

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 550 of 2024 (O&M)

Date of Decision: 28.02.2024

Sushma Rani

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI, JUDGE

Present : Mr. Sandeep Kumar Tada, Advocate, for the appellant.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (oral)

Consideration of the present appeal is to the order dated 15.02.2024 passed by the learned Single Judge whereby the writ petition filed by the appellant-petitioner had been dismissed upholding the rejection of the petitioner's case for consideration for the post of Constable (female) under Scheduled Caste Category.

2. The learned Single Judge relied upon a Division Bench judgment of this Court in *Haryana Public Service Commission vs. Shweta Kashyap and another 2019(3) SCT 214*, to hold that though the petitioner had married a man of another State belonging to the same caste i.e. 'Balmiki' caste, which has been recognized as reserved category but she would not be entitled for the benefit of reservation available to the candidates of her husband's State. The petitioner originally belongs to Haryana and is 'Balmiki' by caste which has been recognized as a Scheduled Caste category in the State of Haryana and had married a person in District Sangrur and her husband is also 'Balmiki' by caste which has also been recognized as Scheduled Caste in the State of Punjab. However, on account of the fact that her domicile certificate showed that she is a resident of Kurukshetra being the daughter of Karnail Singh, she had been considered not eligible which order has consequently been upheld. The Division Bench also noticed a judgment of the Apex Court given by a three-Judges Bench in *Ranjana Kumari v. State of Uttarakhand and others*,

2019(1) SCT 25, wherein same identical issue was involved and the larger Bench of the Apex Court had itself been bound down by the two constitutional Bench judgments of the Apex Court and did not interfere in the order of the High Court which had also rejected her claim. The said observations read as under:-

*“Two Constitution Bench judgments of this Court in **Marri Chandra Shekhar Rao vs. Dean, Seth G.S.Medical College and others, and Action Committee on Issue of Caste Certificate to Scheduled Castes and Scheduled Tribes in the State of Maharashtra and another v. Union of India and another**, have taken the view that merely because in the migrant State the same caste is recognized as Scheduled Caste, the migrant cannot be recognized as Scheduled Caste of the migrant State. The issuance of a Caste certificate by the State of Uttarakhand, as in the present case, cannot dilute the rigours of the Constitution Bench judgments in **Marri Chandra Shekhar Rao (supra)** and **Action Committee (supra)**.*

We therefore, find no error in the order of the High Court to justify any interference. The appeal is accordingly dismissed.”

3. Keeping in view of the above, we are of the considered opinion that we are bound by the judgments of the Constitutional Benches of the Apex Court as they are binding precedents upon all the Courts. Therefore, in view of the settled principles, there is no scope for interference in the impugned judgment rendered by the learned Single Judge. The appeal filed by the appellant is accordingly dismissed. Pending applications, if any, also stand disposed of.

(G.S.SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

28.02.2024
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No