



CWP-15869 of 2021

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

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**CWP-15869 of 2021 (O&M)
Date of decision : 11.02.2026**

MANJU KROTRA

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Saurabh Arora, Advocate (through VC)
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the selection of respondent No.4 on the post of Science Mistress under the SC(R&O) category vide order dated 05.05.2021 (Annexure P-18), on the ground that respondent No.4 had secured less marks than the petitioner.

2. Brief facts of the case are that respondent No.3 issued an advertisement dated 28.02.2020 (Annexure P-1) for filling up posts in the Master Cadre. The above said advertisement included 700 posts of Science Masters/Mistresses, out of which 70 posts were reserved for SC(R&O) category. In pursuance to the above said advertisement, petitioner applied for appointment under the Scheduled Caste (R&O) category (hereinafter

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referred to as SC(R&O) category). The petitioner duly submitted caste certificates (Annexures P-4 and P-5). A perusal of Annexures P-4 and P-5 would show that the certificates which was attached by the petitioner were issued by the State of Jammu and Kashmir.

3. The petitioner duly participated in the written examination held on 10.01.2021 and secured 79 marks. Thereafter, a list (Annexure P-14) was uploaded by the respondent-department whereby, the candidates were called for scrutiny of documents. As the name of the petitioner was mentioned at Serial No.48 under SC(R&O) category in the list, petitioner submitted her documents for the purpose of scrutiny on 30.01.2021. After scrutiny of the documents, a provisional merit list (Annexure P-15) was uploaded by the respondent-department in which, 63 candidates under the SC(R&O) category were shortlisted. However, the name of the petitioner was not included in the above said list

4. As a consequence of this, petitioner submitted a representation dated 05.03.2021 (Annexure P-17) asking reasons as to why her name has not been included in the provisional merit list. According to the petitioner, vide order dated 05.05.2021 (Annexure P-18), the last candidate selected under SC(R&O) category i.e. (respondent No.4) had secured only 66 marks whereas petitioner had secured 79 marks. The petitioner also approached the respondent-department seeking clarification as to how a candidate who had secured less marks than her, was selected.

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5. The petitioner was informed that since the caste certificate submitted by her had been issued by the State of Jammu and Kashmir, as such, on migration after marriage, the petitioner cannot claim the benefit of reservation under the SC(R&O) category for the purpose of appointment in the State of Punjab.

6. Aggrieved against the action of respondents in not considering the case of petitioner for appointment under the SC(R&O) category being more meritorious than the last selected candidate, the petitioner has filed the present writ petition.

7. Learned counsel appearing on behalf of the petitioner submits that after the marriage of the petitioner to a person whose caste is recognized as SC(R&O) category in the State of Punjab, on migration, the petitioner is entitled to be considered under the SC(R&O) category for the purpose of appointment.

8. Learned counsel appearing on behalf of the respondents submits that it is well settled law that a candidate cannot claim the benefit of reservation in a State other than the State of his/her origin. It is contended that the petitioner's State of origin is Jammu and Kashmir, and therefore, upon migration to the State of Punjab after marriage, she cannot claim benefit of reservation under the SC(R&O) category in State of Punjab.

9. Reliance has been placed on the judgment passed by Hon'ble the Supreme Court of India in **Marri Chandra Shekhar Rao Vs. The Dean,**



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Seth G. S. Medical College and others, (1990) SCC (3) 130, decided on 02.05.1990.

10. After hearing learned counsel for the parties at some length, the the only issue is in regard to whether a female candidate who migrates from other State after marriage and in the migrated State, the same caste is recognized as SC, can be granted the benefit of reservation. The above said issue has already been considered by this Court in **CWP No.29689 of 2022, titled as 'Kulwinder Kaur Vs. State of Punjab and another', decided on 09.01.2023.** It was held that female candidate who migrates to another State due to her marriage cannot be given the benefit of reservation in the migrated State. Aggrieved against the above said judgment passed by the single Judge, LPA was filed being **LPA No.140 of 2023 titled as 'Kulwinder Kaur Vs. State of Punjab and another.** The above said LPA was dismissed along with other connected LPAs on 02.09.2024.

11. In view of the judgment passed by the co-ordinate Bench in **Kulwinder Kaur's case (supra),** this Court finds no merit in the present writ petition. Accordingly, the present writ petition stands dismissed.

12. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

11.02.2026
Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No