

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.4024 of 2013 (O&M)

Date of Decision: March 13, 2018

Ranjit Kaur

...Appellant

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: None for the appellant.

Ms.Devaki Anand Sullar, AAG, Punjab,
for the State.

AMIT RAWAL, J. (Oral)

The present appeal has been filed against the concurrent findings of fact, whereby the suit for declaration challenging the enquiry report dated 23.5.2011 to be null & void, has been dismissed by the trial Court vide judgment and decree dated 21.9.2012 and appeal laid before the Lower Appellate Court was also dismissed vide judgment and decree dated 22.3.2013.

Appellant-plaintiff instituted the suit claiming declaration that the Schedule Caste Certificate bearing No.506 dated 24.10.1996 issued by the Tehsildar, Ludhiana (West) is legal and valid and, therefore, the enquiry report, *ibid*, drawn by the Deputy Commissioner, Ludhiana holding it to be illegal and invalid, was incorrect on the ground that plaintiff was married to Lakhwinder Singh son of Karnail Singh, who was a Ramdasia Sikh by caste and on account of the marriage, she had also become Ramdasia. Two

children were born from the wedlock and Ramdasia Sikh being a reserved Scheduled Caste Community, the enquiry was totally erroneous. She submitted nomination papers for the post of Panch and she had been elected as Panch and continued till 1.8.2011. Once it was found that the plaintiff was not belonging to Scheduled Caste and the post of Panch was reserved, her Scheduled Caste Certificate was cancelled vide order dated 18.2.2010. She challenged the aforementioned order before this Court by filing Civil Writ Petition No.4539 of 2010, which was disposed of and her removal was stayed till pendency of the enquiry. The enquiry came to be decided against the appellant and, therefore, cause of action arose to file the suit.

As per the memorandum of appeal, it is being submitted that on account of the marriage of appellant with Lakhwinder Singh, who was belonging to Ramdasia Sikh community, the status of the wife after marriage would be of Scheduled Caste.

Ms.Devaki Anand Sullar, learned Assistant Advocate General, Punjab representing the State submitted that the judgments and decrees of the Courts below are perfectly legal and justified, for, upon marriage, a person belonging to such category, would not acquire the status of Scheduled Caste. Appellant would continue to be governed by the same very caste to which she was belonging before marriage. In other words, she would not, ipso facto, become a member of scheduled caste. In support of her contention, relied upon the ratio decidendi culled out by the Hon'ble Supreme Court in **Meera Kanwaria Versus Sunita & Ors., 2006 (1) R.C.R. (Civil) 182.**

I have gone through the paper book and judgment cited above.

Concededly, the appellant was not belonging to Scheduled

Caste community and had though married Lakhwinder Singh, who was belonging to Ramdasia Sikh community. Two children were born from the wedlock, but the fact of the matter is that she could not have been issued the certificate of Scheduled Caste on 24.10.1996 on the premise that she was married to a person belonging to Ramdasia Sikh community. The aforementioned fact has been negated by the Hon'ble Supreme Court in the judgment cited supra. Both the Courts below have rendered the findings by relying upon the aforementioned judgment. Moreover, the present appeal has become infructuous, for, the period of election has been over.

For the reasons stated above, no ground for interference is made out. Resultantly, the appeal stands dismissed.

March 13, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No