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

\+ W.P.(C) 4965/2025

RAJESH RANJAN .....Petitioner

Through: Mr. Gunjan Sinha, Advocate.

versus

UNION OF INDIA AND ORS. .....Respondent

Through: Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj and Mr. Amit Kumar, Rana, Advocates for UOI.

% ***Date of Decision: 21.04.2025***

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G E M E N T

TUSHAR RAO GEDELA, J: (ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India, *inter alia*, seeking the following reliefs:-

> *"A. A writ in the nature of Mandamus do issue commanding the respondents to rescind/cancel/withdraw the impugned section 20 of the Contempt of Courts Act, 1971 as having been rendered in – effective despite reportable judgment / order dated: 22-07-2024 passed in Civil Appeal nos. of 2024 [arising out of SLP (Civil) Nos. 19647-48 of 20221 S. Tirupathi Rao versus M. Lingamaiah & Ors with Civil Appeal Nos. of 2024 [arising out of SLP (Civil) Nos. 19748-19749 of 2022] as ultra vires to the article 13, 14 and 20 of the Constitution of India ab initio;*
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> *B. A writ in the nature of Certiorari do issue commanding the respondents to transmit entire records pertaining to Impugned Act No: 70 of 1971 namely the Contempt of Courts Act, 1971 notified by the Ministry of Law & Justice, Government of India and on being so certified and after hearing the parties*

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declare section 20 of the Contempt of Courts Act, 1971 as ultra vires to the article 13, 14 and 20 of the Constitution of India ab initio;

C. A writ in the nature of Declaration, declaring the impugned section 20 of the Contempt of Courts Act, 1971 as ultra vires to the article 13, 14 and 20 of the Constitution of India ab initio; and

D. Ad Interim order to entertain all petitions after lapse of period of limitation u/s 20 of the Contempt of Courts Act, 1971 ab initio till disposal of the writ petition."

2. The petitioner claims to be a successful candidate of Limited Departmental Competitive Examination (LDCE) and working as Under Secretary (Gr.I of IFS-B) attached with the Ministry of External Affairs, Government of India. The petitioner claims to be an interested party and respondent no.117 in the OA No. 1719/2012 which was pending before the learned Central Administrative Tribunal (hereinafter referred as *Tribunal*) Principal Bench, New Delhi. The said OA was disposed of *vide* the judgment dated 29.02.2020 with the following direction:-

"21. Hence, the OA is allowed, and the orders impugned therein are set aside. The respondents 2 and 3 shall prepare the seniority list afresh in such a way that an SO promoted through LDCE is not treated as having been promoted with effect from any date, earlier to one on which he was actually promoted. If any promotions to higher posts have taken place in accordance with the impugned seniority list, the same shall be revisited. The exercise shall, however, be confined to the re-fixation of seniority and shall not lead to reversion of the officers who have already been promoted. The exercise in this behalf shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs."

3. Certain parties had challenged the said judgment by way of a Writ Petition bearing W.P. (C) No.4339/2020. After hearing the parties, a Coordinate Bench of this Court *vide* judgment dated 05.07.2024, dismissed the writ petition finding no infirmity in the judgment dated 29.02.2020

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passed by the learned Tribunal.

4. Premised on the allegation that the order of the learned Tribunal was not implemented, the applicants in OA No.1719/2012 filed a petition under Section 17 of the Administrative Tribunals Act, 1985 read with Section 12 of the Contempt of Courts Act, 1971 bearing CP No.961/2024 before the Tribunal. In the meanwhile, some of the parties challenged the judgment dated 05.07.2024 passed by the Coordinate Bench of this Court in W.P. (C) 4339/2020 by way of a SLP 23008-23009/2024. The said SLPs were dismissed on 25.10.2024.

5. On 12.12.2024, the learned Tribunal issued notice to the respondents in the contempt petition, bearing CP No.961/2024. On 08.01.2025, the respondents/proposed contemnors sought and were granted two weeks' time to file an affidavit of compliance. It appears that in compliance of the Tribunal's judgment dated 29.02.2020 in OA no. 1719/2012 followed by the judgment of this Court rendered on 05.07.2024, the draft consolidated Seniority List of the Officers in the Integrated Grades II and III of the General Cadre of IFS(B) with effect from 01.01.2012 till that date, was published *vide* OM dated 24.02.2025.

6. Petitioner claims to have filed a writ petition previously, bearing W.P. (C) No.3307/2025, which was withdrawn with liberty to raise all contentions and avail of his remedies in accordance with law *vide* order dated 18.03.2025 passed by the Coordinate Bench of this Court. Pursuant thereto, the petitioner submitted a representation dated 26.03.2025 with the President, Central Administrative Tribunal, Principal Bench, New Delhi and the Secretary, Ministry of Law and Justice, Government of India seeking resending/cancelling/withdrawal of Section 20 of the contempt of

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Courts Act, 1971 being Bill no. 70/1971 dated 24.12.1971 on the ground of being violative of Article 14, 19 and 20 of the Constitution of India. Soon thereafter the petitioner filed the present writ petition challenging the *vires* of Section 20 of the Contempt of Courts Act, 1971. The petitioner relies upon the judgment of the Supreme Court dated 27.07.2024 in ***SLP (C) 19647-48/2022*** captioned ***S. Tirupathi Rao vs. M. Lingamaiah and ors***.

7. On a query by this Court, learned counsel appearing for the petitioner was unable to address as to what are the grounds and parameters on which a challenge to the constitutional validity of an enactment or a statute is available under judicial review before a Court under Article 226 of the Constitution. A perusal of the para 19 of the writ petition brings to fore the personal grievance of the petitioner with the draft consolidated Seniority List dated 24.02.2025 issued in compliance of the order dated 29.02.2020 passed by the learned Tribunal in OA no. 1719/2012.

8. The principal grievance of the petitioner seems to stem from the unsubstantiated allegation that the contempt petition was apparently time barred, yet the learned Tribunal entertained the said petition and passed consequential orders resulting in the draft consolidated Seniority List dated 24.02.2025. According to the petitioner such direction resulting in the draft consolidated Seniority List aforenoted, has adversely affected the Fundamental right of the petitioner guaranteed under Article 14, 16 and 20 of the Constitution of India. Principally, it is on this basis that the petitioner lays challenge to the constitutional vires of Section 20 of the Contempt of Courts Act, 1971.

9. A perusal of the grounds of challenge laid in the writ petition brings to fore the personal grievances of the petitioner based on the entertainment

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of the contempt petition by the learned Tribunal and the directions passed therein. The grounds also appear to disclose the petitioner's grievance in regard to the petitioner not being part of the contempt proceedings and as such being helpless in the said scenario. There is not even a single ground which would appeal to this Court or propel us to even issue notice since the grounds of challenge do not fall at all within the parameters as set out in a catena of judgments by the Hon'ble Supreme Court in the context of the challenge to constitutional validity of an enactment or a statute. It is trite that there is a presumption to the constitutional validity of the provisions of a statute or an enactment. It is also trite that the burden to dislodge or demonstrate the alleged invalidity of a provision lies squarely on the person laying challenge to the same. In the present case we find that not only is the petition bereft of such substantial points on law and grounds, but also the oral submissions lack in substance.

10. It would be apposite at this stage to refer to certain judgments of the Hon'ble Supreme Court laying down the general principles in case where a challenge to the constitutional validity of an enactment is laid.

(i) Ram Krishna Dalmia v. S.R. Tendolkar, 1958 SCC OnLine SC 6

> ***11.*** *The principal ground urged in support of the contention as to the invalidity of the Act and/or the notification is founded on Article 14 of the Constitution. In Budhan Choudhry v. State of Bihar [(1955) 1 SCR 1045] a Constitution Bench of seven Judges of this Court at p. 1048-49 explained the true meaning and scope of Article 14 as follows;*
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> *"The provisions of Article 14 of the Constitution have come up for discussion before this Court in a number of cases, namely, Chiranjit Lal Choudhuri v. Union of India [1950 SCC 833 : (1950) SCR 869] , State of Bombay v. F.N. Balsara [1951 SCC 860 : (1951) SCR 682] , State of West Bengal v. Anwar Ali Sarkar [(1952) 1 SCC 1 : (1952) SCR 284] , Kathi Raning Rawat v. State of Saurashtra [(1952) 1 SCC 215 : (1952) SCR 435] , Lachmandas Kewalram Ahuja v. State of Bombay [(1952) 1 SCC 726 : (1952) SCR 710] , Qasim Razvi v. State of Hyderabad [(1953) 1 SCC 228 : (1953) SCR 581] and Habeeb Mohamad v. State of Hyderabad [(1953) 1 SCC 501 : (1953) SCR 661] . It is, therefore, not necessary to enter upon any lengthy*

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discussion as to the meaning, scope and effect of the article in question. It is now well established that while article 14 forbids class legislation, it does not forbid reasonable classification for the purposes of legislation. In order, however, to pass the test of permissible classification two conditions must be fulfilled, namely, (i) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (ii) that that differentia must have a rational relation to the object sought to be achieved by the statute in question. The classification may be founded on different bases, namely, geographical, or according to objects or occupations or the like. What is necessary is that there must be a nexus between the basis of classification and the object of the Act under consideration. It is also well established by the decisions of this Court that Article 14 condemns discrimination not only by a substantive law but also by a law of procedure."

The principle enunciated above has been consistently adopted and applied in subsequent cases. The decisions of this Court further establish—

(a) that a law may be constitutional even though it relates to a single individual if, on account of some special circumstances or reasons applicable to him and not applicable to others, that single individual may be treated as a class by himself;

(b) that there is always a presumption in favour of the constitutionality of an enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles;

(c) that it must be presumed that the legislature understands and correctly appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discriminations are based on adequate grounds;

(d) that the legislature is free to recognise degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest;

(e) that in order to sustain the presumption of constitutionality the court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be concieved existing at the time of legislation; and

(f) that while good faith and knowledge of the existing conditions on the part of a legislature are to be presumed, if there is nothing on the face of the law or the surrounding circumstances brought to the notice of the court on which the classification may reasonably be regarded as based, the presumption of constitutionality cannot be carried to the extent of always holding that there must be some undisclosed and un-known reasons for subjecting certain individuals or corporations to hostile or discriminating legislation.

The above principles will have to be constantly borne in mind by the court when it is called upon to adjudge the constitutionality of any particular law attacked as discriminatory and violative of the equal protection of the laws.

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12. *A close perusal of the decisions of this Court in which the above principles have been enunciated and applied by this Court will also show that a statute which may come up for consideration on a question of its validity under Article 14 of the Constitution, may be placed in one or other of the following five classes:*

(i) A statute may itself indicate the persons or things to whom its provisions are intended to apply and the basis of the classification of such persons or things may appear on the face of the statute or may be gathered from the sorrounding circumstances known to or brought to the notice of the court. In determining the validity or otherwise of such a statute the court has to examine whether such classification is or can be reasonably regarded as based upon some differentia which distinguishes such persons or things grouped together from those left out of the group and whether such differentia has a reasonable relation to the object sought to be achieved by the statute, no matter whether the provisions of the statute are intended to apply only to a particular person or thing or only to a certain class of persons or things. Where the court finds that the classification satisfies the tests, the court will uphold the validity of the law, as it did in Chiranjitlal Chowdhri v. Union of India [1950 SCC 833 : (1950) SCR 869] State of Bombay v. F.N. Balsara [1951 SCC 860 : (1951) SCR 682] Kedar Nath Bajoria v. State of West Bengal [(1953) 2 SCC 142 : (1954) SCR 30] , S.M. Syed Mohammad & Company v. State of Andhra [(1954) SCR 1117] , and Budhan Choudhry v. State of Bihar [(1955) 1 SCR 1045] .

(ii) A statute may direct its provisions against one individual person or thing or to several individual persons or things but no reasonable basis of classification may appear on the face of it or be deducible from the surrounding circumstances, or matters of common knowledge. In such a case the court will strike down the law as an instance of naked discrimination, as it did in Ameerunnissa Begum v. Mahboob Begum [(1952) 2 SCC 697 : (1953) 1 SCC 274 : (1953) SCR 404] and Ramprasad Narain Sahi v. State of Bihar [(1953) 1 SCC 274 : (1953) SCR 1129] .

(iii) A statute may not make any classification of the persons or things for the purpose of applying its provisions but may leave it to the discretion of the Government to select and classify persons or things to whom its provisions are to apply. In determining the question of the validity or otherwise of such a statute the court will not strike down the law out of hand only because no classification appears on its face or because a discretion is given to the Government to make the selection or classification but will go on to examine and ascertain if the statute has laid down any principle or policy for the guidance of the exercise of discretion by the Government in the matter of the selection or classification. After such scrutiny the court will strike down the statute if it does not lay down any principle or policy for guiding the exercise of discretion by the Government in the matter of selection or classification, on the ground that the statute provides for the delegation of arbitrary and uncontrolled power to the Government so as to enable it to discriminate between persons or things similarly situate and that, therefore, the discrimination is inherent in the statute itself. In such a case the court will

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strike down both the law as well as the executive action taken under such law, as it did in State of West Bengal v. Anwar Ali Sarkar [(1952) 1 SCC 1 : (1952) SCR 284] Dwarka Prasad Laxmi Narain v. State of Uttar Pradesh [(1954) SCR 803] and Dhirendra Krishna Mandal v. Superintendent and Remembrancer of Legal Affairs [(1955) 1 SCR 224] .

(iv) A statute may not make a classification of the persons or things for the purpose of applying its provisions and may leave it to the discretion of the Government to select and classify the persons or things to whom its provisions are to apply but may at the same time lay down a policy or principle for the guidance of the exercise of discretion by the Government in the matter of such selection or classification, the court will uphold the law as constitutional, as it did in Kathi Raning Rawat v. State of Saurashtra [(1952) 1 SCC 215 : (1952) SCR 435] .

(v) A statute may not make a classification of the persons or things to whom their provisions are intended to apply and leave it to the discretion of the Government to select or classify the persons or things for applying those provisions according to the policy or the principle laid down by the statute itself for guidance of the exercise of discretion by the Government in the matter of such selection or classification. If the Government in making the selection or classification does not proceed on or follow such policy or principle, it has been held by this Court e.g. in Kathi Raning Rawat v. State of Saurashtra that in such a case the executive action but not the statute should be condemned as unconstitutional…

(emphasis supplied)

(ii) Subramanian Swamy v. CBI, (2014) 8 SCC 682

Court's approach

49. *Where there is challenge to the constitutional validity of a law enacted by the legislature, the Court must keep in view that there is always a presumption of constitutionality of an enactment, and a clear transgression of constitutional principles must be shown. The fundamental nature and importance of the legislative process needs to be recognised by the Court and due regard and deference must be accorded to the legislative process. Where the legislation is sought to be challenged as being unconstitutional and violative of Article 14 of the Constitution, the Court must remind itself to the principles relating to the applicability of Article 14 in relation to invalidation of legislation. The two dimensions of Article 14 in its application to legislation and rendering legislation invalid are now well recognised and these are: (i) discrimination, based on an impermissible or invalid classification, and (ii) excessive delegation of powers; conferment of uncanalised and unguided powers on the executive, whether in the form of delegated legislation or by way of conferment of authority to pass administrative orders—if such conferment is without any guidance, control or checks, it is violative of Article 14 of the Constitution. The Court also needs to be mindful that a legislation does not become unconstitutional merely because there is another view or because another method may be considered to be as good or even more effective, like any issue*

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of social, or even economic policy. It is well settled that the courts do not substitute their views on what the policy is.

(emphasis supplied)

***(iii) Shayara Bano v. Union of India*, (2017) 9 SCC 1**

> ***95.*** *On a reading of this judgment in Natural Resources Allocation case [Natural Resources Allocation, In re, Special Reference No. 1 of 2012, (2012) 10 SCC 1] , it is clear that this Court did not read McDowell [State of A.P. v. McDowell and Co., (1996) 3 SCC 709] as being an authority for the proposition that legislation can never be struck down as being arbitrary. Indeed the Court, after referring to all the earlier judgments, and Ajay Hasia [Ajay Hasia v. Khalid Mujib Sehravardi, (1981) 1 SCC 722 : 1981 SCC (L&S) 258] in particular, which stated that legislation can be struck down on the ground that it is "arbitrary" under Article 14, went on to conclude that "arbitrariness" when applied to legislation cannot be used loosely. Instead, it broad based the test, stating that if a constitutional infirmity is found, Article 14 will interdict such infirmity. And a constitutional infirmity is found in Article 14 itself whenever legislation is "manifestly arbitrary" i.e. when it is not fair, not reasonable, discriminatory, not transparent, capricious, biased, with favouritism or nepotism and not in pursuit of promotion of healthy competition and equitable treatment. Positively speaking, it should conform to norms which are rational, informed with reason and guided by public interest, etc."*
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> (emphasis supplied)

11. Having regard to the enunciation of law in respect of the guiding principles to be adhered to while examining constitutionality or otherwise of a particular statute, we advert now to the issue in the present case.

12. As noticed hereinabove, the entire petition is bereft of any ground worthwhile to be falling within the parameters enunciated in the aforesaid authoritative judgements of the Hon'ble Supreme Court. All that is discernible from the facts as stated and the grounds as raised is that the petitioner is aggrieved by the action taken by the learned Tribunal in entertaining the Contempt Petition filed by the original applicants in OA no. 1719/2012 and issuance of notice thereon, consequent whereto a draft Consolidated Seniority List was drawn up by the proposed contemnors. Another grievance as noted above is that is the petitioner is unable to

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participate in the Contempt proceedings on account of which his purported helplessness has been projected. These two issues can hardly be said to be a substantial ground much less a ground at all to invalidate the constitutionality of an enactment. For that matter, the oral submissions are bereft of any substance for this Court to entertain the petition to the extent of even issuing a notice.

13. We do not find any reason whatsoever to entertain the present writ petition and the same is dismissed *in limine*, however, without any order as to costs.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

APRIL 21, 2025*/rl*

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