

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

**LPA No.726 of 2019 (O&M)
Date of Decision :17.05.2019**

Sultana

.....Appellant

Versus

State of Punjab and others

..... Respondents

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

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

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This is an *intra court* appeal under Clause-X of the Letters Patent against the judgment and order dated 10.12.2018 as well as order dated 06.02.2019, passed by the learned Single Judge, dismissing the writ petition as well as review petition.

The facts are that the appellant-petitioner who is a Jullaha Muslim by caste applied for the post of English Teacher under the Scheduled Caste Category. Since the Jullaha Muslim do not fall under the Scheduled Caste Category, her claim for appointment was declined. Aggrieved by the same, she approached this Court by filing a writ petition, on 3.12.2018, an order was passed requiring the State to file a specific affidavit with regard to the veracity of the certificates and also to clarify whether Jullaha mentioned at serial No.17 in the list includes a person who professes Islam.

In pursuance of the aforesaid order the State-respondents filed an affidavit wherein it was stated that according to the Constitution

(Scheduled Castes) Order 1950, the only persons belonging to Hindu, Sikh and Buddhist religions are required to issue Scheduled Cast Certificates. Any person related to Muslim religion, even if, his/her caste is included in the scheduled castes list is not entitled to be issued a scheduled caste certificate.

Admittedly, in the case in hand, it is contended by the learned counsel for the appellant-petitioner that in any view of the matter since the caste she belongs falls under the OBC category, she ought to have been given an appointment on the post reserved for OBC. The argument is totally misconceived. The application for appointment was made by the appellant-petitioner under the Scheduled Caste Category and the certificate of the same was produced by her but she does not belong to the Scheduled Caste, she has rightly been non suited and after the selection process is over she cannot be permitted to change his category and start claiming appointment on OBC post.

In view of the aforesaid facts and discussion, we do not find any infirmity in the judgment of the learned Single Judge, which requires any interference. The appeal being devoid of merit accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.05.2019

Manoj Bhutani

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