

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

117/2

Civil Writ Petition No.24214 of 2019

Date of Decision: January 21st, 2020

Narender Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunny Singla, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The question involved in the present case is whether a woman, who belongs to a Backward Class Category in the State of her origin, on marriage has shifted to a different State, where again she married to a Backward Class Category, where the said Backward Class Category, which the petitioner originally belonged to, stands recognized as a Backward Class Category, would entitle her for consideration as a Backward Class for the purpose of claiming benefit thereof.

2. Petitioner originally belongs to the State of Rajasthan, where the petitioner has been declared a Backward Class. She got married to a person in Punjab, who also belongs to the Backward Class Category. She was issued a Backward Class certificate by the State of Punjab and in pursuance thereto, is claiming benefit under the said reserved category for consideration for appointment to the post of Social Studies Teacher in the master cadre. The candidature of the petitioner has been rejected on the ground that she does not belong to the State of Punjab vide Annexure P-6, wherein her application has been rejected as her Backward Class Category certificate is not being accepted.

3. Reply to the writ petition has been filed, which is taken on record.

4. Learned counsel for the State has referred to the judgment of the Hon'ble Supreme Court in ***Ranjana Kumari Versus State of Uttarakhand and others 2019 (1) S.C.T. 25*** to contend that the claim of the petitioner cannot be accepted in the light of the said judgment.

5. I have considered the said judgment and keeping in view the facts and circumstances of the present case, the claim of the petitioner is covered against her by the judgment in *Ranjana Kumari's case (supra)*, which had relied upon two Constitution Bench judgments of the Hon'ble Supreme Court in ***Marri Chandra Shekhar Rao Versus Dean, Seth G.S. Medical College & Ors., 1990 (3) SCC 130*** and ***Action Committee on Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra and another Versus Union of India & Anr., 1994 (4) S.C.T. 435.***

6. In view of the above, the writ petition stands dismissed.

January 21st, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No