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

+ **W.P.(C) 6872/2021**

MRS MANHARLEEN KAUR

.....Petitioner

Through: Mr. Gurmukh Singh Arora and Mr.
Akshit Narula, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jaswinder Singh and Ms. Shipra
Shukla, Advocates for R-1.

Mrs. Avnish Ahlawat, Standing Counsel with
Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam, Mr. Mohnish Sehrawat,
Advocates for R-2 to R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

19.09.2024

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1. Petitioner is a lady belonging to the Sikh Community and approached this Court being aggrieved by action of Respondents No. 3 and 4 in not permitting her to appear in the examination for selection to the post of PGT- Economics (Female) held on 17.07.2021 *albeit* on the basis of Admit Card issued to her, she had reached the examination centre before time. The reason for preventing the Petitioner from appearing in the examination was that she was wearing a metallic *Kara*, which she refused to remove as it was one of the basic tenets of Sikh religion. In a detailed order dated 11.07.2022, Court noted the grievance of the Petitioner and also directed the DSSSB to ensure that adequate notice regarding the additional requirement for candidates desirous of wearing *Kara/Kirpan* to reach the examination centre



one hour before the reporting time be given well in advance so that no undue hardship is caused to them as was caused to the Petitioner. Time was sought on behalf of Respondents No. 3 and 4 to obtain instructions regarding the timeframe within which a fresh examination for the post in question was likely to be held.

2. Additional affidavit was filed on behalf of Respondents no. 2 and 3 in which it was stated that 6 vacancies of PGT-Economics (Female) had been notified vide advertisement dated 19.12.2022 and 01 UR vacancy was kept vacant in compliance of the interim order dated 08.09.2021 in the present case. Pursuant to the advertisement, Petitioner appeared in the next examination, however, she was unable to qualify the same.

3. Learned counsel for the Petitioner submits that while the petitioner has taken up another employment and has moved on in life, but a message must go to the Respondents that they must be cautious and sensitive towards religious sentiments of the people and in case the rules of an examination do not permit the candidates from taking metallic objects inside the Centre for security reasons or otherwise, it should be notified in the advertisement itself that candidates wearing a *Kara* or carrying a *Kirpan* must report in advance, so that they can be checked well in time. It is thus urged that a symbolic cost be imposed on Respondent No.3 for not notifying the instructions in the advertisement correctly and an unconditional apology be tendered to the Court. Learned counsel also submits that Petitioner does not wish to prosecute the writ petition on merits.

4. In my view, there is merit in the contention of the learned counsel in the backdrop of this case that an examination conducting agency must be more cautious in stipulating Instructions to candidates, failing which the



careers of candidates can be adversely affected, as has happened in the present case and for no fault of the Petitioner.

5. Therefore, this writ petition is disposed of with a direction that Respondent No.3 shall pay a symbolic compensation of Rs.101/- to the Petitioner and file an affidavit tendering unconditional apology, within 08 weeks from the date of receipt of this order.

JYOTI SINGH, J

SEPTEMBER 19, 2024/shivam