

CT case No. 13/2018
Dr. Satya Prakash Gautam Vs. DSSSB.
P.S: Anand Vihar

12.10.2021

Today, the Court is holding physical hearing of the cases in compliance of circular no.8349-8372/Judl./SHD/2021 dated 01.10.2021 issued by the Office of the Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

Present: Complainant/Advocate in person.

Sh.Rakesh Kumar, Ld. Addl. PP for State/respondent along with IO/ACP Sanjeev Kumar from SIU-II (Crime Branch).

Complainant in support of his application dated 30.03.2021 u/s 4 of the Atrocities Act has filed his statement alongwith affidavit as per Section 15A (4) of the Atrocities Act. Copy supplied to State.

Status reports in respect of the ongoing investigation filed on behalf of IO ACP Sanjeev Kumar.

1. Again an application seeking extension of time period for investigation filed on behalf of IO.
2. The application is strenuously opposed to on behalf of complainant who has apprised the conduct of IO in detail.
3. The order dated 26.08.2021 would reveal that IO/ACP Crime Branch requested for extension of 45 days for filing the charge-sheet and stated that the process of investigation would be expedited. The status Reports dated 02.09.2021, 09.09.2021, 16.09.2021, 24.09.2021, 01.10.2021 and 08.10.2021 filed on behalf of IO would show that the process of examination of witnesses was under way.
4. It seems that the investigating Agency has not been able to discern as to who was the person at the helm of affairs i.e. the Head of Committee of Paper Setters. A perusal of Status reports would clearly demonstrate that except for issuance of Notices upon various persons upto Deputy Secretary level in respect of detail of procedure of examination of DSSSB and other related aspects, no investigation is being done to even enquire into the highest officials/In-charge of

paper setting Committee and as such IO was again enquired as to who were the concerned person at the helm of affairs of finalizing and approving the Paper Setting Process at relevant time to which IO blatantly feigns his ignorance.

5. It seems the investigation is veered now towards ascertaining the status of caste of complainant i.e. enquiry into his documents i.e. verification of his Caste Certificate. No substantive efforts have been made into enquiring / investigating the details of authorized signatory who was the Head of the committee and being so, authorized such question papers in the year 2018 and 2019.
6. It seems the investigating agency is deliberately seeking time on frivolous pretexts. The FIR was ordered to be registered vide order dated 17.02.2021 against the offenders for offences under the provisions of Atrocities Act. However the FIR has been registered by police authorities only on 21.06.2021 without any explanation for prolonged delay in registration of the same. An application the complainant moved an application under Section 4 of The Atrocities Act on 03.03.2021 which was responded to by Investigating Agency but with no plausible grounds putting forward before the Court.
7. In a mysterious turn of events, the investigation has been abruptly transferred by the Higher Police officials to the Crime Branch on 09.08.2021. The complainant has filed an affidavit bringing out details of *malafides* and pointing out extraneous considerations in such abrupt transfer.
8. The investigating agency has not been able to apprise the Court of the reasons germane for such transfer in the midst of investigation. Despite registration of delayed FIR in the month of June 2021, it seems no steps have been taken so far even to ascertain as to who were the Head of the concerned committee approving such question papers / who authorized and approved such question papers setting containing abusive caste words.
9. Before passing any adverse orders against the Superior authorities i.e. Joint Commissioner Police and Special Commissioner

Delhi Police for willfully and intentionally neglecting their duties (required to be performed by investigating into the offences expeditiously) and passing orders of attachment of their salaries of Rs.20,000/- each besides attaching their Chairs, once again this Court requires a detailed reply to the application under Section 4 of The Atrocities Act dated 30.03.2021 filed by complainant.

10. This court further directs the Joint CP (Crime Branch) as well as Special CP (Crime Branch) to expedite the investigation (to ascertain the Head of the Paper Setting Committee/the person/official who authorized such paper setting) and file their Report separately within 2 weeks positively.
11. Copy of the orders of this Court dated 17.02.2021, 27.07.2021 and 26.08.2021 alongwith this order be sent to Worthy Commissioner , Delhi Police for taking cognizance of the intentional and deliberate delay in the investigation being carried out by above named police officials.
12. Copy of this order be also given to the IO for due compliance.
13. A report be called from Worthy Commissioner of Police within 2 weeks as a response to the above dated orders.

List the matter for arguments on the application of complainant under Section 4 of Atrocities Act and compliance of the above orders on or before 25.11.2021.

(Ms. Ravinder Bedi)
ASJ-02/E-Court/Shahdara
KKD/Delhi/12.10.2021