

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-6332-2017
Date of Decision: 29.04.2024

Ritu Kumari ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Alka Chatrath, Advocate and
Mr. Nikhil Singh, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 30.01.2017 (Annexure P-16) whereby her claim to the post of Female Intelligence Assistant (Constable) under Other Backward Classes (for short 'OBC') Category has been declined.
2. The petitioner by birth belongs to State of Rajasthan. She hails from *Kumhar* community which is a notified backward caste in the State of Rajasthan. She solemnized marriage with Angrez Kumar resident of State of Punjab. He also belongs to *Kumhar* community. The petitioner claims that she is entitled to reservation under OBC Category in the State of Punjab because embargo of migration from one State to another State is applicable to candidates belonging to Scheduled Caste and Scheduled Tribe Categories.

A caste is not declared OBC by way of Presidential Order. The respondent has issued to her certificate of OBC but denied benefit relying upon instructions which were issued after conducting exam.

3. Mr. Aman Dhir, Deputy Advocate submits that a Coordinate Bench of this Court in *Narender Kaur v. State of Punjab and another, CWP No.24214 of 2019* decided on 21.01.2020 and *Jasveer Kaur v. State of Haryana and others, CWP No.21050 of 2021* decided on 15.02.2022 has adjudicated identical issue involved in the present case. The Court has categorically held that a candidate belonging to a State after solemnizing marriage with a resident of another State is not entitled to benefit of OBC Category in the migrating State.

4. This Court as per principles of uniformity and consistency as well as law of precedent is supposed to follow judgments of Coordinate Bench. The petitioner may be right in her contention, however, this Court finds itself unable to form any opinion contrary to opinion of Coordinate Bench of this Court.

5. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

29.04.2024
Mohit Kumar

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