guddi Devi by respondent No.4 (SDM Kotwali) certifying that she belongs to “Jatava Caste”, the writ petition in question was filed.

2. It was the case of the petitioner that after the petitioner had earlier

filed a writ petition bearing No. W.P.(C) 9568/2017 and after the Chief Secretary was directed to look into the grievance of the petitioner, the SDM had rejected the objection of the petitioner and approved the Caste Certificate issued to respondent No.2 in an illegal manner and that also after hearing the petitioner and pointing out that the certificate has not been issued in accordance with law, this writ petition was filed.

3. The learned writ Court has went into various aspects of the matter and found that respondent No.2 was granted Caste Certificate based on Caste Certificate granted to her brother, Shri babu Lal, by the authorities of Khurja, Uttar Pradesh and when challenge was made to this issuance in W.P.(C) 9568/2017, this Court declined to entertain the challenge to the SC Certificate issued to Babu Lal on the ground that it has been issued from Khurja, Uttar Pradesh and therefore cannot be looked into by this Court.

4. The petitioner/appellant instead of challenging the Caste Certificate issued to Babu Lal now wants this Court to quash the order passed issuing the Caste Certificate to Smt. Guddi Devi – respondent No.2. The learned writ Court examined the issue in detail and found that the Certificate issued to Guddi Devi is based on the Certificate issued to her brother, Babu Lal. So long as the Certificate issued to her brother, Babu Lal is genuine and there is evidence on record to show that the Babu Lal belongs to “Jatav Caste”, the Certificate issued to respondent No.2 – Guddi Devi cannot be interfered with.

5. In our considered view, this finding recorded by the learned writ Court is a reasonable one based on the facts and circumstances and we see no reason to interfere with the matter. It is rightly held by the learned writ Court that if the SC Certificate issued to Babu Lal is accepted and if there is

no infirmity in the said Certificate, challenge to the Certificate issued to respondent No.2 cannot be looked into. Thus, in our view it is reasonable and correct approach and we see no reason to make any indulgence in the matter.

6. Accordingly, the appeal stands dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 08, 2018/ns

