



2024:DHC:7839



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

% **Judgment reserved on: 07.10.2024**  
**Judgment pronounced on: 09.10.2024**

+ **CONT.CAS(C) 255/2023**

**TEENA RANA**

.....Petitioner

Through: Mr. Harish Vaidyanathan  
Shankar, Mr. Srish Kumar  
Mishra & Mr. Alexandar  
Mathai Paikaday, Advs.

versus

**SH. NARESH KUMAR & ORS.**

.....Respondents

Through: Mrs. Avnish Ahlawat, SC, GNCTD  
with Mrs. Tania Ahlawat, Mr.  
Nitesh Kumar Singh, Ms. Laavanya  
Kaushik, Ms. Aliza Alam & Mr.  
Mohnish Sehrawat & Mr. Amitoj  
Chadha Advs.

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**J U D G M E N T**

1. The petitioner is seeking initiation of the contempt proceedings against the respondents for wilful disobedience of the directions of this Court contained in the order dated 16.11.2022 passed in W.P.(C) No.3177/2022.

2. In a nutshell, the petitioner, who is a Jr. Assistant (Grade-IV Delhi Administration Subordinate Services (DASS) has been serving under the respondent no.2/Directorate of Education since 01.09.2016



and she alleged that she has been subjected to acute harassment at the hands of the respondent authorities, particularly at the hands of a Tehsildar who was having some personal grouse against her family and who cooked up a report based on an anonymous letter/complaint thereby casting aspersions on the validity of her OBC-NCL<sup>1</sup> certificate.

3. This Court *vide* order dated 16.11.2022 found that the action initiated at the behest of the Tehsildar was *non est* in law. It would be expedient to reproduce the relevant operative portions of the writ petition which reads as under:-

“5. However, and in the considered opinion of this Court, any disputes that may be raised or complaint received by any authority with respect to a Caste Certificate would have to be necessarily placed before the competent **District Level Caste Scrutiny Committee** in terms of the directives issued by the Supreme Court in **Madhuri Patil**.

6. In light of the unequivocal stand as expressed and taken for and on behalf of the GNCTD and since no further action is proposed to be taken insofar as the OBC / NCL Certificate of the petitioner is concerned, these proceedings shall stand closed and disposed of.

7. The reports as well as the notices which were issued by the concerned Tehsildar dated 17 June 2021, 21 June 2021 and 07 October 2021 shall stand quashed and set aside.

8. The Court further observes that the present order shall not be liable to be viewed or read as prejudicing the stand and contentions of the then Tehsildar that may be available to be urged in any other proceedings that may be initiated by the respondents.

9. The writ petition shall stand disposed of.”

4. The grievance of the petitioner is that although she has been

---

<sup>1</sup> Other Backward Classes-Non-Creamy Layer



notionally promoted with effect from 01.01.2023, her salary has been paid only from September, 2023. Further, although in the midst of exercise for promotion to the post of Grade III(GNCTDSS) *vide* letter dated 08.12.2022, the respondent no.2/Department of Education intimated to the respondent no.3/Services Department about the order dated 16.11.2022 passed by this Court. The respondent no.2/Department of Education did not clarify in the said letter the outcome and stand of the respondent no.2/Department of Education *qua* promotion of the petitioner, and on 14.12.2022, the DPC *qua* the promotion was conducted by the respondents, but ignoring the order dated 16.11.2022, and resultantly the petitioner was excluded from the zone of consideration for promotion to Grade-III.

5. It is submitted that she preferred to file a representation dated 26.12.2022, upon which the respondent no.3/Services Department *vide* letter dated 12.01.2023 intimated the respondent no.2/Department of Education that DPC *qua* the promotion of the petitioner has been deferred for want of further course of action from the respondent no.4/Department of Revenue. The relevant paragraph in the aforesaid letter dated 12.01.2023 reads as under:-

“The Departmental Promotion Committee considered the promotion case in respect of Ms. Teena Rana, Grade IV (GNCTDSS) in light of the decision passed by the Hon'ble High Court and observed: "Since the further course of action taken by the Revenue Department in the said matter is not provided by the Directorate of Education, the DPC observed that Directorate of Education may take up the matter with Revenue Department and recommended to defer the case. It is therefore requested to take up the matter with Revenue Department regarding further course of action in the said matter in the light of decision passed by the High Court and also give comments on the representations of Ms. Teena Rana, Grade – IV (GNCTDSS).”



6. It is further pointed out by the petitioner that the respondent no.2/Department of Education *vide* order dated 25.01.2023 under the guise of paragraph no.5 of the aforesaid order dated 16.11.2022 has called upon the respondent no.2/Department of Education to take further recourse to initiate action against the petitioner, which is assailed in the present contempt case.

7. At this juncture, it may be stated that upon issuing notice to the respondents and on them having filed a reply, the learned predecessor of this Court considered the matter and after recording the history of the litigation, it was observed as under:-

“4. In the present case, the issue with regard to the OBC status of the petitioner already stands concluded by the judgment of the Coordinate Bench on 16.11.2022. Paragraph 8 of the said judgment is with regard to any other proceedings that may be initiated by the respondents visà- vis the Tehsildar. It no way casts any doubt on the OBC/NCL Certificate of the petitioner which stands concluded in paragraph 6 of the judgment dated 16.11.2022.

5. Mr. Vaidyanathan, learned counsel for the petitioner has also handed over a letter dated 22.11.2023, wherein the respondent is asking for further documents which seems to be a fishing and roving enquiry.

6. For the said reasons, I am of the view that despite the clear findings in paragraph 6 of the judgment dated 16.11.2022, the respondents have not complied with the order intentionally and malafidely.

7. In this view of the matter, the respondents are granted 2 weeks to purge themselves of the illegal action, failing which, this Court shall be constrained to frame contempt notice against the respondents.

8. Pursuant to the aforesaid directions, the affidavit has been filed by Mr. Bhairab Dutt, Deputy Secretary (Services), Services



Department, Govt. of NCT of Delhi and it would be expedient to produce the relevant paragraphs of the affidavit:-

5. That since the Ld. Single Judge in his order dated 16.11.2022 has specifically held that present order shall not be viewed or read as prejudicing, the stand and contention of the then Tehsildar that may be available to be urged in any other proceedings that may be initiated by the Respondents, the genuineness of the certificate is still to be examined by the District Level Caste Scrutiny Committee and calling of the service book of the Petitioner vide letter dated 22.11.2023 does not amount to violating any order passed by this Hon'ble Court.

6. The caste certificate is a document if doubts have arisen the same is required to be examined. The examination of the caste certificate by the District Level Caste Scrutiny Committee has not been stopped by the Ld. Single Judge. A certificate which, if turns out to be false and bogus will result into termination of the services of a candidate and the scrutiny of the certificate is permissible at any level. It cannot be stopped only because the Hon'ble Court had set aside the Tehsildar's order on the ground that he himself cannot withdraw an order issued by the same authority, the same has to be examined by the District Level Caste Scrutiny Committee.

7. That in view of the above it is submitted that neither the answering Respondents nor any of the officials of GNCTD violated any orders passed by this Hon'ble Court much less the order dated 16.11.2022. The Judgment of the Hon'ble Supreme Court is placed before this Hon'ble Court as **Annexure R-2** to show that a false certificate issued by the Tehsildar can be scrutinized and cancelled at any stage of service. The judgment dated 16.11.2022 did not accept the genuineness of the certificate it only held that Tehsildar has no jurisdiction to cancel it and the same can be cancelled by the District Level Caste Scrutiny Committee which right was left open in para 8 by the Ld. Single Judge.

8. That in view of the above it is submitted that Respondents have full regards for the orders passed by this Hon'ble Comt. None of the officials of the Respondent have willfully or otherwise violated any order passed by this Hon'ble Court. It is therefore submitted that the above contempt petition be dismissed with costs.

9. Ms. Avnish Ahlawat, learned standing counsel appearing for the



respondent no.6 urged that the issue of validity of OBC-NCL certificate was not finally decided by this Court *vide* order dated 16.11.2022 and the Department is still at the liberty to go through the verification process through the District Level Caste Scrutiny Committee in terms of the decision of the Supreme Court in the case of **Madhuri Patil v. Commissioner, Tribal Development**<sup>2</sup>

10. I am afraid this Court is not impressed. This Court finds that Mr. Bhairab Dutt, Deputy Secretary (Services), Services Department is clearly guilty of contempt of the directions of this Court and the respondents have failed to pursue themselves in terms of the order dated 19.12.2023. At the cost of the petitioner, the OBC status of the petitioner stood finally concluded by the judgement of this Court *vide* order dated 16.11.2022.

11. The aforesaid order, when read in the backdrop of the totality of the facts and circumstances which were before this court, provided *vide* paragraph 8, that if any proceedings are initiated by the respondents as against the Tehsildar, then the latter shall not be prejudiced by raising appropriate defences.

12. In essence, the judgment dated 16.11.2022 in no way casts any doubt on the validity of the OBC-NCL certificate, which stood concluded *vide* paragraph no.6 of the judgment. The letter dated 25.01.2023 addressed to the Sub-Divisional Magistrate, Narela, Department of Revenue by the Deputy Director of Education is clearly in utter disregard to the directions of this Court and not legally sustainable. It is but apparent that instead of initiating departmental

---

<sup>2</sup> (1994) 6 SCC 241



2024:DHC:7839



inquiry against the erring Tehsildar, the petitioner has been singled out and is being victimized at the hands of the unscrupulous officials of the Govt. of NCT of Delhi.

13. Hence, issue notice to Mr. Bhairab Dutt, Deputy Secretary (Services), Services Department with the direction to appear in person and show why he should not be sentenced in accordance with law under Sections 11 & 12 of the Contempt of Courts Act, 1971.

14. Renotify on 28.10.2024 for the appearance of the aforesaid officials at 11.30 a.m.

**DHARMESH SHARMA, J.**

**OCTOBER 09, 2024**  
**Ch**