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

+ **W.P.(C) 9497/2026 & CM APPLs. 44155-44157/2026**

COMMISSIONER OF POLICE, DELHI

.....Petitioner

Through: Mr. Ashish K. Dixit, CGSC with Mr. Umar Hashmi, Mr. Ayush Kumar and Ms. Iqra Sheikh, Advocates.

versus

NATIONAL COMMISSION FOR SCHEDULED CASTE AND ANR

.....Respondents

Through: Ms. Esha Mazumdar, Mr. Seti N. and Mr. Manish Kumar, Advocates for R-2 with R-2 (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
24.07.2026

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1. The present petition has been filed by the Petitioner, Commissioner of Police, Delhi, impugning the minutes/recommendations dated 12th February, 2026, and 15th May, 2026, issued by Respondent No. 1, National Commission for Scheduled Castes¹, in File No. SSW-II/IP/DoPT/2025/305757.

2. The impugned proceedings emanate from a complaint preferred by Respondent No. 2 before the Commission alleging discrimination on the grounds of caste in the recruitment process for the post of Assistant Sub-Inspector (Radio Technician) in Delhi Police. Respondent No. 2 had participated in the recruitment process but was declared unsuccessful upon

¹ "Commission"



securing marks below the prescribed qualifying standard in the trade test.

3. By the impugned minutes dated 12th February, 2026, the Commission, after noticing that Respondent No. 2 had qualified the earlier stages of the recruitment process and was the only candidate out of 71 candidates who appeared in the trade test to have been declared unsuccessful, observed that the “possibility of discrimination cannot be ruled out” and recommended that Respondent No. 2 be provided one more opportunity to appear in the trade test within one month.

4. Thereafter, by the impugned minutes dated 15th May, 2026, the Commission directed the Petitioner to produce the complete video recordings of the trade test, furnish the category-wise list of all 70 qualified candidates along with copies of their answer sheets, ensure the personal presence of the examiner who conducted the trade test, and further observed that the Petitioner may ensure his personal appearance before the Commission on the next date of hearing.

5. Assailing the aforesaid proceedings, counsel for the Petitioner contends that the complaint before the Commission, in substance, concerns a service dispute arising out of the evaluation of Respondent No. 2 in the trade test, which falls outside the scope of the Commission’s jurisdiction under Article 338 of the Constitution of India. It is submitted that the Commission has travelled beyond its constitutional mandate by assuming the role of an adjudicatory forum in a concluded recruitment process.

6. Counsel for the Petitioner further submits that Respondent No. 2 failed to secure the prescribed qualifying marks in the trade test and was accordingly declared unsuccessful. It is contended that the recruitment process has attained finality and does not permit an individual re-test.



Counsel for the Petitioner also points out that Respondent No. 2's sister, who belongs to the same Scheduled Caste category and appeared in the same test, was declared successful, thereby negating any allegation of caste-based discrimination.

7. It is further submitted that Respondent No. 2 has already approached the Central Administrative Tribunal² and, therefore, the issues arising from the recruitment process fall for consideration before the CAT.

8. The Court has heard the counsel for the parties.

9. Ms. Esha Mazumdar, counsel for Respondent No. 2, appears along with Respondent No. 2 and hands over an affidavit sworn by Respondent No. 2, stating that she has already instituted proceedings before the CAT and unequivocally undertakes not to pursue the complaint pending before the Commission and to withdraw the same. The said affidavit is handed over and is taken on record. Respondent No. 2 shall remain bound by the undertaking furnished to this Court.

10. In light of the aforesaid statement and undertaking, the substratum of the present writ petition, which is the challenge to the impugned proceedings emanating from the impugned complaint lodged by Respondent No. 2, can no longer survive. Accordingly, the impugned minutes/recommendations are set aside. The Commission shall, on the next date fixed before it, pass appropriate orders for closure of the complaint proceedings in view of the affidavit and undertaking furnished by Respondent No. 2 before this Court.

11. Respondent No. 2 shall be at liberty to pursue her challenge to the recruitment process before the CAT and urge all grounds available to her in accordance with law. The CAT shall consider the same on its own merits,



uninfluenced by any observations contained in the impugned proceedings or in the present order, and shall be at liberty to pass such orders as may be necessary in accordance with law.

12. With the above directions, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

JULY 24, 2026

as

² “CAT”