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

+ W.P.(C) 16482/2024 & C.M.Nos.69542-69543/2024

T. D. GAUTAM

.....Petitioner

Through: Mr.Ajit Kumar with Mr.Ravi Kumar,
Mr.Rakesh Kumar, Mr.Akshay
Mishra, Mr.Alok Kumar and
Ms.Nutan Kumari, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Jawahar Raja, ASC with
Mr.Phumi Aditya, Advocates for R-1
& 2.
Ms.Divya Swamy, Advocate for R-
3/MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.11.2024

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 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 The said writ petition was disposed of as withdrawn vide order dated 19th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.

MANMOHAN, CJ

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 28, 2024

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