

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.19591 of 2018 (O&M)

Date of Decision: 08.08.2018

SIMTA

..... Petitioner

Versus

**DIRECTOR, EDUCATION RECRUITMENT DIRECTORATE-CUM-
DIRECTOR GENERAL OF SCHOOL EDUCATION, PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Rajnikant Upadhyay, Advocate for the petitioner.

JASWANT SINGH, J. (ORAL)

The petitioner concededly belongs to a Scheduled Caste (*Ramdasia*) Category and was born and brought up in Hisar, Haryana. She upon her marriage on 25.01.2009 is settled in her matrimonial home at Village Balran in Tehsil Moonak, District Sangrur, Punjab. She was an aspirant for appointment against the 180 posts of Science Mistresses, reserved for Scheduled Caste (R&O) Category pursuant to the advertisement dated 20.11.2015 (**Annexure P-1**). Alongwith her application form, the Scheduled Caste Certificate dated 09.05.2011 (**Annexure P-7**) issued by the Tehsildar Moonak was appended. She was however considered ineligible as the Caste Certificate from her father side was not submitted. The said certificate dated 09.11.2004 (**Annexure P-5**) from the father side issued by the Tehsildar Hisar was furnished. The petitioner has been considered

ineligible as she is not a Scheduled Caste belonging to State of Punjab.

To claim being considered in the category reliance was placed on the certificate dated 09.11.2004 **(P-5)** issued by Tehsildar Hisar as also a certificate dated 09.05.2011 **(P-7)** issued by Tehsildar Moonak.

Learned counsel for the petitioner submits that learned Single Judge of this Court vide order dated 31.03.2017 **(Annexure P-9)** has held that those reserved category candidates, who have migrated from other States to the State of Punjab on account of involuntary migration like marriage etc. should be treated as eligible in the Scheduled Caste Categories for the State of Punjab.

Hence, in view of the directions, the petitioner is putting forth her claim for appointment based on her higher merit in the category of Scheduled Caste (*Ramdasia* and others).

After hearing learned counsel for the petitioner, no case for invoking the writ jurisdiction is made out.

It is conceded that as per the prevalent instructions, the petitioner is a migrant Scheduled Caste belonging to another State and thus not covered for enjoying the benefit of reservation meant for the Scheduled Caste of the State of Punjab. It is also conceded that in the cited judgment, a direction has been issued to the State of Punjab to reconsider their existing policy dated 17.01.1996 in the light of the observations made in the judgment.

It is also not in dispute that the said judgment is a subject matter of LPA filed by the State of Punjab. It is also could not be disputed that the selections on appointment pursuant to the aforesaid advertisement of

24.11.2015 stands closed as the State has subsequently issued fresh advertisements for filling up the posts of Science Mistresses. Thus, the action of the respondent based on the existing policy dated 17.01.1996 cannot be faulted.

Dismissed.

August 08, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No