

CWP No.16947 of 2015

#1# Manoj Kumar
2016.10.17 17:23
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.16947 of 2015

Date of decision: 07.10.2016

Sudhakar Kumar Ravi

....Petitioner

Vs.

Punjab State Cooperative Supply & Marketing Fed. Ltd and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.K. Chawla, Advocate for the petitioner.

Mz. Sudeepti Sharma, DAG,Punjab.

Mr. Shekhar Kumar, Advocate for

Mr. Nitin Kaushal,Advocate for respondent Nos.1,2 & 6.

Jaswant Singh, J

Petitioner, who is/was an aspirant for being considered to be appointed for the post of Assistant Field Officers, has sought a writ of Certiorari for quashing the impugned order dated 20.4.2015 (P.16) whereby his representation-cum-Legal Notice dated 19.3.2015 has been rejected.

It is contended by learned counsel for the petitioner that respondents have wrongly rejected the claim of the petitioner for appointment to the post of Field Officer while passing the impugned order dated 20.4.2015 being totally illegal and arbitrary.

On the other hand, learned counsel for the respondents has argued that in view of the Government Instructions dated 17.1.1996 (P.2) the petitioner has no right to claim any benefit in the Scheduled Caste Category and as such the impugned order has rightly been passed and does not require any inference by this Court.

Heard learned counsel for the parties and perused the paper book with their able assistance.

The Markfed invited applications for the post of Field Officers and the petitioner applied in pursuance thereof. Thereafter he appeared in written examination held on 10/11.8.2013 and cleared the same. The petitioner is claiming the benefit of Scheduled Caste Category on the basis of Certificate dated 10.5.2005 issued by the Tehsildar, Faridkot as he submitted that he was born in Faridkot and belongs to Ravidasis Castes but his case was not considered and ultimately he got issued a legal notice dated 19.3.2015 (P.15), which was replied/rejected by the respondents vide communication dated 20.4.2016 (P.16) *inter alia* observing as under:

“That in reply to the contents of para No.8 it is submitted that your client Sh. Sudhakar Kumar Ravi cleared the Markfed recruitment written examination held on 10/11.8.2013 for the post of Assistant Field Officer. When he was called for counseling, the officer of SC/BC welfare department Punjab observed “Subject to the verification of cast certificate belongs to Bihar State”. Later on it was informed by Joint Director (Welfare) that as per Govt. Instructions dated 17.01.1996 the candidate of other state can not be given benefits of employment. Accordingly, Sh. Sudhakar Kumar Ravi was not appointed in Markfed.”

The Government Instructions dated 17.1.1996 have been placed on record by the petitioner as Annexure P.2 and the relevant part reads as under:

“It is however clarified that the Scheduled Caste/Scheduled Tribe person on migration from the

State of his origin to another State will not lose his status as Scheduled Caste/Scheduled Tribe but he will be entitled to the concessions/benefits admissible to the Scheduled Castes/Scheduled Tribes from the state of his origin and not from the State where he has migrated.”

In affidavit dated 16.9.2015 filed by Sh. Alaknanda Dayal, IAS Director Welfare of Scheduled Castes and Backward Class on behalf of respondent Nos.3 to has submitted that the father of the petitioner originally belongs to State of Bihar from where he got his SC Certificate dated 12.3.2009 issued by the SDM Sadar, Munger showing his caste as Chamar (R.2); whereas the petitioner has produced his Caste Certificate, which depicts his Caste as Ravidasia and as such the same is not helpful to the petitioner being self contradictory. Even the government of Punjab has reiterated in Instructions dated 20.10.2011 to the following effect:

“It is, however, clarified that the scheduled caste/Scheduled Tribe person on migration from the State of his origin to another State will not lose his status as scheduled Caste/Scheduled Tribe but he will be entitled to the concessions/benefits admissible to the Scheduled Caste/Scheduled Tribe from the state of his origin and not from the state where he has migrated.”

In view of the aforesaid, petitioner cannot derive any benefit as a candidate of Scheduled Caste of Punjab.

No merit. Dismissed.

October 7th, 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No