

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

115

**CWP-29689 of 2022 (O&M)
and other connected cases
Date of decision: 09.01.2023**

Kulwinder Kaur

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Aggarwal, Advocate
for the petitioner.

Sh. Charanpreet Singh, Assistant Advocate General, Punjab

ANIL KSHETARPAL, J(Oral)

1. This order shall dispose of various Civil Writ Petitions bearing No.29689, 29691, 29737, 29759, 29802, 29804, 29830, 29845, 29995, 30019, 30032, 30043 of 2022.

2. In all these cases, the petitioners pray for direction to the respondents to consider the petitioners' candidature for appointment to the post of Master Cadre in Scheduled Caste Category. All these petitioners have migrated from other States. The petitioners claim that it is involuntary migration which has occurred on account of their marriage. The petitioners' claim has been rejected on the ground that the certificate issued by the respective States in which they were born is not sufficient to consider their case for reservation. The petitioners, while submitting their applications, did not attach the certificate issued by the Competent Authority, Punjab.

The learned counsel representing the petitioners relies upon the order passed in LPA No.671 of 2018, titled as **State of Punjab and others vs. Bhanu Bala**, decided on 02.11.2018.

The aforesaid issue has been considered by three different 5 Judges Benche of the Supreme Court in Chandra Shekhar Rai vs. Dean, Seth G.S.Medical College and others, (1990) 3 SCC 130, Action Committee of Issue of Caste Certificate to Scheduled Castes & Scheduled Tribes in the State of Maharashtra and another vs. Union of India and Another, (1994) 5 SCC 244 and Bir Singh vs. Delhi Jal Board and others, (2018) 8 JT SC 463 and another 3 Judge Bench in Ranjana Kumari vs. State of Uttrakhand and others, (2019) 15 SCC 664. Moreover, recently, the Supreme Court in Bhadar Ram(dead) through LRs vs. Jassa Ram and others, (2022) 4 SCC 257, has considered the issue of migration of the female candidates, who are identically situated. Again, in Haryana State Public Service Commission vs. Shweta Kashyap and others, LPA No.377 of 2018 the issue of entitlement of a female candidate who migrates to another State due to her marriage has been considered and rejected.

In view of the aforesaid, no ground to issue the writ as prayed for, is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 09, 2023
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(ANIL KSHETARPAL)
JUDGE

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