

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

123

CWP-2523-2024
Date of Decision : 28.02.2024

AKVINDER KAUR

..... PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Rohiteshwar Singh, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of Constitution of India is seeking setting aside of order dated 08.01.2024 (Annexure P-12) whereby her claim has been declined.

2. Learned counsel for the petitioner inter alia contends that petitioner is having domicile of State of Punjab and Tehsildar, Rajpura has issued Caste Certificate dated 07.04.2017. The father of the petitioner was transferred to Chandigarh and she is staying with her father. On account of staying with her father at Chandigarh, the petitioner has got issued another Caste Certificate from Competent Authority at Chandigarh. The respondent misreading instructions dated 12.09.2023 has declined claim of the petitioner on the ground that petitioner is not having Domicile/Caste Certificate from State of Punjab. He places reliance upon a five-Judge judgment of Supreme Court in **Marri Chandra Shekhar Rao vs. The**

Dean, Seth G.S.Medical College and others, 1990 (3) SCC 130, a two-Judge judgment of Supreme Court in Pankaj Kumar vs. State of Jharkhand and others, 2021(3) SCT 645 as well as a Division Bench of this Court in Haryana Public Service Commission vs. Shweta Kashyap and another, 2019 (3) SCT 214.

3. Mr. Aman Dhir, DAG, Punjab, expressed his inability to controvert the applicability of aforesaid judgments to the present case. He conceded that the petitioner by origin is from State of Punjab and she is staying at Chandigarh because of transfer of her father.

4. I have heard the arguments of learned counsel for the parties and perused the record.

5. From the perusal of record, it is quite evident that the petitioner by birth/origin belongs to State of Punjab and in view of law laid down by Supreme Court in Marri Chandra Shekhar Rao’s case (supra) and Pankaj Kumar’s case (supra), the petitioner is entitled to benefit of reservation in the State of Punjab. The instructions dated 12.09.2023 issued by respondents are also supporting case of the petitioner.

4. In the wake of above-referred judgments of Supreme Court, the present petition deserves to be allowed and accordingly allowed. The respondents are directed to consider candidature of the petitioner for the post of Constable.

28.02.2024
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No