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WA-1308-2020

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 8th OF OCTOBER, 2026

WRIT APPEAL No. 1308 of 2020

CNR No.: MPHC012848472020

UMA DEVI NAVAIYA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Harsh Gupta - Advocate for the appellant.

Dr. Siddharth Singh Chouhan - Government Advocate for the State.
.....

ORDER

Per. Justice Vivek Jain

The present writ appeal under Section 2(1) of M.P. Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005 has been filed by the appellant/writ petitioner being aggrieved by the rejection of her writ petition by the learned Single Judge vide order dated 01.05.2020 passed in Writ Petition No.23738 of 2018.

2. The matter relates to refusal of caste certificate to the petitioner by the appellate authority, i.e. the Additional Collector, who has affirmed the order of rejection of caste certificate of the Sub-Divisional Officer. The Sub-Divisional Officer vide letter Annexure P-3 in the writ petition had rejected



the application for caste certificate, which has been confirmed by the Additional Collector by the appellate order Annexure P-1 dated 30.08.2018. The rejection is on the ground that the appellant was a resident of Jhansi (Uttar Pradesh) and she has recently migrated to Madhya Pradesh and now seeking issuance of Scheduled Caste (SC) category certificate in Madhya Pradesh. That certificate cannot be granted because she has migrated to the State of Madhya Pradesh after 1950 and therefore is not entitled to get the benefit of caste certificate in Madhya Pradesh.

3. Learned counsel for the appellant has vehemently argued that the learned Single Judge has erroneously rejected her writ petition by placing reliance on the judgment of the Hon'ble Supreme Court in the case of *Bir Singh v. Delhi Jal Board, (2018) 10 SCC 312*. It is contended that though in the said judgment, it has been held that the benefit of a particular category would be applicable only to the State of original residence, but in the present case, the appellant has sought certificate of the caste "Ahirwar", which is equivalent to the caste "Chamar" notified as SC in Uttar Pradesh. The petitioner has been granted the permanent certificate of SC category in Uttar Pradesh on 12.09.1980 mentioning the said caste of the petitioner. Though she was granted a temporary certificate in Madhya Pradesh of caste Ahirwar, which is also SC category, but the said certificate was valid only for a period of six months and when she applied for a permanent certificate, then the same has been refused to the appellant.

4. It is argued that the appellant has migrated on account of being married in Madhya Pradesh as she married a person residing at District



Sagar, Madhya Pradesh many years ago and now has been seeking issuance of SC category certificate in Madhya Pradesh, which has been denied to her.

5. Learned counsel for the appellant has placed vehement reliance on the judgment of the Co-ordinate Division Bench of this Court in the case of *Alka Singh vs. State of M.P. reported in 2012 (3) MPWN 84* to contend that the caste being a notified SC in Uttar Pradesh as well as Madhya Pradesh and the petitioner having migrated on account of marriage and not for the purpose of education or employment, therefore, she has a right to get a caste certificate of SC category, because the caste to which she belongs is named as Chamar in Uttar Pradesh and is notified as Ahirwar in Madhya Pradesh and she can be granted a certificate of Ahirwar caste in Madhya Pradesh.

6. Further reliance is placed on judgments of the Hon'ble Supreme Court in the cases of *U.P. Public Service Commission v. Madhu Rana, (2012) 12 SCC 132* and *U.P. Public Service Commission v. Sanjay Kumar Singh, (2003) 7 SCC 657* to contend that if the same caste is notified as a particular category (SC/ST/OBC) in both the States, then even in case of migration, the certificate can be issued in the State of migration. It is argued that though the case of *Bir Singh (supra)* addresses the question of migration from one State to another and it is held therein that in case of migration, the caste certificate cannot be got issued in the migrated State, but that judgment of the Constitution Bench of the Hon'ble Supreme Court does not take into account the situation where the caste is notified as SC or ST in both the States. Such issue has been dealt with in the judgments relied by the appellant above. Therefore, on these grounds, it is argued that the appeal be



allowed and the relief claimed in the writ petition be granted and necessary directions be issued so that the appellant can get a caste certificate issued in Madhya Pradesh. It is argued that the appellant intends to contest elections in Madhya Pradesh on the basis of her caste category and does not seek any education or employment in Madhya Pradesh.

7. *Per contra*, learned counsel for the State has vehemently argued that the question that whether upon migration from one State to another the benefit of caste category also gets transferred was considered by the Constitution Bench of the Hon'ble Supreme Court in the case of *Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130* and subsequently further explained in another Constitution Bench judgment in the case of *Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244*. He, therefore, contends that in view of the aforesaid two Constitution Bench judgments, the appellant is not entitled to any relief and she cannot claim a caste category certificate in Madhya Pradesh, because she has migrated recently to the State of Madhya Pradesh upon being married to a person who is a resident of Madhya Pradesh. It is further argued that the recent Constitution Bench judgment in the case of *Bir Singh (supra)* also addresses the issue and it has been held therein categorically that the benefit of caste category does not get transferred upon migration from one State to another.

8. This Court has heard learned counsel for the rival parties at length and perused the documents placed on record.

9. The sole question that arises for determination of this Court in the



present appeal is that whether the petitioner, who has migrated upon marriage from Uttar Pradesh to Madhya Pradesh, is entitled to get a caste certificate of SC category issued in Madhya Pradesh or not. It is her claim that she belongs to Chamar caste in Uttar Pradesh, which is equivalent to Ahirwar caste in Madhya Pradesh and though she was granted a temporary certificate of Ahirwar caste in Madhya Pradesh on 19.09.2007, but the said certificate was not renewed and the application for permanent certificate has thereafter been rejected on the ground that the family of the father of the appellant did not reside in the State of Madhya Pradesh in the year 1950. Therefore, she cannot get a SC category certificate issued from Madhya Pradesh. By treating it to be a case of migration, the issuance of SC category certificate has been denied to the appellant.

10. The question of issuance of caste certificates upon migration was initially considered by the Constitution Bench judgment of the Hon'ble Supreme Court in the case of *Marri Chandra Shekhar Rao (supra)*. In the aforesaid judgment, the Constitution Bench of the Hon'ble Supreme Court considered the expressions "for the purpose of this Constitution" and "in relation to that State" as appearing in Articles 341 and 342 of the Constitution of India in great detail. It was held therein that when an SC or ST category person migrates from one State to another, then there is no inhibition in migration, but when he migrates, then he does not carry and cannot carry the special rights and privileges attributed to him and granted to him in his original State. It was further held therein that the expression "in relation to that State" would become nugatory if in all the States the special



privileges or rights granted to SC or ST are carried forward and it will be something which would be inconsistent with the whole purpose of the scheme of reservation.

11. After holding the above in SCC paragraph 13, it was further held in paragraph 20 thereof that it would be just and fair to the Scheduled Castes and Scheduled Tribes not only of the State of origin of a person, but also of the other State to which he migrates, that the rights of both sets of persons of SC or ST community should be harmoniously balanced. It has been held that reservation should and must be adopted to advance the prospects of weaker sections of society, but while doing so, care should be taken not to exclude the legitimate expectations of other segments of the community.

12. The aforesaid judgment of the Hon'ble Supreme Court came up for consideration before another Constitution Bench in the case of *Action Committee (supra)* and the Constitution Bench noted that even if there are two castes in two different States having the same nomenclature, then also there cannot be any presumption that the persons belonging to the same caste name in one State would be entitled to the privileges in the other State, even if a caste by the same name is notified as SC or ST in the other State. The Hon'ble Supreme Court held as under:-

"16. We may add that considerations for specifying a particular caste or tribe or class for inclusion in the list of Scheduled Castes/Schedule Tribes or backward classes in a given State would depend on the nature and extent of disadvantages and social hardships suffered by that caste, tribe or class in that State which may be totally non est in another State to which persons belonging thereto may migrate. Coincidentally it may be that a caste or tribe bearing the same nomenclature is specified in two States but the considerations on the basis of which they have been specified may be totally different. So also the degree of disadvantages of various elements which constitute the input for specification may



also be totally different. Therefore, merely because a given caste is specified in State A as a Scheduled Caste does not necessarily mean that if there be another caste bearing the same nomenclature in another State the person belonging to the former would be entitled to the rights, privileges and benefits admissible to a member of the Scheduled Caste of the latter State “for the purposes of this Constitution”. This is an aspect which has to be kept in mind and which was very much in the minds of the Constitution-makers as is evident from the choice of language of Articles 341 and 342 of the Constitution. That is why in answer to a question by Mr Jaipal Singh, Dr Ambedkar answered as under:

“He asked me another question and it was this. Supposing a member of a Scheduled Tribe living in a tribal area migrates to another part of the territory of India, which is outside both the scheduled area and the tribal area, will he be able to claim from the local Government, within whose jurisdiction he may be residing the same privileges which he would be entitled to when he is residing within the scheduled area or within the tribal area? It is a difficult question for me to answer. If that matter is agitated in quarters where a decision on a matter like this would lie, we would certainly be able to give some answer to the question in the form of some clause in this Constitution. But so far as the present Constitution stands, a member of a Scheduled Tribe going outside the scheduled area or tribal area would certainly not be entitled to carry with him the privileges that he is entitled to when he is residing in a scheduled area or a tribal area. So far as I can see, it will be practicably impossible to enforce the provisions that apply to tribal areas or scheduled areas, in areas other than those which are covered by them....”

Relying on this statement the Constitution Bench ruled that the petitioner was not entitled to admission to the medical college on the basis that he belonged to a Scheduled Tribe in the State of his origin.”

13. Though later on, in the case of *Alka Singh (supra)*, a Division Bench of this Court as well as in the case of *Madhu Rana (supra)* and *Sanjay Kumar Singh (supra)*, two-Judge Benches of the Hon'ble Supreme Court have taken the view that if the same caste is notified as SC or ST in the other State, then the benefits would be accrued in another State upon migration.

14. However, in *Bir Singh (supra)*, the Constitution Bench again surveyed the entire legal provisions and categorically held therein that on



migration from one State to another, the benefit of privileges of a particular caste are not available to a member of SC or ST community. It has been held therein as under:-

"20. There are various parameters by which a caste/race is recognised as 'Scheduled Caste/Scheduled Tribe' in a State/Union Territory or a particular part thereof. There is no doubt that before the Presidential Orders were issued under Article 341(1) or under Article 342(1), elaborate enquiries were made and only after such enquiries that the Presidential Orders were issued. While doing so, the Presidential Orders not only provided that even specified parts or groups of castes, races or tribes/tribal community could be Scheduled Castes/Tribes in a particular State/Union Territory but also made it clear that certain castes or tribes or parts/groups thereof could be Scheduled Castes/Tribes only in specified/particular areas/districts of a State/Union Territory. The reason for such an exercise by reference to specific areas of a State is that judged by standards of educational, social backwardness, etc. races or tribes may not stand on the same footing throughout the State. The consideration for specifying a particular caste or tribe or class for inclusion in the list of Scheduled Castes and Scheduled Tribes or Backward Classes in any given State depends on the nature and extent of the disadvantages and social hardships suffered by the members concerned of the class in that State. These may be absent in another State to which the persons belonging to some other State may migrate.

22. In Bhaiya Lal [Bhaiya Lal v. Harikishan Singh, AIR 1965 SC 1557], this Court held that before issuing notifications under Articles 341 and 342, an elaborate enquiry is made and as a result of the enquiry social justice is sought to be done to the castes, races or tribes as may appear to be necessary. It was further held that (AIR p. 1559, para 8) only Parliament is empowered to amend the notification under Articles 341(2) and 342(2) of the Constitution, as is underlined by the expression "but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification" occurring in each of the said provisions.

27. A Constitution Bench of this Court in Marri Chandra Shekhar Rao [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] had the occasion to consider the question as to whether a member of the Gouda community which is recognised as "Scheduled Tribe" in the Constitution (Scheduled Tribes) Order, 1950 for the State of Andhra Pradesh would be entitled to admission in a medical institution situated in the State of Maharashtra. This Court noticed the fact that the father of the petitioner in Marri Chandra



Shekhar Rao [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] was an employee in Fertiliser Corporation of India, a public sector undertaking and thereafter in Rashtriya Chemicals and Fertilisers Limited, a Government of India undertaking. He belonged to the Gouda community, a recognised Scheduled Tribe of Andhra Pradesh. On his appointment he was stationed at Bombay. The petitioner came to Bombay at the age of nine years. He completed his studies in Bombay; he submitted an application for his admission in the medical institutions run by Bombay Municipal Corporation which was denied. This denial of admission was based on the Government of India circular dated 22-2-1985, according to which a person who migrates from one State to another is entitled to the benefit of being Scheduled Castes/Scheduled Tribes in the State of origin and not in the State to which he or she migrates. The appellant was held not entitled to be admitted to the Medical College on the basis that he belonged to a Scheduled Tribe in his original State i.e. Andhra Pradesh.

28. After referring to various provisions of the Constitution of India, the background in which the Presidential Orders were issued and several earlier judgments of this Court, it was held as under: (*Marri Chandra case [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382]*, SCC pp. 138-39, para 9)

“9. It appears that Scheduled Castes and Scheduled Tribes in some States had to suffer the social disadvantages and did not have the facilities for development and growth. It is, therefore, necessary in order to make them equal in those areas where they have so suffered and are in the state of underdevelopment to have reservations or protection in their favour so that they can compete on equal terms with the more advantageous or developed sections of the community. Extreme social and economic backwardness arising out of traditional practices of untouchability is normally considered as criterion for including a community in the list of Scheduled Castes and Scheduled Tribes. The social conditions of a caste, however, varies from State to State and it will not be proper to generalise any caste or any tribe as a Scheduled Tribe or Scheduled Caste for the whole country. This, however, is a different problem whether a member or the Scheduled Caste in one part of the country who migrates to another State or any other Union territory should continue to be treated as a Scheduled Caste or Scheduled Tribe in which he has migrated. That question has to be judged taking into consideration the interest and well-being of the Scheduled Castes and Scheduled Tribes in the country as a whole.”

(emphasis supplied)



29. In *Marri Chandra Shekhar Rao* [*Marri Chandra Shekhar Rao v. Seth G.S. Medical College*, (1990) 3 SCC 130 : 1 SCEC 382], rejecting the contention that (SCC p. 143, para 13) a member of Scheduled Castes/Scheduled Tribes should get the benefit of the status ‘for the purpose of the Constitution throughout the territory of India’, it was observed that if such contention is to be accepted the expression “In relation of that State” would become nugatory.

30. *Marri Chandra Shekhar Rao* [*Marri Chandra Shekhar Rao v. Seth G.S. Medical College*, (1990) 3 SCC 130 : 1 SCEC 382] was followed by another Constitution Bench of this Court in *Action Committee [Action Committee on Issue of Caste Certificate to SCs/STs in State of Maharashtra v. Union of India]*, (1994) 5 SCC 244]. After referring to Articles 14, 15(1), 15(4), 16(4) and 19 and Part XVI of the Constitution of India and the decisions governing the field and also Articles 341 and 342, it was held as under: (*Marri Chandra case* [*Marri Chandra Shekhar Rao v. Seth G.S. Medical College*, (1990) 3 SCC 130 : 1 SCEC 382], SCC pp. 247 & 259, paras 3 & 16)

“3. On a plain reading of clause (1) of Articles 341 and 342 it is manifest that the power of the President is limited to specifying the castes or tribes which shall, for the purposes of the Constitution, be deemed to be Scheduled Castes or Scheduled Tribes in relation to a State or a Union Territory, as the case may be. Once a notification is issued under clause (1) of Articles 341 and 342 of the Constitution, Parliament can by law include in or exclude from the list of Scheduled Castes or Scheduled Tribes, specified in the notification, any caste or tribe but save for that limited purpose the notification issued under clause (1), shall not be varied by any subsequent notification. What is important to notice is that the castes or tribes have to be specified in relation to a given State or Union Territory. That means a given caste or tribe can be a Scheduled Caste or a Scheduled Tribe in relation to the State or Union Territory for which it is specified. These are the relevant provisions with which we shall be concerned while dealing with the grievance made in this petition.

16. We may add that considerations for specifying a particular caste or tribe or class for inclusion in the list of Scheduled Castes/Schedule Tribes or Backward Classes in a given State would depend on the nature and extent of disadvantages and social hardships suffered by that caste, tribe or class in that State which may be totally non est in another State to which persons belonging thereto may migrate. Coincidentally it may be that a caste or tribe bearing the same nomenclature is specified in two States but the considerations on the basis of which they have been specified may



be totally different. So also the degree of disadvantages of various elements which constitute the input for specification may also be totally different. Therefore, merely because a given caste is specified in State A as a Scheduled Caste does not necessarily mean that if there be another caste bearing the same nomenclature in another State the person belonging to the former would be entitled to the rights, privileges and benefits admissible to a member of the Scheduled Caste of the latter State “for the purposes of this Constitution”. This is an aspect which has to be kept in mind and which was very much in the minds of the Constitution-makers as is evident from the choice of language of Articles 341 and 342 of the Constitution.”

(emphasis supplied)

33. *The issue has to be viewed from another perspective. If a member of a Scheduled Caste/Scheduled Tribe of Andhra Pradesh who had migrated to Maharashtra is to be given the benefit of reservation it will amount to depriving a member of a Scheduled Caste/Scheduled Tribe of Maharashtra by reducing the reservation earmarked for them. It is in this context, in Marri Chandra Shekhar Rao [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] , that the Constitution Bench observed as under: (SCC pp. 144, para 14)*

“14. ... But having regard to the purpose, it appears to us that harmonious construction enjoins that we should give to each expression — “in relation to that State” or “for the purposes of this Constitution” — its full meaning and give their full effect. This must be so construed that one must not negate the other. The construction that reservation made in respect of the Scheduled Caste or Tribe of that State is so determined to be entitled to all the privileges and rights under the Constitution in that State would be the most correct way of reading, consistent with the language, purpose and scheme of the Constitution. Otherwise, one has to bear in mind that if reservations to those who are treated as Scheduled Caste or Tribe in Andhra Pradesh are also given to a boy or a girl who migrates and gets deducted (sic inducted) in the State of Maharashtra or other States where that caste or tribe is not treated as Scheduled Caste or Scheduled Tribe then either reservation will have the effect of depriving the percentage to the member of that caste or tribe in Maharashtra who would be entitled to protection or it would denude the other non-Scheduled Castes or non-Scheduled Tribes in Maharashtra to the proportion that they are entitled to. This cannot be logical or correct result designed by the Constitution.”

34. *Unhesitatingly, therefore, it can be said that a person belonging to a Scheduled Caste in one State cannot be deemed to be a Scheduled*



Caste person in relation to any other State to which he migrates for the purpose of employment or education. The expressions “in relation to that State or Union Territory” and “for the purpose of this Constitution” used in Articles 341 and 342 of the Constitution of India would mean that the benefits of reservation provided for by the Constitution would stand confined to the geographical territories of a State/Union Territory in respect of which the lists of Scheduled Castes/Scheduled Tribes have been notified by the Presidential Orders issued from time to time. A person notified as a Scheduled Caste in State ‘A’ cannot claim the same status in another State on the basis that he is declared as a Scheduled Caste in State ‘A’.

36. The upshot of the aforesaid discussion would lead us to the conclusion that the Presidential Orders issued under Article 341 in regard to Scheduled Castes and under Article 342 in regard to Scheduled Tribes cannot be varied or altered by any authority including the Court. It is Parliament alone which has been vested with the power to so act, that too, by laws made. Scheduled Castes and Scheduled Tribes thus specified in relation to a State or a Union Territory does not carry the same status in another State or Union Territory. Any expansion/deletion of the list of Scheduled Castes/Scheduled Tribes by any authority except Parliament would be against the constitutional mandate under Articles 341 and 342 of the Constitution of India."

15. In the case of *Bir Singh (supra)*, this exact question was not answered that where a same caste is notified in two different states, then what would be the result. However, that question has been answered later on by a Bench of 3 judges of the Hon'ble Supreme Court in the case of *Ranjana Kumari v. State of Uttarakhand*, (2019) 15 SCC 664, wherein the Hon'ble Supreme Court categorically answered that even where the same caste is notified in a particular category in two states, then also the benefit would not be available in the State of migration. The Hon'ble Supreme Court held as under:

"2. The appellant who belongs to Valmiki caste (Scheduled Caste) of the State of Punjab married a person belonging to the Valmiki caste of Uttarakhand and migrated to that State. In the State of Uttarakhand under the Presidential Order “Valmiki” is also recognised as a notified Scheduled Caste. The State of Uttarakhand issued a certificate to the



appellant.

3. *The appellant contended before the High Court that she was a Scheduled Caste of the State of Uttarakhand. The High Court having rejected [Ranjana Kumari v. State of Uttaranchal, 2011 SCC OnLine Utt 1455] the claim, the appellant is in appeal before us.*

4. *Two Constitution Bench judgments of this Court in Marri Chandra Shekhar Rao v. Seth G.S. Medical College [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] and Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244] have taken the view that merely because in the migrant State the same caste is recognised as Scheduled Caste, the migrant cannot be recognised 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 [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] and Action Committee [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244]."*

16. Recently, another Bench of the Hon'ble Supreme Court in ***Bhadar Ram v. Jassa Ram***, (2022) 4 SCC 259 had the occasion to consider the legal position on the aspect and by following the judgment in the case of ***Ranjana Kumari (supra)***, it was held as under:-

"18. The reasoning given by this Court in Action Committee on Issue of Caste Certificate to SCs/STs [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244] are on interpretation and on a plain reading of Clause (1) of Articles 341 and 342 of the Constitution of India, which are referred to hereinabove. We see no reason to restrict the applicability of the decision of this Court in Action Committee on Issue of Caste Certificate to SCs/STs [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244] only with respect to employment, education or the like and not to make applicable the same with respect to purchase and sale of the property in case of sale and purchase of the land belonging to a Scheduled Caste person in the State of Rajasthan and when the said land was allotted to the original landowner — Chunilal as Scheduled Caste landless person.

19. *At this stage, it is required to be noted that in the subsequent decision in Ranjana Kumari [Ranjana Kumari v. State of Uttarakhand, (2019) 15 SCC 664 : (2020) 2 SCC (L&S) 690], a three-Judge Bench of this Court had an occasion to consider the same issue. Before this*



Court the appellant belonged to Valmiki Caste (Scheduled Caste of the State of Punjab), who married a person belonging to Valmiki Caste of Uttarakhand migrated to that State. It was found that in the State of Uttarakhand also under the Presidential order "Valmiki" was also recognised as notified Scheduled Caste. Even the State of Uttarakhand also issued a certificate to the appellant. However, the State of Uttarakhand denied the benefit, which may be available to the Scheduled Caste belonging to State of Uttarakhand. Thereafter the appellant approached the High Court. The High Court rejected [Ranjana Kumari v. State of Uttaranchal, 2011 SCC OnLine Utt 1455] the claim. The decision of the High Court was carried before this Court. While dismissing the appeal, it is observed in para 4 as under : (SCC p. 665)

"4. Two Constitution Bench judgments of this Court in Marri Chandra Shekhar Rao v. Seth G.S. Medical College [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] and Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244] have taken the view that merely because in the migrant State the same caste is recognised as Scheduled Caste, the migrant cannot be recognised 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 [Marri Chandra Shekhar Rao v. Seth G.S. Medical College, (1990) 3 SCC 130 : 1 SCEC 382] and Action Committee [Action Committee on Issue of Caste Certificate to SCs/STs v. Union of India, (1994) 5 SCC 244] ."

17. In view of the judgment of the Hon'ble Supreme Court by a Bench of three Judges in the case of *Ranjana Kumari (supra)*, the dispute has been conclusively put to rest by the Hon'ble Supreme Court and it has now been conclusively held that upon migration to a different state, the migrant is not entitled to get benefits of privileges and concessions available as a member of SC or ST category, even if the same caste is notified as SC or ST in both the states, i.e. the State of Origin and the State of Migration.

18. In view of the aforesaid, though there is no material on record to indicate that the caste "chamar" in Uttar Pradesh and "Ahirwar" in Madhya



Pradesh are the same, but even if it is deemed to be so, then also we do not foresee any illegality in the action of the administrative authorities in refusing to issue a caste certificate to the petitioner, nor do we perceive any perversity in the order passed by the learned Single Judge in dismissing the petition by confirming the aforesaid rejection orders.

19. In view of the aforesaid, no interference is warranted in this appeal. The same fails and is **dismissed**.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

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