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

+ **W.P.(C) 5896/2026**

HARBIR SINGH

.....Petitioner

Through: Mr. Amit Tyagi, Mr. Sourav R. and
Mr. Gaurav Kumar, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI AND OTHERS

.....Respondents

Through: Mr. Anand Prakash, SC with Ms.
Varsha Arya, Advocate for MCD.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

30.04.2026

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1. The present writ petition has been instituted under Article 226 of the Constitution of India by the Petitioner, who claims to be a law-abiding citizen and seeks intervention of this Court alleging a grave fraud on the Constitution of India, the reservation policy, and the public exchequer. The gravamen of the petition is that Respondent No. 3, who is the brother of the Petitioner, secured appointment as a teacher with the Municipal Corporation of Delhi ("MCD") in the year 1996-97 against a post reserved for Scheduled Caste candidates on the strength of a fabricated Scheduled Caste certificate. According to the Petitioner, the said appointment, being founded on fraud and misrepresentation, is void ab initio and liable to be so declared.

2. The Petitioner submitted a complaint dated 2nd June, 2023 before the competent authority raising the aforesaid allegations. Pursuant thereto, the Education Department of MCD issued communications dated 5th January, 2024 and 9th April, 2024, calling upon the Petitioner to furnish sufficient



documentary material in support of the allegations levelled against Respondent No. 3. The record does not disclose that the Petitioner submitted any further material in response to the said communications. The Petitioner nevertheless asserts that material and information obtained by him under the Right to Information Act shows that Respondent No. 3 had been appointed against a Scheduled Caste vacancy and that, despite the complaint, no final action has been taken by the Respondent authorities.

3. The Petitioner further alleges that, during the pendency of the inquiry and apprehending exposure of the alleged fraud, Respondent No. 3 sought voluntary retirement in the year 2023 with a view to evade disciplinary action, criminal prosecution and recovery of benefits. On the basis of these averments, the Petitioner prays for issuance of a writ of quo warranto calling upon Respondent No. 3 to disclose the authority under which he held or continued to hold the said public post. A further prayer is made for declaring the appointment of Respondent No. 3 illegal and *void ab initio* and for issuance of directions for initiation of criminal and departmental proceedings.

4. The Court has heard the counsel for the Petitioner and perused the material placed on record. The principal question which arises for consideration is whether, in the facts of the present case, a writ of quo warranto is maintainable. The law on the subject is well settled. A writ of quo warranto is a judicial remedy by which the Court calls upon a person holding a substantive public office to show by what authority he holds that office; if the appointment is found to be contrary to law, the incumbent may be ousted. The jurisdiction is, however, a limited one. The Court is concerned not with disputed questions of suitability or private grievance, but



with the legality of the appointment with reference to statutory provisions governing the office.

5. In *University of Mysore v. C.D. Govinda Rao*,¹ the Supreme Court explained that before a writ of quo warranto can issue, the Court must be satisfied that the office in question is a public office and that it is being held by a usurper without legal authority. In *Hari Bansh Lal v. Sahodar Prasad Mahto & Ors.*,² the Supreme Court reiterated that the jurisdiction to issue a writ of quo warranto is limited and such a writ can issue only when the appointment is contrary to statutory rules. The same decision also reiterates that, except for a writ of quo warranto, public interest litigation in service matters is ordinarily not maintainable.

6. It is no doubt true that the Petitioner, being a private individual, is not, for that reason alone, disqualified from seeking a writ of quo warranto, for the law recognises that strict rules of *locus standi* stand relaxed where the legality of a person's holding of a public office is under challenge. At the same time, where the proceedings arise out of an intra-family dispute and the office in question is no longer held by the person proceeded against, the Court must be circumspect to ensure that a public law remedy is not converted into a vehicle for pursuing a personal vendetta under the cloak of public interest. The facts and circumstances of the present case call for such caution.

7. Tested on the touchstone of the aforesaid principles, the relief sought by the Petitioner cannot be granted. The writ of quo warranto, being directed against an alleged usurpation of a subsisting public office, cannot ordinarily

¹ 1963 SCC OnLine 15.

² (2010) 9 SCC 655.



be issued in respect of an office no longer held. The foundational requirement thus for issuance of a writ of *quo warranto* is that the Respondent must be presently holding a public office without authority of law. In the present case, it is an admitted position emerging from the petition itself that Respondent No. 3 has already taken voluntary retirement in the year 2023. Once Respondent No. 3 has ceased to hold the office, the question of calling upon him to show by what authority he continues to occupy that office does not survive.

8. The Petitioner's prayer for the initiation of disciplinary or criminal proceedings against Respondent No. 3 is fundamentally misconceived. It is a settled principle of service jurisprudence that disciplinary action is essentially a "domestic" matter between the employer and the employee, and a stranger to the service has no *locus standi* to interfere in such proceedings or to seek a mandamus for their initiation.³ While the Petitioner may have the standing to maintain a petition for *quo warranto* concerning the legality of a public office, such standing does not extend to the domain of disciplinary action. The question regarding an employee's conduct becomes a matter strictly between the competent authority and the employee, governed by the applicable rules; it is not open for a third party to dictate the initiation or course of such an enquiry, particularly, in a writ in his personal capacity which does not demonstrate any infringement of his personal rights.

9. There is another reason why this Court is not inclined to exercise writ jurisdiction. The material on record shows that when the Petitioner submitted his complaint to MCD in 2023, the authorities did not remain



inactive. On the contrary, they sought supporting documents from the Petitioner through communications dated 5th January, 2024 and 9th April, 2024 so as to enable further examination of the allegations. There is nothing on record to show that the Petitioner responded to the said communications or placed such material before the competent authority. Having failed to pursue the administrative process to its logical conclusion, the Petitioner cannot be permitted to invoke the extraordinary writ jurisdiction of this Court in a speculative manner.

10. The delay in approaching this Court is also significant. The Court is mindful that though a writ of quo warranto is not to be defeated solely on technical rules of standing, the jurisdiction under Article 226 is nevertheless discretionary, and unexplained and substantial delay cannot be ignored, particularly where the relief has, by reason of cessation from office, become largely academic. The appointment in question pertains to the year 1996-97. Even according to the Petitioner, the complaint to the employer was made only on 2nd June, 2023. More importantly, after the Respondent authorities sought supporting material, no prompt steps were taken by the Petitioner. The present petition has been filed after Respondent No. 3 had already sought voluntary retirement. In these circumstances, the challenge is clearly hit by delay and laches.

11. This Court also finds that the prayer for initiation of criminal action cannot be entertained in the present proceedings. The Petitioner has referred to a complaint dated 9th February, 2026 allegedly made to the SHO, Police Station Mandawali, Delhi, accusing Respondent No. 3 of having secured public employment by use of a false caste certificate and by other fraudulent

³ *Rajnit Prasad v. Union of India & Ors.* (2000) 9 SCC 313.



acts. If the Petitioner is of the view that cognizable offences are disclosed, it is open to him to avail such remedies as are available in accordance with the Bharatiya Nagarik Suraksha Sanhita, 2023. The extraordinary jurisdiction of this Court under Article 226 cannot be invoked as a substitute for the remedies recognised by criminal law, particularly where the factual foundation itself would require investigation.

12. The contention of the Petitioner that his own identity or caste status stands indirectly put in question if Respondent No. 3 is treated as a member of a Scheduled Caste, does not assist him. The foundation of a writ of *quo warranto* is the legality of the incumbent's title to a public office; it is not a vehicle for resolving intra-family disputes or for securing a judicial pronouncement on the perceived implications of one relative's status upon another.

13. For all the aforesaid reasons, this Court is of the considered view that the writ petition is wholly misconceived and not maintainable. The principal relief of *quo warranto* is unavailable once Respondent No. 3 has demitted office. The remaining grievances of the Petitioner, insofar as they relate to possible departmental or criminal action cannot be redressed in the present proceedings.

14. The writ petition is, accordingly, dismissed.

SANJEEV NARULA, J

APRIL 30, 2026/as