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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-17862-2023 (O&M)  
Date of Decision: 02.11.2023

Lakhvir Kaur

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

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CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
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Present: Mr. H.C. Arora, Advocate, for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

1. The petitioner by way of this petition claims reservation on the ground that she was born in the State of Punjab although her father belongs to Rajasthan. She also claims that she has studied for a considerable period in Punjab, and therefore, she is a permanent resident of Punjab and deserves to be granted benefit of reservation.
2. This Court finds that the issue is no more *res integra* in view of the judgment passed by the Supreme Court in the case of ***Bir Singh vs. Delhi Jal Board and others, reported in (2018) 10 SCC 312***, wherein the Supreme Court has held as under:

*“34. Unhesitatingly, therefore, it can be said that a person belonging to a Scheduled Caste in one State cannot be deemed to be a Scheduled Caste person in relation to any other State to which he migrates for the purpose of employment or education. The expressions "in relation to that State or Union Territory" and "for the purpose of this Constitution" used in*

*Articles 341 and 342 of the Constitution of India would mean that the benefits of reservation provided for by the Constitution would stand confined to the geographical territories of a State/Union Territory in respect of which the lists of Scheduled Castes/Scheduled Tribes have been notified by the Presidential Orders issued from time to time. A person notified as a Scheduled Caste in State 'A' cannot claim the same status in another State on the basis that he is declared as a Scheduled Caste in State 'A'."*

- 3. Keeping in view the above law, no relief can be granted to the petitioner.
- 4. Accordingly, writ petition is *dismissed*.

(SANJEEV PRAKASH SHARMA)  
JUDGE

November 02, 2023

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable?        | Yes/No |