

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21050 of 2021 (O&M)

Date of Decision:15.02.2022

Jasveer Kaur

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Kuldeep Tewari, Addl.AG., Haryana.

Ms. Harpriya Khaneka, Advocate
for respondent no.2.

LISA GILL, J(Oral).

This writ petition has been filed for setting aside Communication/Order dated 09.10.2021, Annexure P-7, whereby petitioner's representation of even date has been rejected by respondent no.2, denying the benefit of reservation to the petitioner in the BC-B category on the ground that benefit of reservation can be afforded only to those candidates who are born in Haryana.

It is submitted that the petitioner being fully eligible and belonging to the BC-B category applied for the post of Assistant Professor (College Cadre) 2019, in the Higher Education Department pursuant to advertisement no. 1/2019. The petitioner, it is stated took the written examination conducted on 18.07.2021 and was shortlisted in the successful candidates. She uploaded her documents on 01.08.2021 for scrutiny and she further qualified for the interview. Petitioner was directed to appear before the Commission for interview/scrutiny on 09.10.2021 with the direction to

bring all her original certificates. Petitioner, it is stated reached the venue of interview on 09.10.2021. Her documents were verified and formalities completed, but an objection was raised by the respondents that the Backward Class Certificate issued was not valid as it was not issued in the name of her father and the petitioner was not born in the State of Haryana. Impugned communication/order dated 09.10.2021, was passed on petitioner's representation.

Learned counsel for the petitioner submits that the petitioner belongs to Saini Caste, which falls under the BC-B Category in the State of Punjab as well as Haryana. Petitioner was born in the State of Punjab and was residing with her parents in village Dahar, Tehsil Dera Bassi, District SAS Nagar Mohali and was married with Yashpal son of Hukam Chand on 20.02.2004, who is a resident of Ambala and also belongs to BC-B category. Pursuant to her marriage, the petitioner is a permanent resident of village Dahar, Post Office Lalru, Tehsil Dera Bassi, SAS Nagar Mohali, in the State of Punjab. Rejection of her candidature only on the ground that benefit of reservation can be given only to those candidates who are born in Haryana and on the basis of caste of the father, it is stated is illegal and unjustified.

However, learned counsel for the petitioner is unable to deny that the matter is squarely covered against the petitioner in view of the decision the Hon'ble Supreme Court in **Ranjana Kumari Vs. State of Uttrakhand and others, 2020(2) SCC (L&S) 690** and of the Division Bench of this High Court in **Haryana Public Service Commission Vs. Shweta Kashyap and another, 2019(3) SCT 214**. In the matter of **Ranjana Kumari Vs. State of Uttaranchal and others, 2013 (14) SCC 710**, the matter was referred to a larger Bench as to whether a person who is a scheduled caste in a particular State where she is born, would be entitled to

the benefit of reservation on migration in the State where her husband is living despite the fact that the husband also belongs to the Scheduled Caste and the particular Caste also falls in the same reserved category in the State of migration and she is a permanent resident of the said State of migration. The larger Bench of the Hon'ble Supreme Court in **Ranjana Kumari's** case (Supra) on 01.11.2018, categorically held that merely because in the migrant State, the same Caste is recognized as a Scheduled Caste, migrant cannot be recognized as Scheduled Caste of the migrant's State.

Therefore, keeping in view the facts and circumstances of the case, I do not find any ground whatsoever to interfere in this writ petition, at this stage.

Petition is accordingly dismissed with no order as to costs.

15.02.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.