

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6451 OF 2012  
(SPECIAL LEAVE PETITION(C.)NO.20896 OF 2010)

U.P.PUBLIC SERVICE COMMISSION

APPELLANT

VERSUS

MADHU RANA & ORS.

RESPONDENTS

WITH C.A.NO.6453 OF 2012 @ SLP(C)NO.26616/2010

O R D E R

1. We have heard learned counsel for the parties to the lis.

2. Leave granted.

3. The short question involved in these appeals is, as to whether a Scheduled Caste(SC)/Other Backward Caste(OBC) candidate, who has migrated from State 'A' to State 'B', after the marriage, is legally entitled to claim benefit of the reservation in the latter State.

4. The High Court, in the impugned judgments and orders, answered the aforesaid issue in favour of the respondents.

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5. Aggrieved by the judgments and orders, the Uttar Pradesh Public Service Commission is before us in these appeals.

6. Learned counsel appearing for the U.P.Public Service Commission has brought to our notice the judgment and order passed by this Court in the case of U.P.Public Service Commission Vs. Sanjay Kumar Singh, reported in (2003) 7 SCC 657.

7. We have carefully perused the aforesaid judgment of this Court and also the judgments and orders of the High Court dated 22.04.2010 and 02.07.2010 in Civil Miscellaneous Writ Petition No.52252 of 2007 and Civil Miscellaneous Writ Petition No.40614(M/B) of 2008 respectively.

8. In our opinion, the judgments and orders passed by the High Court in the aforesaid Writ Petitions are contrary to the judgment and order passed by this Court in Sanjay Kumar Singh's case (supra). In that view of the matter, we cannot sustain the judgments and orders passed by the High Court. Accordingly, we allow the appeals and set aside the judgments and orders passed by the High Court.

Ordered accordingly.

.....J.  
(H.L. DATTU)

.....J.  
(CHANDRAMAULI KR. PRASAD)

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20896/2010  
(From the judgement and order dated 22/04/2010 in CMWP No.52252/2007 of  
the HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.P.PUBLIC SER.COMMN.

Petitioner(s)

VERSUS

MADHU RANA & ORS.

Respondent(s)

(With prayer for interim relief and office report )

WITH SLP(C) NO. 26616 of 2010

(With prayer for interim relief and office report)

Date: 11/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr.Shirish Kumar Mishra, Adv.  
Mr.Siddharth Krishna Dwivedi, Adv.  
Mr. Shail Kumar Dwivedi,Adv.(NP)

For Respondent(s) Mr.P.N.Misra, Sr.Adv.  
Mr.Raman Yadav, Adv.  
Ms.Archana Singh, Adv.  
For Mr. Abhishth Kumar ,Adv  
  
Mr.Ajay Srivastava, Adv.  
for Ms. Mridula Ray Bharadwaj,Adv.  
  
Mr.Ram Awadh Yadav, Adv.  
Mr.Pradeep Kumar Yadav, Adv.  
Mr. Kaushal Yadav

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UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties to the lis.

Leave granted.

we allow the appeals and set aside the judgments and orders  
passed by the High Court, in terms of the signed order.

(G.V.Ramana)  
Court Master  
(signed order is placed on the file)

(Vinod Kulvi)  
Court Master