

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

**CWP No. 26993 of 2017 (O&M)
Date of Decision:04.07.2022**

Manju Kalwa

.....Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Dr. Kiran Pal Singh, AAG., Haryana.

Mr. Kanwal Goyal, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Prayer in this writ petition is for quashing letter/order dated 10.11.2017, Annexure P-4, whereby petitioner has been informed that her candidature has been rejected due to non submission of Reserve Category Certificate from parental side. It is further prayed that direction be issued to the respondents to consider petitioner's case for the post of Assistant Professor (College Cadre) (English) as petitioner has already qualified the written test.

Petitioner, admittedly, prior to her marriage was a resident of State of Punjab belonging to 'MEGH' caste. Subsequent to her marriage, she started residing at her matrimonial home in the State of Haryana. Abovesaid caste, it is submitted is recognized as Scheduled Caste/Scheduled Tribe in

the State of Haryana also. Petitioner sought the benefit thereof while seeking appointment to the post of Assistant Professor (College Cadre) pursuant to advertisement no. 10 dated 16.02.2016. Petitioner's candidature was rejected on the ground that she belongs to the State of Punjab belonging to a Scheduled Caste Category recognized in the said State and after migration to the State of Haryana, she cannot be given the benefit of the said reserved category.

Aggrieved therefrom, present writ petition was filed with the averments that petitioner was born in 'MEGH' caste, which is recognized as a Scheduled Caste in the State of Punjab as well as in Haryana. Therefore, after marriage the petitioner is entitled to seek the benefit thereof while applying for the post in question.

Learned counsel for the petitioner is unable to deny that the matter is squarely covered against the petitioner in view of judgment of the Hon'ble Supreme Court in **Ranjana Kumari Vs. State of Uttrakhand and others, Civil Appeal No (s). 8425 of 2013** relying upon earlier judgement of **Marri Chandra Shekhar Rao Vs. The Dean, Seth G.S.Medical Colege and others, 1990 (2) SCR 843.**

In **Ranjana Kumari's** case (supra), the candidate belonging to Valmiki Caste which is recognized as a Scheduled Caste in the State of Punjab married a person belonging to the Valmiki caste in Uttrakhand, where the said caste is duly recognized as a Scheduled Caste too. She then migrated to Uttrakhand. Requisite certificate was issued to the said candidate by the State of Uttrakhand, however, her claim seeking benefit thereof was rejected. Hon'ble Supreme Court while referring to the earlier two Constitution Bench judgments in **Marri Chandra Shekhar Rao's** case (supra) and **Action Committee on Issue of Caste Certificate to Scheduled**

Caste and Scheduled Tribes in the State of Maharashtra and another Vs. Union of India and another (1994) 5 SCC 244 reiterated the view that merely because in the migrant State, same caste is recognized as Scheduled Caste, the migrant cannot be recognized as Scheduled Caste of the migrant State. Gainful reference can also be made to the judgment of Division Bench of this High Court in **Haryana Public Service Commission Vs. Shweta Kashyap and another, 2019 (3) S.C.T 214..**

Keeping in view the facts and circumstances as above, no ground for any interference is made out.

No other argument has been addressed.

Accordingly, this writ petition is dismissed with no order as to costs.

04.07.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.