

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

(223)

CWP-1766-2018

Date of Decision : July 14, 2022

Annu Arya

.. Petitioner

Versus

Haryana Public Service Commission

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohinder Pal, Advocate, for the petitioner.

Mr. Kanwal Goyal, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the prayer of the petitioner is for setting aside the order dated 20.12.2017 (Annexure P-7) by which the candidature of the petitioner has not been considered in the reserved category of scheduled caste for appointment against the post of Assistant Professor (College Cadre) in the subject of Chemistry.

Learned counsel for the petitioner argues that in the present case, the petitioner was resident of Delhi prior to her marriage and as she belongs to the reserved category of scheduled caste of NCT of Delhi, she was issued a scheduled caste certificate by Delhi Administration. After the petitioner got married in the State of Haryana, as the caste to which the petitioner belonged was also listed as scheduled caste category in the State of Haryana, the petitioner was given a scheduled caste category certificate

in the year 2006 in the State of Haryana. The said certificate was used by the petitioner while applying for the post of Assistant Professor (College Cadre) Chemistry, which was advertised by the respondent-State. The petitioner had applied in the reserved category of scheduled caste on the basis of the certificate issued by the State of Haryana but the said certificate has not been taken into account by the respondent and the claim of the petitioner has not been considered in the reserved category of scheduled caste for appointment to the post of Assistant Professor (College Cadre) Chemistry. The prayer of the petitioner is for issuance of a direction to the respondent to consider the petitioner eligible in the reserved category of scheduled caste for appointment against the post of Assistant Professor (College Cadre) Chemistry.

After notice of motion, the respondent has filed the reply and have contested the claim of the petitioner.

Learned counsel for the respondent submits that even if, any certificate is issued to the petitioner in the State of Haryana in respect of the scheduled caste category but the same cannot be taken into account for any purpose keeping in view the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.8425 of 2013 titled as Ranjana Kumari versus State of Uttarakhand and others, decided on 01.11.2018.***

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The only question, which arise in the present case, is whether, the petitioner, who was initially issued a scheduled caste certificate being resident of Delhi, can claim the benefit in the reserved category of scheduled caste in the State of Haryana after shifting of the petitioner in the

State of Haryana, wherein also she has been issued a reserved category certificate. The said question has already been considered by the Hon'ble Supreme Court of India in ***Ranjana Kumari's case (supra)*** and negitivated. The relevant paragraph of the said judgment is as under: -

“1. We have heard the learned counsels for the parties and perused the relevant material.

2. The appellant who belongs to Valmiki caste (Scheduled Caste) of the State of Punjab married a person belonging to the Valmiki caste of Uttarakhand and migrated to that State. In the State of Uttarakhand under the Presidential Order ‘Valmiki’ is also recognized as a notified Scheduled Caste. The State of Uttarakhand issued a certificate to the appellant.

3. The appellant contended before the High Court that she was a Scheduled Caste of the State of Uttarakhand. The High Court having rejected the Signature Not Verified claim, the appellant is in appeal before us. Digitally signed by NEETU KHAJURIA Date: 2018.11.13 18:14:43 IST Reason:

4. Two Constitution Bench judgments of this Court in [Marri Chandra Shekhar Rao vs. Dean, Seth G.S. Medical College & Ors.](#)¹ and [Action Committee on Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra & Anr. vs. Union of India & Anr.](#)² have taken the view that merely because in the migrant State the same caste is recognized as Scheduled Caste, the migrant cannot be recognized as Scheduled Caste of the migrant State. The issuance of a caste certificate by the State of Uttarakhand, as in the present case, cannot dilute the rigours of the Constitution Bench Judgments in [Marri Chandra Shekhar Rao \(supra\)](#) and [Action Committee \(supra\)](#).

5. We, therefore, find no error in the order of the High Court to justify any interference. The appeal is accordingly dismissed.”

Learned counsel for the petitioner has not been able to controvert that the case of the petitioner is covered against her keeping in view the judgment of the Hon'ble Supreme Court of India in ***Ranjana Kumari's case (supra)***.

That being so, the claim being raised by the petitioner in the present writ petition is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in ***Ranjana Kumari's case (supra)*** hence cannot be accepted.

Accordingly, the present writ petition is dismissed.

July 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No