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

\+ W.P.(C) 13617/2023

DEEPAK JAIN .....Petitioner

Through: Mr. Manish Raghav and Mr. Shivaansh Dixit, Advs. (through v/c)

versus

GOVT OF NCT OF DELHI AND ORS .....Respondents

Through: Ms. Rachita Garg and Mr. Agam, Advs., GNCTD.
Ms. Nisha Mohan Das and Mr. Kunwar Raj Singh, Advs. for R-2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

O R D E R

% 28.03.2025

1. The present petition has been filed by the petitioner seeking that the respondents be directed to issue certificate of Economically Weaker Section (EWS) to the petitioner.

2. The petitioner is an advocate enrolled with Bar Council of Delhi, *vide* enrolment no.D-6511/2018. It is submitted that the petitioner qualifies for grant of EWS certificate for which an application was submitted by the petitioner on 12.06.2023. A deficiency memo dated 23.06.2023 was raised thereon by the office of the Sub-Divisional Magistrate, Preet Vihar, stating as under:

"***GOVERNMENT OF NCT OF DELHI***
OFFICE OF THE SUB-DIVISIONAL MAGISTRATE (PREET VIHARJ
LM BUNDH, SHASTRI NAGAR, DELID-110031

No.SDM/PV/EWS/2023-24/316 *Dated: 23/06/2023*

To,

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Mr. Deepak Jain S/o Sh. Nikhlesh Jain
Rfo 410, Gali N0.02, Ganesh Nagar-2,
Shakarpur Bararnad, Delhi-110092.

DEFICIENCY MEMO

On scrutiny of your application for issuance of ***Income & Asset Certificate for EWS****, following deficiencies. have been noticed:-*

S. No.	***Descriptions***
1.	*Education certificate has not been attached.*
2.	*ITR with computation of last three (i.e. A.Y. 2021-22, 2022-23 and 2023-24) years have not been attached.*
3.	*Attached documents have not been attested.*

You are advised to rectify the case in writing within 3 days so that necessary action could be taken. In case you fail to provide the information/documents within time, your application will not process further and shall be rejected.

(RAJENDAR KUMAR)
SUB DIVISIONAL MAGISTRATE
PREET VIHAR"

3. To this, a reply was sent by the petitioner stating as under:

"*To*
The SDM
Preet Vihar
LMN, Shastri Nagar

Office of the District Magistrate (east)
R&I Branch
DAK RECEIVED
Date 22/8/23 sign.....
Block, LM Bandh, Shastri Nagar.

Sub: Reply to the Deficiency Memo dated 18.08.2023

Sir,

1. I had filed an Application for EWS certificate in Preet Vihar Division.
2. That vide deficiency memo dated 18/08/2023 was asked to produce my bank statement I ITR of 3 years.
3. That my bank account is less than 03 years old hence I am not able to produce my bank statement. I have also not filed my ITR as of today hence I am not able to produce the same.
4. I have filed an Affidavit with respect to my reply and the deficiency memo."

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Kindly consider my application as the reason stated are bonafide.

Sd/-
Deepak Jain (Advocate)
99685107799."

4. Learned counsel for the respondent draws attention to the fact that for being eligible for grant of EWS certificate, there are certain mandatory requirements that are required to be followed by the applicant. In the affidavit filed on behalf of the respondents, it has been averred as under:

> *"1. That the revenue· department vide office memorandum no. F87(118)/CCS/HQ/EWS/Rev/2019/4517 dated 04/06/2019, in reference of the OM No-3038/1/2019-Estt (Resi) dated 31/01/2019 of Assets Certificate to Economically weaker section (EWS) as under:-*
>
> *A. The income and asset certificate shall be issued to the persons belonging to EWSs who are not covered under any of the existing schemes of reservation for SCs /STs/OBCs (State/ UTs & Central list)*
>
> *B. Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs.8.OO (Rupees Eight Lakh Only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all source i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year application.*
>
> *C. Also person whose family owns or possesses any of the following assets shall be excluded from begin identified as EWSs, irrespective of the family income:*
>
> *i) 5 acres of agricultural land and above.*
> *ii) Residential flat of 1000 sq. ft. and above.*
> *iii) Residential plot of 100 sq. yards and above in notified municipalities.*
> *iv) Residential plot of 200 sq. yards and above in areas other than the notified municipalities.*
>
> *D. The property held by a "family" in different location or different places/ cities would be clubbed while applying the land or property holding test to determine EWS status.*
>
> *E. The term 'family" for this purpose will include the person who seeks benefit or reservation his /her parents and siblings below the age of years as also his/her spouse and children below the age of 18 years.*

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Based on the above mentioned DoPT, OM and other stipulations, the certain guidelines were also issued, relevant of which are under:

4.1 The concerned area SDM shall be the Issuing Authority in respect of income and Assets Certificates of EWS category in Delhi.

4.2 The issuing Authority i.e. area SDM would issue the income and Assists Certificate after careful verifying all relevant documents, in the prescribed formal.

4.6 The income & Assists Certificate shall be issued by the Issuing Authority only after his complete satisfaction of the supporting facts/information submitted and the verification of such supporting facts/documents by the applicant.

4.12 The income and Assets Certificate shall be issued on the basis of income from all sources pertaining to the financial year prior to the year of filing the application. It implies that for making such applications by an applicant during a financial year he has to provide family, income details shall be as on the date application is being filed before certificate issuing authority and it also implies that an Income & Assets Certificate issued shall be valid only for the financial year in which it has been issued.

The copy of the office memorandum no. F87(118)/ CCS/ HQ/ EWS/ REV 2019/ 4517 dated 04/06/2019 is annexed and market as Annexure-Rl."

5. Thus, is contended that the request of the petitioner could not be processed since the petitioner neither submitted three years Income Tax Certificates nor submitted the requisite bank statements.

6. After some hearing, learned counsel for the petitioner submits that the petitioner is now in a position to submit the requisite bank statement/s as sought by the respondent in the deficiency memo.

7. With consent of the parties, the present petition is disposed of with liberty to the petitioner to apply afresh for grant of EWS certificate along with supporting documents. The same shall be duly processed by the respondent in accordance with the extant policy/guidelines. If the petitioner is found eligible for grant of EWS certificate, the same shall be issued to the

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petitioner. In case, any further documents are required from the petitioner, an opportunity shall be granted to the petitioner to submit the same.

8. With the aforesaid directions, the present petition is disposed of.

MARCH 28, 2025/cl **SACHIN DATTA, J**

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