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

CWP-25355-2016

Date of decision: 25.05.2022

ARSHPREET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND ANR.

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to give the appointment to the petitioner on the post of the Constable in the District Police Cadre and Armed Police Cadre as per advertisement No.1/2016 published on 31.05.2016.

Learned counsel for the petitioner herein would contend that advertisement No.1/2016 was issued to fill up 7416 posts of Constable in the District Police Cadre and Armed Police Cadre. The petitioner herein being eligible, applied for the said posts and was issued a provisional admit card. He appeared for the Physical Screening Test and completed the 1600 meter race within five minutes and also qualified long jump and high jump as required. The petitioner, having a height of 5 feet and 11 inches, would be entitled to 14 marks, however, he has been allotted only 13 marks and in case, he is given additional one mark for his height, he would come into the zone of consideration.

Learned State counsel would submit that the petitioner herein had applied under the Scheduled Caste category and has secured total 25 marks and even if the benefit of one mark is given to him, he would not be entitled to be appointed to the said post as he cannot take the benefit of being a SC within the State of Haryana. In fact, the petitioner has a certificate of SC issued by the State of Haryana. He would, de-hors the certificate issued under the SC category by the State of Haryana, be considered under the General category and in that situation, he does not have the necessary qualifying marks thereunder. He would rely upon a judgment of the Supreme Court rendered in “**Bhadar Ram (D) through LRs versus Jassa Ram and Others**”, **2022 AIR (SC) 322**, wherein it has been held that a person being a Scheduled Caste belonging to a particular State and being an ordinarily and permanent resident of that particular State cannot claim a benefit of Scheduled Caste in some other State.

I have heard learned counsel for the parties.

The law is well settled that the benefit of reservation can only be availed of in the State from where the certificate stands issued and, therefore, the petitioner herein would not be able to get appointed under the SC category in Punjab. He also does not have the necessary marks for being appointed under the General category.

Consequently, the instant petition is dismissed.

(JAISHREE THAKUR)
JUDGE

25.05.2022
Chetan Thakur

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No