

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 6004 of 2015 (O&M)

Date of Decision: 10.12.2018.

Sultana

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Om Pal Sharma, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JITENDRA CHAUHAN.J.(ORAL)

Through the instant civil writ petition, the petitioner seeks setting aside of action of respondent No.3 in not considering the candidature of the petitioner to the post of English Teacher under the OBC category.

On 03.12.2018, the following order was passed in this

Court:-

*“The petitioner, who professes Islam and belongs to sub caste Jullaha, has laid claim to the vacancy against the category to which he belongs.
The State is directed to file a specific affidavit with regard to the veracity of the certificates (Annexure P-1 and P-2) and to obtain necessary clarification whether 'Jullaha' mentioned at serial No.17 in the list (Annexure P-6) includes a person who professes Islam. A short affidavit be filed in this regard”*

In pursuance to order dated 03.12.2018, affidavit on behalf of respondent Nos.1 to 3 has been filed today in the Court and

the same is taken on record, which reads as under:-

*“No.1/32/2008-RS1/1411
Punjab Government
Welfare Department
(Reservation Cell)*

To

*All Deputy Commissioners of Punjab
Date: 17.11.08, Chandigarh.*

*Subject: Regarding the clarification issuing of scheduled Caste
Certificates to the applicants related to the Muslim
religion.*

*I have been instructed to point out the above subject that
according to the Constitution (Scheduled Castes) Order 1950 the only
persons belonging to Hindu, Sikh and Buddhist religions are required
to issue Scheduled Caste Certificates. Any person related to Muslim
religion, even if its caste is included in the scheduled castes list is not
entitled to issue scheduled caste certificate.*

Sd/-

Joint Secretary Welfare”

In view of the above, the petitioner who professes
Islam is not covered by the Constitution (Scheduled Castes) Order,
1950. Consequently, the present writ petition is dismissed.

10.12.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No