

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

LPA No.671 of 2018(O&M)

Date of decision: 02.11.2018

State of Punjab and others

... Appellants

Versus

Bhanu Bala

... Respondents

and other connected appeals:

**LPA Nos. 672, 673, 674, 675, 676, 677, 678, 689, 690, 698, 759 & 1451 of
2018**

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Ms. Monica Chhibbar Sharma, Sr. DAG, Punjab with
Mr. Avinit Avasthi, AAG, Punjab, for the appellants.
Mr. Rajnikant Upadhyay, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for the appellant(s) in LPA-1451-2018.
Mr. K.G. Chaudhary, Advocate
for the respondent(s) in LPA Nos.672, 676 & 689 of 2018.
Mr. Naveen Batra, Advocate
for the respondent(s) in LPA No.698 of 2018.
Ms. Aruna Sachdeva, Advocate
for respondents No.1 & 3 in LPA No.677 of 2018.
Mr. S.K. Bokolia, Advocate
for the respondent(s) in LPA No.675 of 2018.
Ms. Anita Sharma, Advocate
for the respondent(s) in LPA No.674 of 2018.

KRISHNA MURARI, C.J. (Oral)

The issue raised for adjudication in LPA No.671 of 2018 and
other connected matters is whether a woman who is a Scheduled Caste in a
State where she was born will be or not entitled to the benefit of reservation
after marriage in other State where her husband, who also belongs to

Scheduled Caste Category, is a resident and after migration in the same State she becomes permanent resident of that State.

The question as to whether a person belonging to Scheduled Caste in one State can be deemed to be a Scheduled Caste person in relation to any other State to which he migrates, was considered by a Constitution Bench of the Apex Court in the case of Bir Singh v. Delhi Jal Board & Ors., 2018(8) JT 463, and in paragraph 30 of the judgment, it was held as under:

“30. Unhesitatingly, therefore, it can be said that a person belonging to a Scheduled Caste in one State cannot be deemed to be a Scheduled Caste person in relation to any other State to which he migrates for the purpose of employment or education. The expressions "in relation to that State or Union Territory" and "for the purpose of this Constitution" used in Articles 341 and 342 of the Constitution of India would mean that the benefits of reservation provided for by the Constitution would stand confined to the geographical territories of a State/Union Territory in respect of which the lists of Scheduled Castes/Scheduled Tribes have been notified by the Presidential Orders issued from time to time. A person notified as a Scheduled Caste in State 'A' cannot claim the same status in another State on the basis that he is declared as a Scheduled Caste in State 'A'.”

However, the question in respect of married women remained unanswered in the said Constitution Bench judgment and is pending adjudication before a Larger Bench on a reference made in the case of Ranjana Kumari v. State of Uttaranchal and others (Civil Appeal No. 8425 of 2013), vide order dated 23.09.2013.

In the wake of the facts, we feel and learned counsel for the parties are not at issue that no useful purpose will be served by keeping these

appeals pending by this Court as ultimately rights of the parties would be governed by the final adjudication made by the Hon'ble Apex Court in the case of **Ranjana Kumari (supra)**. Accordingly, we dispose of these matters by directing that the rights of the parties shall be governed by the final adjudication to be made by the Larger Bench of the Hon'ble Apex Court, in view of the reference order dated 23.09.2013, referred to above, and till such adjudication, status quo as on date in respect of the posts on which the petitioner(s) claim entitlement for being appointed on the basis of the Scheduled Caste Category, shall be maintained by the parties.

It is further directed that post decision by the Hon'ble Apex Court on the issue at hands, the respondent authorities shall pass appropriate orders in the light of the same by giving a notice and opportunity to the all stakeholders.

All the pending civil miscellaneous applications including condonation of delay in filing/re-filing the appeal(s) stand disposed of.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

02.11.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO