



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

114

**LPA-3263-2025 (O&M)
Decided on: 14.11.2025**

Vinay Sahotra

.....Appellant

Versus

The Punjab State Power Corporation Limited and others

.....Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Abhishek Thakur, Advocate and
Mr. Aneeshh Chopra, Advocate for appellant.

Mr. Akash Vashisth, Advocate for the respondents-PSPCL.

* * * * *

DEEPAK MANCHANDA, J.

1. Through this intra-Court appeal, the appellant has challenged the impugned judgment dated 01.10.2025, whereby his writ petition was dismissed.

2. The brief facts emerging from the present appeal are that the appellant applied for the post of Assistant Engineer/OT (Electrical) under the Backward Class (BC) category pursuant to Advertisement No. CRA 311/24 dated 27.11.2024. He had secured the 1st rank in the BC category and 17th rank overall based on GATE-2024 merit. His claim for BC reservation was rejected by the respondent-Corporation on 19.05.2025 on the ground that, although he was born and domiciled in Punjab, his ancestral roots lay in the



State of Himachal Pradesh after the reorganization of 1966. He was termed a 'Migrant BC', and reservation benefits were denied to him.

3. Learned counsel for the appellant contends that the learned Single Judge did not appreciate the state-specific recognition of the Jhinwar caste, to which the appellant belongs, which is recognized as a BC in both Punjab and Himachal Pradesh. It is further contended that there is no policy or constitutional inconsistency in granting him BC status in Punjab, especially when he possesses domicile and a BC certificate issued by the competent authority in Punjab. Learned counsel also argues that the Learned Single Judge relied upon Central Government clarifications of 1994 and 2002, which state that OBCs on migration can claim benefits only in their state of origin, although such circulars are executive in nature but the same are not binding interpretations of constitutional provisions. He submits that these clarifications deal with inter-state migration and not state reorganization, which is a distinct constitutional process under Articles 2, 3, and 4 of the Constitution of India. It is argued that the Learned Single Judge failed to consider the principles governing public employment and the settled legal position, leading to the erroneous dismissal of the writ petition.

4. Heard.

5. A perusal of the impugned judgment shows that the Learned Single Judge dismissed the writ petition on the ground that the appellant could claim BC-category reservation only in the State of Himachal Pradesh, which was the permanent abode of his father at the time of its creation in 1966. The Learned Single Judge relied upon clarifications dated 25.11.2002



and various judgments of the Hon'ble Supreme Court. The relevant findings are reproduced below:

“13. The issue of portability of caste or community based reservations arises when domicile is confused with ethnicity. The state of origin of a person is not ascertained with respect the place of his birth but has to be defined in terms of permanent abode of his parents at the time of issuance of the relevant notification. The constitutional philosophy acknowledges that the idea of 'backwardness' is contextual and territorial. While an individual can migrate to another area, however, the socio-economic disadvantages faced by a community residing in a particular geographical area historically do not migrate with him. Thus, the benefits of reservation are permanently rooted in one's ethnicity that denotes a shared culture and history. Allowing an approach where reservation is made portable across states would be violative of the principle of equitable distribution of resources as envisaged by the Constitution of India as it would amount to denial of benefits to those disadvantaged groups that they were originally intended for.

14. Further, revenue documents (Annexure P-14) submitted by the petitioners clearly states that they own ancestral property in village Gondpur Banehra, that currently falls under District Una, Himachal Pradesh, further buttressing the approach that Himachal Pradesh is the state of origin of the petitioner. It is no longer res integra that the date of migration to another state would also not be relevant to determine one's state of origin. In fact, if a person migrates to another State after the issuance of the Presidential Notification, they would be considered to be a migrant therein. Both the original migrants as well as their progeny will be regarded as migrants and not be provided with benefits of reservation in the state of immigration. Since the year 1966, the erstwhile composite state of Punjab ceased to exist and Tehsil Una, the area of permanent abode of the forefathers of the petitioner was placed under the State of Himachal Pradesh. As such, the connection between the



geographical area of origin of the identity of the family of the petitioner i.e. Una cannot be severed on account of their subsequent move to the present State of Punjab in the year 1999.

*15. Lastly, the Hon'ble Supreme Court in **Pankaj Kumar (supra)**, while holding that the benefits of reservation could only be claimed in either the State of Bihar or the State of Jharkhand, has also recognised that the benefits of reservation will not travel with a migrant to the state he chooses to settle in. Speaking through Justice Ajay Rastogi, the following was observed:*

41. By the judgments of the Constitution Bench of which the reference has been made (supra), it has been settled that the person belonging to Scheduled Castes/Scheduled Tribes/OBC of the State, on migration to another State voluntarily or involuntarily, will not be entitled to claim benefits of reservation including privileges and benefits admissible to the member of the Scheduled Castes/Scheduled Tribes/OBC even though, the caste or tribe of the same nomenclature is notified in the latter State(State where migrated) and if that is being permitted, the very expression as mandated under Articles [341\(1\)](#) and [342\(1\)](#) of the Constitution in "relation to the State" would become otiose and this issue remain no more res integra after the pronouncements made by the Constitution Bench of this Court.

*However, this judgment is distinguishable to the facts and circumstances of the present and does not help with the case of the petitioner. Owing to its unique factual matrix, the Hon'ble Supreme Court reached the conclusion that reservation could be claimed in either of the States upon balancing the constitutional mandate with the provisions of the Bihar Reorganisation Act, 2000 that provided continuity of service. The ratio culled out in **Pankaj Kumar (supra)***



would only be applicable to those persons who were born in a unified State, prior to its reorganisation and were claiming benefits of reservation. Be that as it may, this approach cannot be applied to such persons who were born after creation of a separate state or their progeny. Therefore, the petitioner or his progeny will only be able to claim the benefits of reservation under the BC category in the State of Himachal Pradesh.

*16. Further, the decision in **Gurvinder Singh (supra)** would also not come to the rescue of the petitioner as it dealt with the limited question regarding which would be the appropriate state to issue the caste certificate. In fact, the matter was already addressed by the letter dated 18.11.1982 issued by the Government of India wherein it was clarified that the state of migration could also issue the said certificate.*

CONCLUSION

17. In view of the discussion above, this Court is not satisfied with the arguments put forth by learned counsel for the petitioner. The petitioner can only claim the reservation for persons belonging to the BC category in the State of Himachal Pradesh, which was the permanent abode of the father of the petitioner since its creation in the year 1966. Accordingly, the present petition is dismissed.”

6. We have perused the pleadings and the material on record. The issue in this appeal pertains to whether the appellant, who belongs to the Jhinwar community as reflected in the BC certificates issued in Punjab, is entitled to BC reservation in the State of Punjab. The appellant submits that the Jhinwar community, within the Hindu religion, was recognized as a Backward Class by the Department of Social Justice, Empowerment and Minorities, Government of Punjab, vide notification dated 03.09.1955. At



the time of issuance of this notification, the appellant's grandfather was a permanent resident of Tehsil Una, District Hoshiarpur, which later became a part of Himachal Pradesh after the reorganization in 1966. The appellant applied for BC reservation benefits in Punjab, but the same were rejected vide order dated 19.05.2025, which he challenged in the writ petition.

7. The Learned Single Judge relied upon various judgments of the Hon'ble Supreme Court and the notifications issued by the State to determine the eligibility of the appellant. The impugned judgment shows that the appellant had submitted a self-declaration stating that he has been a permanent resident of Punjab since his birth in 2000. Referring to the notification dated 03.09.1955 and the letter dated 25.11.2002 issued by the Ministry of Social Justice and Empowerment, the Learned Single Judge held that, for caste-based reservation, the place of permanent abode of the appellant's father at the time of the notification was decisive. It is noted that although the appellant's grandfather belonged to the erstwhile State of Punjab, his father resided in Himachal Pradesh after the reorganization of 1966. The father's migration to Punjab in 1999, therefore, does not alter the family's original state of origin.

8. A perusal of the impugned judgment further reveals that, as per the revenue record, the appellant's family owns ancestral property in Village Gondpur Banehra, which presently falls within District Una, Himachal Pradesh. This clearly establishes Himachal Pradesh as the appellant's state of origin. As rightly observed, the date of migration to another State is irrelevant for determining one's state of origin. We agree that the connection



between the family’s geographical area of origin—Una—cannot be severed merely because of their subsequent relocation to Punjab in 1999. It is a settled proposition of law that the benefits of reservation do not travel with a migrant to the State where he chooses to settle, even if the same caste is notified in that State.

9. In view of the above discussion, we find no reason to interfere with the impugned judgment, as no perversity or error has been demonstrated. Consequently, the intra-Court appeal is dismissed.
10. All pending miscellaneous applications also stand disposed of.

(DEEPAK MANCHANDA)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

14.11.2025
sapna

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No