



\$~35

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

+ W.P.(C) 11104/2020

ASHOK SAWARIA

.....Petitioner

Through: *Appearance not given*

versus

NORTH DELHI MUNICIPAL CORPORATION AND ORS

.....Respondents

Through: Mr. Tushar Sannu, Standing Counsel  
for MCD with Mr. Parvin Bansal,  
Advocate.  
Mr. Murari Kumar, Advocate for R-2.  
Mr. Randhir Kumar, Advocate for R-3.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

%

**12.01.2026**

1. This writ petition assails the appointment of Respondent No. 3 to the post of Assistant Education Officer (General) and her continued employment with Respondent No. 1 under the Other Backward Classes<sup>1</sup> quota, on the basis of her OBC certificate. Pertinently, the Petitioner is neither an employee of Respondent No. 1/North Delhi Municipal Corporation, nor a person entitled to appointment to the post of Assistant Education Officer (General). Nonetheless, the Petitioner has invoked the writ jurisdiction of this Court seeking a declaration that the appointment of Respondent No. 3 is illegal.

---

<sup>1</sup> "OBC"



2. The factual matrix relevant to the adjudication of this case is as follows:

2.1. Respondent No. 1 issued an advertisement for the post of Assistant Education Officer (Gen), the selection to which was conducted through the Union Public Service Commission. By communication dated 22<sup>nd</sup> May, 2009, the UPSC recommended six candidates for appointment, including Respondent No. 3. The Petitioner was not among the recommended candidates.

2.2. Pursuant thereto, an offer of appointment dated 17<sup>th</sup> July, 2009 was issued to Respondent No. 3 with the approval of the MCD. The appointment was subject, *inter alia*, to verification of her caste certificate. Respondent No. 3 accepted the offer, whereafter the Establishment Department of the MCD addressed communications to the Deputy Commissioner of Police, Special Branch, Delhi Police for verification of character and antecedents, and to the Sub-Divisional Magistrate, North West District, Delhi for verification of her caste certificate.

2.3. The Vigilance Department of Respondent No. 1 reported that no police case or adverse record was found against Respondent No. 3. Further, the Office of the Sub-Divisional Magistrate, Kanjhawala, by communications dated 24<sup>th</sup> September, 2009 and 16<sup>th</sup> November, 2009, confirmed that the OBC/domicile certificate had been issued to Respondent No. 3 by the said office.

2.4. Subsequently, a complaint was lodged by one Dr. Udit Raj with the Central Bureau of Investigation,<sup>2</sup> alleging that Respondent No. 3 had secured appointment on the basis of a fraudulently obtained OBC certificate.



Upon due enquiry, this complaint was closed by the CBI. Thereafter, in November 2014, another complaint was made by one Mr. Yadav before the Vigilance Department of Respondent No. 1 raising similar allegations. The said complaint was investigated and clubbed with the earlier complaint. The Vigilance Department observed that the matter was administrative in nature and required consideration at the level of the Chief Vigilance Officer. Pursuant thereto, on the directions of the Commissioner, verification of the OBC certificate was sought from the concerned revenue authorities.

2.5. In response, the Sub-Divisional Magistrate, North West District, Delhi confirmed that as per available records, caste certificate No. 2895 dated 27<sup>th</sup> December, 2000 had been issued in the name of Respondent No. 3, who belongs to the Jat community. Upon consideration of the aforesaid report and on the directions of the Commissioner, the disciplinary proceedings initiated against Respondent No. 3 were closed.

3. Despite multiple rounds of verification having been conducted with respect to the caste certificate, the Petitioner, who, as noted above, has no connection with the post in question, has instituted the present petition, ostensibly in the nature of a writ of *quo warranto*, seeking to question the legality of Respondent No. 3's appointment.

4. In substance, the Petitioner's case is that Respondent No. 3 belongs to the Jat community in the State of Haryana, having been born and brought up there and having completed her entire education in that State. It is further asserted that Respondent No. 3's father is also of Haryana origin and belongs to the Jat community of that State. Reliance is placed on the DoPT notification dated 15<sup>th</sup> November, 1993 to contend that the said circular

---

<sup>2</sup> "CBI"



permits issuance of an OBC certificate to a person who has migrated from another State upon production of a genuine certificate issued to their father by the prescribed authority of the State of origin, subject to such further enquiry as may be deemed necessary. It is contended that, pursuant thereto, the Jat community in Delhi was extended the benefit of reservation under the OBC category for sons and daughters of persons of Delhi origin by inclusion in the reservation list of the Government of NCT of Delhi. However, the Petitioner contends that Respondent No. 3 and her father belong to the Jat community of Haryana, which, as per notifications issued by the Government of India from time to time, has not been recognised as a backward class in the State of Haryana for the purposes of reservation in public employment. On this basis, it is urged that Respondent No. 3, being a permanent resident of Haryana, and her father being of Haryana origin and a voter in the State of Haryana, could not have validly claimed OBC status in the National Capital Territory of Delhi.

5. The Court has considered the submissions advanced by the Petitioner. As noticed hereinabove, the caste status of Respondent No. 3 has been subjected to scrutiny on multiple occasions and by several competent authorities. The OBC certificate in question has not only been verified by the revenue authorities, but has also been examined in the course of vigilance proceedings and by a Central Government investigating agency, namely the Central Bureau of Investigation. Each of the authorities concerned has, upon due verification, concluded that the OBC certificate issued in favour of Respondent No. 3 is genuine and valid.

6. In the absence of any material to demonstrate perversity, *mala fides*, or violation of statutory provisions in the decision-making process, this



Court finds no reason to interfere with factual determinations based on repeated verification processes.

7. Accordingly, the present petition is dismissed along with pending application(s), if any.

**SANJEEV NARULA, J**

**JANUARY 12, 2026/ab**