

IN THE COURT OF MS. RAVINDER BEDI:  
ADDITIONAL SESSIONS JUDGE-02; E COURT:  
SPL COURT, SC/ST (POA) ACT 1989, SHAHDARA: KARKARDOOMA  
COURT: DELHI.

Two Complaints i.e. Ct. Nos. 13/2018 & Ct. No.16/2019

Dr. Satya Prakash Gautam  
R/o103, Dr.Ambedkar Basti,  
Ghonda, Delhi – 110053

Also At:-

Chamber No.E-72

Karkardooma Court Delhi

..... Complainant

Vs.

Delhi Subordinate Services Selection Board (DSSSB)

Through its Chairman

Office at :-

FC-18, Institutional Area, Karkardooma

Surya Niketan Road, Delhi-110092.

.....Respondent

**ORDER**

1. This Order shall dispose off an application u/s 156(3) Cr.P.C. filed by complainant in abovementioned two complaints under section 200 Cr.P.C. filed under Section 14 of The Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities Act). 1989 (hereinafter as atrocities Act) against the Respondent/DSSSB.

2. In CC No. 13/18, the grievance of complainant emanates from the fact that on 15.10.2018, DSSSB held an examination i.e. Primary Teacher Examination, wherein a caste abusive question in *Hindi language and comprehension* was asked which was about

gender of Caste (*Chamar*). It is alleged that the question ex facie was a caste abusive question and the complainant, being a member of Scheduled Castes community came to know from Newspaper about the same and also got copy of the question paper from social media and was shocked to see the said question with caste abusive words (*Chamar*). The complainant alleges that by using caste abused word and asking for gender of *Chamar* in the Paper, Respondent flagrantly disrespected the feelings of entire SC &ST Community and the words were aiming at promoting hatred and ill-will against the members of the Scheduled Caste.

3. Complainant by sending a written complaint had drawn the attention of SHO PS Anand Vihar, DCP East and Shahdara, Lt. Governor, National Commission for Scheduled Castes, Commissioner of Police, Delhi against such disparaging words in order to take action against Delhi Subordinate Service Selection Board (hereinafter as DSSSB) but nothing was done on his complaints.

4. Complainant further states that the matter did not end here. In CC No.16/19, he alleges that DSSSB held another examination i.e. Primary Teacher Examination held on 18.08.2019 when again such question was repeated i.e. the question asked about gender of Scheduled Caste (*bhangi*) [the question was as to what was the gender of *Bhangi*; four options as (a)*Bhangin* (b)*Bhangi* (c) *Bhangia* (d)*Bhangin*].

5. The complainant alleges that the accused persons and the concerned Examination Committee deliberately selected these derogatory and insulted questions for two consecutive years i.e. twice just to denigrate and humiliate the Scheduled Caste community by such words. The complainant alleges that lakhs of candidates from Scheduled Caste category appeared in both examination and putting such questions in 2018 and again in 2019 aimed directly at humiliating and insinuating the entire

community intentionally. These words aimed at members of SCs and directly affected the sentiments of the whole community.

6. Referring to the Preliminary Status Report filed by the ACP, Ld. Counsel submits that the DSSSB admitted the discrepancies occurred in the examinations of the year 2018 & 2019. Ld. Counsel submits that the Respondent by repeating such caste abusive words in question paper again in examination held on 18.08.2019 in respect of Post Code 18/14 and this itself revealed the deliberate acts intended by the Board to insult the community.

7. I have heard submissions as addressed by Ld. Counsel/complainant in person on the application, perused the multiple status reports filed earlier and the subsequent response of DSSSB. The response is that as soon as the Board came to know of such lapses, a Committee of Senior Officers from Secret Cell and Examination Cell was constituted to Inquire into the matter and the Paper Setters were black listed by the Board. Ld. Counsel Mr. Anuj Kumar Sharma for DSSSB had filed response on behalf of Board in detail.

8. The complainant belongs to SC Community and falls within definition of "victim" defined under section 2 (ec) of the Atrocities Act as amended under Amendment Act notified in Gazette of India on 18.01.20216.

9. My attention was drawn to the detailed report filed by IO in September 2019 and the attempts of Board in concealing information as to the question paper setters despite repeated Orders of Court. The response of DSSSB as filed during hearing was that DSSSB did not have an in-house facility for paper setting or vetting; the same being highly secretive process, where contents of paper are not shared with anyone.

10. The matter is still at pre-cognizance stage and the Board as such has no

*locus standi* to appear or argue. I observe that the question with caste abusive words was set up in paper by Paper Setter not only once i.e. on 13.10.2018 but again the very next year i.e. in Paper dated 18.08.2019. *Prima facie* the alleged words in questions papers of 2018 & 2019 as pointed out by complainant disclose commission of various cognizable offences committed by the respondent/DSSSB and an investigation is required into these.

11. In such circumstances, the application u/s 156(3) Cr.P.C. of the complainant stands allowed. An FIR be registered against the offenders for the offences committed under the provisions of Atrocities Act and an investigation be conducted by the Officer empowered under the Act with monthly report to be filed before the court in view of the guidelines as per Judgment of *Sakiri Vasu vs. State of UP (2008)2SCC 409* of Hon'ble Apex Court.

Copy be sent to DCP concerned for compliance.

Re-list the matter for 01.05.2021.

ANNOUNCED IN THE OPEN  
COURT ON 17.02.2021.

(Ms. Ravinder Bedi)  
Special Judge SC/ST Act  
ASJ:02/E-COURT/SHD/KKD/DELHI