



\$~7

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12275/2024 & CM APPL. 51028/2024**
T. D. GAUTAMPetitioner

Through: None.

versus

UNION OF INDIA & ORS.Respondents
Through: Dr. Divya Swamy, SC with Ms.
Akriti Singh, Mr. Rishav Ranjan and
Ms. Nidhi Kumar, Advocates for
MCD.
Ms. Anjesh Dahiya, Advocate for
SDM.
Mr. Kunal Kalra, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
17.12.2024

%

1. The Petitioner alleges that the Scheduled Caste certificate issued in favour of Respondents No. 4 and 5 are false. In this regard, the Petitioner seeks the following prayers:

- “a) *Issue appropriate writ(s), order(s) or direction(s) in the nature of mandamus or any other appropriate writ thereby directing the Respondent no.3 to cancel the caste certificate issued in the name of Respondent No. 4 & Respondents No.5;*
- b) *Issue appropriate writ(s), order(s) or direction(s) in the nature of mandamus or any other appropriate writ thereby directing the Respondent no.2 to cancel the distributorship of Respondent No. 5.”*



2. Before the Court would consider the aforementioned prayers, certain pertinent facts need to be noted.

3. The Petitioner had filed W.P.(C) 13196/2024 wherein he had raised similar grievance. The said writ petition was not entertained and disposed of through order dated 19th September, 2024 which reads to the following effect:

“1. Mr. T.D. Gautam, the Petitioner, states that he is a whistle-blower at whose instance, the FIR bearing no. 164/2023 was registered in which Respondent No. 4 was arrayed as an accused. He submits that the said FIR has now culminated into a chargesheet where Respondent No. 4 and her brother have been arrayed as accused.

2. Be that as it may, in order to ascertain the maintainability of the present petition, the Court has queried regarding the locus standi of the Petitioner and the fundamental or legal right that is alleged to be infringed. In response, counsel for Petitioner states that he is asserting the cause of the general public. However, after making some submissions, counsel for Petitioner states that he would like to withdraw the present petition and seeks liberty to press the cause of action through a Public Interest Litigation.¹

3. Dismissed as withdrawn with the liberty as aforesaid. In case such a PIL is filed, the same shall be examined on its own merits in accordance with law.”

4. In exercise of the liberty granted in the afore-noted order, the Petitioner then preferred a Public Interest Litigation W.P.(C) 16482/2024 which was disposed of by the Division Bench of this Court on 28th November, 2024, with the following directions:

“1. Present public interest petition has been filed seeking directions to the Respondent No.2- SDM Patel Nagar to cancel the scheduled caste category certificate issued to the Respondent No.4. The Petitioner further seeks directions to the Respondent No.3- Director (Education), MCD to terminate the Respondent No. 4 from her job and to recover the salary and other benefits availed by her during her tenure. 2. It is pertinent to

¹ “PIL”



note that the Petitioner had approached this Court seeking the aforementioned directions by filing W.P.(C) 13196/2024. The said writ petition was disposed of as withdrawn vide order dated 19th September, 2024 with liberty being given to the Petitioner to press the cause through a public interest petition.

3. *Learned counsel for the Petitioner states that on 24th October, 1983, the Respondent No.2 had issued a Scheduled Caste ("SC") category certificate in the name of the Respondent No.4 wherein her caste is mentioned as "Sikh (Ramdasia)" which belongs to the SC caste category. He states that the same is completely contradictory to the records of her school, South Delhi MCD Co-Ed, School, Rampura, wherein her caste is mentioned as "Sikh (Ramgarhiya)" which belongs to the OBC category.*

4. *He further states that the Petitioner had on 24th April, 1993 managed to secure employment as a Government teacher with the Respondent No.3 basis the allegedly illegal SC category caste certificate. He also states that the brother of the Respondent No. 4, had on 16th April, 2018, also managed to get an illegal SC category caste certificate, which was prepared on the basis of the SC caste certificate issued to the Respondent No.4, and subsequently secured employment at Bharat Petroleum Corporation Ltd.*

5. *He further states that the Petitioner had made an RTI application before the SDM – Dera Baba Nanak, Gurdaspur, Punjab on 12th February, 2024, querying about the caste of the family members of the Respondent No.4, and in reply to the same, it was expressly stated that the family members of the Respondent No.4 belong to the Sikh (Ramgarhiya) caste, which belongs to the OBC category.*

6. *He also states that the Petitioner had made a complaint dated 10th May, 2022, to the Commissioner, Delhi Police against the Respondent No.4 and her brother on account of being illegal beneficiaries in government departments basis the allegedly illegal SC caste certificates. He states that the Petitioner also filed complaints with the Lieutenant Governor of Delhi, Vigilance Department, MCD and the Directorate of Education, Delhi Government and subsequently an FIR bearing FIR No.164/2023 was registered at P.S. Vikaspuri. He states that a charge sheet has been filed in the FIR and the matter is pending before the Learned JMFC, South West District, Dwarka Court.*

7. *He further states that the Petitioner has also brought the aforementioned grievance to the attention of the Respondent No.2 by filing a complaint dated 10th April, 2023 but no action has been taken*



till date.

8. *Though none is present for Respondent No.4, yet as the Petitioner has already filed a complaint dated 10th April, 2023 to Respondent No.2, this Court disposes of the present writ petition along with the applications with a direction to Respondent No.2 to decide the Petitioner's complaint dated 10th April, 2023 in accordance with law as expeditiously as possible, after giving an opportunity of hearing to Respondent No.4 and her brother. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open."*

5. Ms. Anjesh Dahiya, counsel representing the SDM, states that in terms of the directions issued by the Division Bench, a decision shall be rendered on the complaint within a period of six weeks from today.

6. Mr. Kunal Kalra, who represents Respondent No. 2, states that the they have unnecessarily been impleaded a party to the present dispute.

7. Be that as it may, since the Division Bench has already directed the SDM, Patel Nagar (West Zone) to decide Petitioner's complaint dated 10th April, 2023 in accordance with law, in the opinion of the Court, no further directions are required to be passed in the present petition.

8. It is clarified that the Court has not commented on the merits of the case. All rights and contentions of the parties are reserved.

9. The present petition, along with pending application, is disposed of.

SANJEEV NARULA, J

DECEMBER 17, 2024

as