



2024:DHC:6308



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 16th August, 2024***+ **W.P.(CRL) 1395/2023**

NIKITA AWASTHI

.....Petitioner

Through: Counsel (Appearance not given)

versus

GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr. Amol Sinha, ASC for the State
with SI Nisha PS Mohan Garden.Mr. Gaurav Gaur and Mr. Vivek
Gaur, Advocates for R-3.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking directions to be issued to the respondents not to cause inconvenience to the petitioner in violation of Article 21 of the Constitution of India.

2. The petitioner got into the Trademark Registry as an examiner on contract basis with effect from 04.07.2008 to 10.02.2011 and thereafter in the year 2009 applied for the post of examiner in response to the advertisement issued by the Union Public Service Commission (UPSC),



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New Delhi. She was selected for the post of Senior Examiner on regular basis in the year 2012.

3. The petitioner has explained that while she was working in the Trademark Registry on contract basis, the respondent No. 3 along with three other persons namely Y.K. Bali, I.S. Juneja and Jai Prakash had an evil eye on her.

4. She lodged a complaint dated 27.08.2012 with the Sexual Harassment Committee, but the complaint was dismissed. On 03.08.2013, she lodged a FIR bearing No. 253/2013 but the respondent No.3 and other persons were discharged by the learned MM vide Order dated 04.08.2013.

5. Thereafter, she preferred a Revision Petition before the Court of District and Sessions Judge, Dwarka *vide* Criminal Revision No. 385/2018 in which the summons were issued. The petitioner has submitted that she received a letter dated 15.12.2022 from the Head Office Trademark Registry, Mumbai wherein she was asked to give para wise comments to the said letter. She submitted her para wise comments on 26.12.2022. She was asked to furnish additional comments *vide* Letter dated 09.01.2023 which was again responded by her on e-mail.

6. On 09.03.2013, the respondent No. 3, in order to pressurise the petitioner to withdraw the sexual harassment case filed by her against him and other persons wrote a letter to the SHO to take appropriate legal action against those UPSC officers and CGPDTM Officers for conspiracy and committing forgery in connection with the selection of the Petitioner.

7. On 19.04.2023, the respondent No. 2 asked the petitioner to furnish the Educational Certificates, Experience Certificates and other documents in respect of the complaint lodged by respondent No. 3.



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8. On 22.04.2023, the petitioner requested the respondent No. 1 to make an enquiry to ascertain the truth about the issuance of letter to the petitioner by respondent No. 2. She has thus sought that the respondents be restrained from causing her any inconvenience.

9. The Status Report has been filed on behalf of the SHO/ Respondent No. 4 wherein it is submitted that on the complaint dated 09.03.2023 of Mr. Ravinder Kumar/ Respondent No. 3 that the petitioner had created fake, false and fraudulent legal certificate experience in the years 2008 and 2009 and illegally obtained selection/recommendation in the year 2008. The FIR was registered against her during the course of the enquiry and a Notice dated 23.03.2023 was sent to Under Secretary (R-II) O/o UPSC Dholpur House, Shahjahan Road, New Delhi and regarding the same, in response to which the letter dated was received on 28.03.2023 was received stating that all the Application form, documents etc. of the petitioner have been sent to the indenting Ministry of Commerce and Industry as part of a dossier while recommending her to the ministry for the aforesaid post, the documents may be accordingly obtained from the ministry. The Notice dated 23.03.2023 was then sent to the Chief Vigilance Officer at the office of Controller General of Patent, Designs & Trademarks Baudhik Sampada Bhawan, Trade Mark Registry Antop Hills, S.M. Road, Mumbai from where a similar response was received.

10. The Vigilance Report along with the supporting documents has been submitted in the Vigilance Section of the DPIIT for onward transmission and the requisite documents may be collected therefrom.

11. It was further stated that in view of the confidentiality of the matter, the documents were not annexed with the letter. Further Notice dated



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02.04.2023 was given to the Advocate M.L. Mangla, who gave a reply dated 07.07.2023 stating that he cannot admit or deny or recollect any events relating to the year 2004-05 or even for the few years back because of his low health and limited mental ability.

12. Further Notice dated 19.04.2023 was sent to the petitioner for procuring the requisite documents from her, but she did not give any reply.

13. **Submissions heard.**

14. The complaint dated 27.07.2012, admittedly has been filed against the Petitioner by the respondent No. 3 by the Respondent No. 3 erstwhile colleague in department of Trademark about her experience certificates submitted to secure her a regular job in Ministry of Commerce and Industry were forged and fabricated. An enquiry in the complaints have been conducted by the SHO who has right to collect experience certificate by writing a letter to the Trademarks Registry for holding an enquiry into complaint received from respondent No. 3. The FIR which has been registered on the complaint of respondent No. 3 is being enquired into by the SHO and has sent various letters for gathering information.

15. Learned counsel for the petitioner on specific enquiry of how inconvenience is being caused to the petitioner has not been able to explain the same except that he had received on letter for furnishing the documents.

16. The acts of Respondent No.3/SHO have been essentially for conducting an enquiry in the FIR that has been registered against the petitioner.

17. There is nothing to show that any inconvenience is being caused to the petitioner which is not warranted under the law.

18. There is no merit in the present Petition and is hereby dismissed.



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19. The Petition is accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 16, 2024/PT

Signature Not Verified

Digitally Signed By: RAHIL
SHARMA

Signing Date: 21.08.2024
07:26:06

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