



2026:DHC:1552



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6002/2021, CM APPL. 18981/2021 and CM APPL. 1764/2022**

Date of Decision: **11.02.2026****DELHI STATE COOPERATIVE BANK LTD.Petitioner***(Through: Mr Rajesh Srivastava, Advocate.)*

versus

NATIONAL COMMISSION FOR SCHEDULED CASTES & ANR.

.....Respondents

*(Through: Mr. T. P. Singh, Sr. Central Govt. Counsel)***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

"a. Allow the present writ petition and issue an appropriate writ/order/direction declaring that the Impugned Notice dated 11.06.2021 (Annexure-A) issued to the Board of Directors of the Petitioner by Respondent No. 1 in File No. V-3/Delhi-36/2020/SSW-1 as unconstitutional, being ultra vires of Article 338 of the Constitution of India; and/or

b. Allow the present writ petition and issue an appropriate writ/order/direction to quash the proceedings and inquiry bearing File No. V-3/Delhi-36/2020/SSW-1, undertaken by the Respondent No.1 against the Petitioner in relation to the Complaint dated 21.09.2020; and

c. Issue an appropriate writ/direction, restraining the Respondent No. 1, its officials, representatives or associates from taking any coercive action

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against the Petitioner with respect to File No. V-3/Delhi-36/2020/SSW-1.”

2. The facts of the case would indicate that the petitioner is a co-operative bank operating without any grant or aid from the Government. It is engaged in the business of banking and providing credit facilities within the territory of Delhi. The respondent no. 1 is a Constitutional body established under Article 338 of the Constitution of India with an aim to safeguard and protect the interests of the Scheduled Castes. The respondent no. 2, is employed as an Assistant Manager with the petitioner at the Devli branch.
3. The petitioner seems to have issued a Show Cause Notice dated 16.09.2020 (**‘SCN’**) to the respondent no. 2 alleging grave misconduct and breach of trust. It is submitted by the petitioner that respondent no. 2 with a view to evade disciplinary proceedings filed a complaint dated 21.09.2020 (**“said Complaint”**) with respondent no.1 alleging harassment. It is the case of the petitioner that respondent no. 2 did not allege lack of reservation for scheduled castes in the petitioner-organisation. Respondent no. 1 seems to have taken cognizance of the complaint and initiated an inquiry against the Petitioner. It also appears that respondent no. 2 has initiated parallel proceedings and filed a civil suit before the Court of competent jurisdiction on 26.09.2021.
4. By the impugned notice dated 11.06.2021, respondent no.1 decided to call the Board of Directors of the petitioner. Additionally, the officers from controlling agencies of the Delhi State Co-operative Bank i.e., National Bank for Agriculture and Rural Development (**‘NABARD’**) and officers from Reserve Bank of India (**‘RBI’**) and from the department of financial services have also been called.

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5. The Supreme Court in the case of *State of Uttar Pradesh and Ors. v. Association of Retired Supreme Court and High Court Judges at Allahabad and Ors.*¹ has held that public officers normally should not be called for their personal appearance unless the same is inevitable. Para. 38 of the said decision reads as under:

38. Before concluding, we must note the conduct of the High Court in frequently summoning officials of the Government of Uttar Pradesh. The appearance of government officials before courts must not be reduced to a routine measure in cases where the government is a party and can only be resorted to in limited circumstances. The use of the power to summon the presence of government officials must not be used as a tool to pressurize the government, particularly, under the threat of contempt.

Furthermore, in the said decision the Supreme Court had framed, at para. 45, Standard Operating Procedure (SOP) on the Personal Appearance of Government Officials in Court Proceedings.

“1. Personal presence pending adjudication of a dispute

1.1 Based on the nature of the evidence taken on record, proceedings may broadly be classified into three categories:

a. Evidence-based Adjudication:

These proceedings involve evidence such as documents or oral statements. In these proceedings, a government official may be required to be physically present for testimony or to present relevant documents. Rules of procedure, such as the Code of Civil Procedure, 1908, or Criminal Procedure Code 1973, govern these proceedings.

b. Summary Proceedings:

These proceedings, often called summary proceedings, rely on affidavits, documents, or reports. They are typically governed by the Rules of the Court set by the High Court and principles of Natural Justice.

c. Non-adversarial Proceedings:

While hearing nonadversarial proceedings, the court may require the presence of government officials to understand a complex policy or technical matter that the law officers of the government may not be able to address.

1.2 Other than in cases falling under para 1.1(a) above, if the issues can be addressed through affidavits and other documents, physical presence may

¹ 2024 INSC 4.



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not be necessary and should not be directed as a routine measure.

1.3 The presence of a government official may be directed, inter alia, in cases where the court is prima facie satisfied that specific information is not being provided or is intentionally withheld, or if the correct position is being suppressed or misrepresented.

1.4 The court should not direct the presence of an official solely because the official's stance in the affidavit differs from the court's view. In such cases, if the matter can be resolved based on existing records, it should be decided on merits accordingly.

2. Procedure prior to directing personal presence

2.1 In exceptional cases wherein the in-person appearance of a government official is called for by the court, the court should allow as a first option, the officer to appear before it through video conferencing.

2.2 The Invitation Link for VC appearance and viewing, as the case may be, must be sent by the Registry of the court to the given mobile no(s)/e-mail id(s) by SMS/email/ WhatsApp of the concerned official at least one day before the scheduled hearing

2.3 When the personal presence of an official is directed, reasons should be recorded as to why such presence is required.

2.4 Due notice for in-person appearance, giving sufficient time for such appearance, must be served in advance to the official. This would enable the official to come prepared and render due assistance to the court for proper adjudication of the matter for which they have been summoned."

6. Although the aforesaid directions are confined to public officers, the foundational principal underlying therein, shall guide the conduct of private organisations as well. The Court is of the opinion that if respondent no. 1 desired to conduct an enquiry, or investigate into, the complaint preferred by respondent no. 2, it could have passed an appropriate direction for the petitioners to produce the required record(s), necessary documents, or to file a reply. Thereafter, if the petitioner had not co-operated, respondent no. 1 would have been at liberty to take appropriate coercive measure(s). However, the casual, routine, and non-considered approach towards directing personal presence of officers through the Impugned Order is neither desirable, nor is in consonance with the principal of good governance.

7. While entertaining the writ petition *vide* order dated 23.06.2021 the



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Court had exempted the personal appearances of, *inter alia*, all the officers of the petitioner provided for in the Impugned Order.

8. In the facts and circumstances of the case, and the law discussed above, the Court makes the said order absolute. However, the petitioner's undertaking is taken on record that the petitioner will fully co-operate with the investigation being conducted by respondent no. 1 in relation to respondent no. 2's complaint. If the petitioner has any objection with respect to the maintainability of the complaint itself, the said issue can be raised and shall be dealt with by respondent no. 1 in accordance with law.

9. Leaving all questions open and with the aforesaid observations, the Impugned Order is set aside. The petition is, accordingly, disposed of along with all pending applications.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

FEBRUARY 11, 2026

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