



\$~65 (Appellate)

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

+ CM(M) 675/2022, CM APPL. 31084/2022 and CM APPL. 31085/2022

DR BRAHMA DEO Petitioner

Through: Petitioner in person

versus

SECRETARY, NATIONAL COMMISSION
FOR SCHEDULED CASTES Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE C .HARI SHANKAR

JUDGMENT (ORAL)

% **26.08.2022**

1. The prayer clause in this petition under Article 227 of the Constitution of India, preferred by the petitioner, who appears in person, reads as under:

“It is therefore most respectfully prayed that this Hon’ble court may kindly be pleased to:

i. to issue the directions to respondent NCSC New Delhi regarding compliance of rules of procedure and office memorandum dt. 14.7.2017 of NCSC · in letter and sprit both vis-a-vis the matters of petitioners heard by NCSC.is concerned.

ii. Directions to stay/ keep in abeyance the illegal practice of issuing notice for personal appearance to person concerned by NCSC till the pendency of final decision of the petition by Hon'ble court.



iii. Directions to NCSC to stay/keep in abeyance the illegal practice of seeking the approval of chairman for issuing summons/arrest warrants against person concerned by Members of NCSC, New Delhi, till the pendency of final decision of the petition by Hon'ble court.

iv. Directions to NCSC to ensure the presence and working of all presiding officers in NCSC on all working days as expected through RTI reply dated 27.9.2018 barring exceptional situations.”

2. The petition includes allegations of deceit, fraud and dereliction against several officials whom the petitioner has not chosen to personally implead.

4. Repeated queries have been made by the Court to the petitioner, who appears in person, as to whether he would choose either to delete the allegations or to implead the said persons against whom allegations have been made.

5. It is well settled as held that persons, against whom personal allegations of *malafides* are levelled have to be impleaded personally by name.

6. Despite Dr. Brahma Deo, the petitioner, who appears in person, having been repeatedly informed of this legal position, he is neither willing to amend his petition and delete the said allegations or to implead the persons against whom the allegations have been made. His submission is that the said allegations have been made only to provide a background to the case that he seeks to set up. He also



submits that he is not praying for any action to be taken against the persons against whom *malafides* have been alleged in the petition and is only seeking direction to the learned NCSC to follow the due procedure.

7. The submission of Dr. Brahma Deo is no answer to the requirement of impleading of persons against whom personal allegations of *malafides* and deceit are made in the petition.

8. So long as the allegations of personal *malafides* and deceit continue to remain in the pleadings, it is not possible for this Court to continue with the present petition. The Court would be required to adjudicate on the said allegations, as the petitioner chooses to press them. That cannot be done behind the back of the persons concerned.

9. As such, it is not possible for this Court to entertain the present petition in the form in which it has been filed by the petitioner. The petition is accordingly dismissed with liberty to the petitioner to re-file the petition in accordance with law and in accordance with the observations made hereinabove with no orders as to costs.

10. All miscellaneous applications are disposed of.

C.HARI SHANKAR, J

AUGUST 26, 2022
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