

Via Video-Conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11652/2021 & CM APPL. 36023/2021, CM APPL.
36024/2021

GOVERNMENT OF NCT OF DELHI THROUGH DY
COMMISSIONER DEPARTMENT OF TRANSPORT

..... Petitioner

Through Mr. Gautam Narayan, ASC

versus

NATIONAL COMMISSION FOR SCHEDULED CASTES & ANR.

..... Respondents

Through Ms. Manisha Saroha, Adv. for Mr.
Manish Mohan, CGSC

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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11.10.2021

1. The petitioner has approached this Court seeking the following reliefs:

- i. *Issue a writ of mandamus declaring that the Respondent No.1, i.e., National Commission for Scheduled Castes does not have the power to interfere in matters which are sub judice in terms of Rule 7.4.1(e) of the Rules of Procedure of the Commission;*
- ii. *Issue a writ of mandamus declaring that the Respondent No.1, does not have the power to act on a complaint which does not allege violation of Reservation policy, DOPT OMs, Government of India Orders, State Government Orders, PSUs and Autonomous Bodies orders or any other violation Rules of Reservation in terms of Rule 7.4.1 (d) and (h) of its own Rules of Procedure;*

- iii. *Issue a writ of certiorari calling for the records in Case No.Delhi/42/2021-APCR pending before the Respondent No.1 and quash all proceedings emanating therefrom including the minutes of the meeting dated 07.09.2021 and the notice dated 30.09.2021;*
- iv. *Issue a writ of mandamus directing that all proceedings of the Respondent No.1 of a quasi-judicial nature should be videographed and the footage thereof be preserved; and*
- v. *Pass such other order/s as may be deemed fit and proper in the facts of the present case.*

2. Learned counsel for the petitioner submits that not only has the respondent no.1/commission acted beyond its jurisdiction by entertaining a *sub judice* matter, even otherwise the impugned directions passed by it are in teeth of the order passed by this Court on 16.09.2019 in W.P.(C) 9982/2019 titled "*Transport Department, Govt. of NCT of Delhi vs. National Commission for Scheduled Castes and Anr.*"
3. Issue notice. Ms. Saroha accepts notice on behalf of respondent no.1. She prays for, and is granted, four weeks' time to file a status report.
4. Upon the petitioner taking steps, issue notice to respondent no.2, returnable on 01.02.2022. Counter affidavit, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, within four weeks, thereafter.
5. Till the next date, proceedings before the respondent no.1 will remain stayed.

REKHA PALLI, J

OCTOBER 11, 2021/acm