

No. 22/57/2007-3GS-III

From

The Chief Secretary to Government Haryana.

To

1. All the Head of Departments,  
Commissioner, Ambala, Rohtak, Gurgaon &  
Hisar Divisions.
2. The Registrar,  
Punjab & Haryana High Court, Chandigarh.
3. All the Deputy Commissioners & Sub-Divisional Officers  
(Civil) in Haryana State).

Dated Chandigarh, the 6.9.2007

**Subject:- Issuance of Caste Certificate of Backward Class.**

Sir,

I am directed to refer to Haryana Govt. letter No. 22/48/95-3GS-III dated 7.8.97 on the subject noted above in which it has been laid down that if a person belonging to the Scheduled Castes or Backward Classes categories marries another belonging to General category he/she shall continue to be entitled to the benefit reservation but if a person belonging to the General category marries a person belonging to the scheduled caste or backward classes category, he/she shall not be entitled to the benefit of reservation.

2. In this regard I am also to invite your attention to the Hon'ble Supreme Court's judgement in case of "Valsamma Paul v. Cochin University (1993) 3 SCC 545", wherein this Hon'ble Court in para No. 34 has observed as under:-

"When a member is transplanted into the Dalits, Tribes and OBC's, he/she must also, of necessity, have had undergone the same handicaps and must have been subjected to the same disabilities, disadvantages, indignities or sufferings so as to entitled him to avail the facility of reservation. Therefore, a candidate who had the advantageous start in life being born in Forward Caste and had march of advantageous life but is transplanted in Backward Caste by adoption or marriage or conversion, does not become eligible to the benefit of reservation either under Article 15(4) or 16(4), as the case may be. Acquisition of the status of Scheduled Caste etc. by voluntary mobility into these categories would play fraud on the Constitution, and would frustrate the benign constitutional policy under Articles 15(4) and 16(4) of the Constitution."

Following the ratio laid down in Valsamma paul's case (supra) the Hon'ble Supreme Court in Sobha Hymavathi Devi v. Setti Gangadhara Swamy and Others (2005) 2 SCC 244 has also observed in para No. 10 of its judgment as under:-

"We see no reason why the principle relating to reservation under Articles 15(4) and 16(4) laid down by the Supreme Court should not be extended to the constitutional reservation of a seat for a Scheduled Tribe in the House of the People or under Article 332 in the Legislative Assembly. The said reservations are also constitutional reservations intending to benefit the really underprivileged

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for a Scheduled Tribe in terms of Article 332 of the Constitution merely by virtue of her marriage to a person belonging to a Scheduled Tribe.

In yet another latest decision rendered in the case of 'Meera Kanwaria' v. Sunita 2006(1) SCC 344' the Hon'ble Apex Court has also laid down in para No. 24 of its judgement as under:-


"It is, therefore beyond any doubt or dispute that a person who is a high-caste Hindu and not subjected to any social or educational backwardness in life, by reason of marriage alone cannot ipso facto become a member of the scheduled Caste or the Scheduled Tribe. In the absence of any strict proof he cannot be allowed to defeat the very provisions made by the state for reserving certain seats for disadvantaged people."

I am, therefore, to request you to that while considering such cases, the above instructions should be followed strictly.

Yours faithfully

  
Deputy Secretary General Administration  
for Chief Secretary to Govt. Haryana.

A copy is forwarded to all the Financial Commissioners & Principal Secretaries/ Commissioners and Secretaries to Govt. Haryana for information and necessary action.

  
Deputy Secretary General Administration  
for Chief Secretary to Govt. Haryana.

To

All the Financial Commissioners & Principal Secretaries/  
Commissioners and Secretaries to Govt. Haryana.

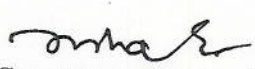
U.O.No.22/57/2007-3GS-III

Dated Chandigarh, the 6.9.2007

Endst.No. 22/57/2007-3GS-III

Dated Chandigarh, the 6.9.2007

A copy is forwarded to the Member Secretary, Haryana Bureau of Public Enterprises, Chandigarh for information and necessary action.

  
Deputy Secretary General Administration  
for Chief Secretary to Govt. Haryana.

Endst.No. 22/57/2007-3GS-III

Dated Chandigarh, the 6.9.2007

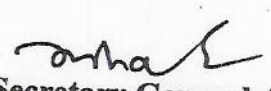

A copy is forwarded to all the Managing Directors/Heads of various Boards and Corporations in Haryana for information and necessary action.



Endst.No. 22/57/2007-3GS-III

Dated Chandigarh, the 6.9.2007

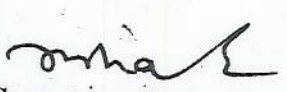
A copy is forwarded to the Secretary, Haryana Public Service Commission, Chandigarh for information and necessary action.

  
Deputy Secretary General Administration  
for Chief Secretary to Govt. Haryana. 

Endst.No. 22/57/2007-3GS-III

Dated Chandigarh, the 6.9.2007

A copy is forwarded to the Secretary, Haryana Staff Selection Commission, Panchkula for information and necessary action.

  
Deputy Secretary General Administration  
for Chief Secretary to Govt. Haryana. 