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WP-7568-2018

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

ON THE 29th OF APRIL, 2026WRIT PETITION No. 7568 of 2018*SMT. HEMLATA ARYA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Mahesh Goyal - Advocate for the petitioner.

Shri B.M. Patel - Government Advocate for State.

Shri Bhanu Prakash Singh- Advocate for respondent No.5.

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ORDER

This petition, under Article 226 of the Constitution of India, has been filed seeking following relief(s):

- (i) Order dated 4.1.2018 (Annexure P/1) passed by the Additional Commissioner Chambal Division, Morena in Case No. 0377/2016-17/Appeal be quashed/set aside.
- (ii) Any other relief which this Hon'ble Court thinks appropriate in the facts and circumstances of the case may be granted in favour of the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is a permanent resident of Ward No. 8, Baroda, Tahsil Baroda, District Sheopur (M.P.), and had applied for appointment to the post of Anganwadi Worker, being a member of the Scheduled Castes. It is contended that respondent No. 4, the Project Officer, illegally appointed one Famida Bano as Anganwadi Worker. The said order was challenged by the petitioner before the



Additional Collector, Sheopur. Thereafter, on 16.11.2016, respondent No. 5, Smt. Kirti Sharma, was appointed as Anganwadi Worker by the Project Officer, allegedly ignoring the eligibility of the petitioner. The petitioner challenged the aforesaid order by filing an appeal before the Additional Collector, District Sheopur, which was allowed on 26.07.2017, with a direction to issue an order of appointment in favour of the petitioner. In pursuance of the order dated 26.07.2017, the petitioner was appointed as Anganwadi Worker on 29.08.2017.

3. Being aggrieved by the aforesaid order dated 26.07.2017, respondent No. 5, Kirti Sharma, preferred an appeal before the Additional Commissioner, Chambal Division, Morena. Vide order dated 04.01.2018, the Additional Commissioner set aside the order of the Additional Collector, Sheopur, and directed that a fresh appointment to the post of Anganwadi Worker be made after affording an opportunity of hearing to the concerned parties. Learned counsel for the petitioner further submitted that the Collector has recorded a categorical finding that the Scheduled Caste certificate issued in favour of the petitioner is valid throughout India, and accordingly, the petitioner is entitled to 61.5 marks, whereas the other candidates are less meritorious.

4. *Per contra*, learned counsel for the respondents opposed the submissions advanced on behalf of the petitioner and submitted that the caste certificate dated 05.09.2016 has been issued by the Government of Rajasthan through the SDO, Sub-Division Kota, State of Rajasthan. It is further submitted that the petitioner cannot claim the benefit of reservation in the



State of Madhya Pradesh, as the petitioner's home State is Rajasthan, and therefore, she is not entitled to the benefit of a Scheduled Caste certificate in the State of Madhya Pradesh.

5. Heard learned counsel for the parties and perused the record.

6. Admittedly, the caste certificate of the petitioner has been issued by the SDO, Kota, State of Rajasthan. It is a settled position of law that the benefit of reservation can be extended only in the home State. As the petitioner's home State is Rajasthan, the benefit of the Scheduled Castes category cannot be extended to her in the State of Madhya Pradesh.

7. The controversy involved in the present case regarding the Caste Certificate has already been decided by this Court vide order dated 14.10.2025 passed in W.P.No. 7745/2014 [Smt. Saini vs. The State of Madhya Pradesh & Ors.], relevant part of which reads as under:-

"5.The person belonging to the S.C. or S.T. or O.B.C. in one State cannot be deemed to be S.C. or S.T. or OBC in relation to any other State to which he migrates and the expressions "in relation to that State or Union Territory" and "for the purpose of this Constitution" used in Article 341 and 342 would mean that benefit of reservation provided by the Constitution stands confined to geographical territories of State/UT in respect of which lists of SCs/STs have been notified by Presidential Orders issued from time to time and persons notified as SC or ST or OBC in State A cannot claim the same status in another State on the basis that he is declared as a SC or ST or OBC in State A.

6. The person who is recognized as a member of SC or ST or OBC in the original state will be entitled to all the benefits of reservation under the Constitution in that State only and not in other States/Union Territories and would not be entitled to the



benefits of reservation in the migrated State and Union Territories. [Bir Singh Vs. Delhi Jal Board and others, reported in (2018) 10 SCC 312].

7. While construing the provisions of Article 341 and 342 of the Constitution, it was observed that where the question of fate of those scheduled caste and scheduled tribe students who get the protection of being classed as scheduled caste or scheduled tribes in 'the States of origin when, because of transfer or movement of their father or guardian's business or service, they move to other States as a matter of voluntary (sic involuntary) transfer, will they be entitled to some sort of protective treatment so that they may continue or pursue their education, has opined that where the migration from one State to other is involuntary, by force of circumstances either of employment or of profession, in such cases if students or persons apply in the migrated State where without affecting prejudicially the rights of the scheduled castes or scheduled tribes in those States or areas, any facility or protection for continuance of study or admission can be given to one who has so migrated then some consideration is desirable to be made on that ground, but for that the issue was left for the legislature to promulgate appropriate legislation bearing this aspect and in that case also it was held that the petitioner therein was not entitled to get admission in the Medical College on the basis that he belongs to the Scheduled Tribe in his original State. [Marri Chandra Shekhar Rao Vs. Dean, Seth G.S. Medical College and others, reported in (1990) 3 SCC 130].

8. In Marri Chandra Shekhar Rao (supra) and Action Committee v/s Union of India & Another reported in (1994) 5 SCC 244, Hon'ble Apex Court has held as under:-

In Marri Chandra (supra):-

“13. It is trite knowledge that the statutory and constitutional provisions should be interpreted broadly and harmoniously. It is trite saying that where there is conflict between two provisions, these should be so interpreted as to give effect to both. Nothing is surplus in a Constitution and no part should be made nugatory.



This is well settled. See the observations of this Court in Venkataramana Devaru v. State of Mysore AIR 1958 SC 255 , where Venkatarama Aiyer, J. reiterated that the rule of construction is well settled and where there are in an enactment two provisions which cannot be reconciled with each other, these should be so interpreted that, if possible, effect could be given to both. It, however, appears to us that the expression ‘for the purposes of this Constitution’ in Article 341 as well as in Article 342 do imply that the Scheduled Caste and the Scheduled Tribes so specified would be entitled to enjoy all the constitutional rights that are enjoyable by all the citizens as such. Constitutional right, e.g., it has been argued that right to migration or right to move from one part to another is a right given to all — to Scheduled Castes or Tribes and to nonscheduled castes or tribes. But when a Scheduled Caste or Tribe migrates, there is no inhibition in migrating but when he migrates, he does not and cannot carry any special rights or privileges attributed to him or granted to him in the original State specified for that State or area or part thereof. If that right is not given in the migrated State it does not interfere with his constitutional right of equality or of migration or of carrying on his trade, business or profession. Neither Article 14, 16, 19 nor Article 21 is denuded by migration but he must enjoy those rights in accordance with the law if they are otherwise followed in the place where he migrates. There should be harmonious construction, harmonious in the sense that both parts or all parts of a constitutional provision should be so read that one part does not become nugatory to the other or denuded to the other but all parts must be read in the context in which these are used. It was contended that the only way in which the fundamental rights of the petitioner under Articles 14, 19(1)(d), 19(1)(e) and 19(1)(f) could be given effect to is by construing Article 342 in a manner by which a member of a Scheduled Tribe gets the benefit of that status for the purposes of the Constitution throughout the territory of India. It was submitted that the words “for the purposes of this Constitution” must be given full effect. There is no dispute about that. The words “for the purposes of this Constitution” must mean that a Scheduled Caste so designated must have right under Articles 14, 19(1)(d), 19(1)(e) and 19(1)(f) inasmuch as these are applicable to him in his area where he migrates or where he goes. The expression “in relation to that State” would become nugatory if in all States the special privileges or the rights granted to Scheduled Castes or Scheduled Tribes are carried forward. It will also be inconsistent with the whole purpose of the scheme of reservation. In Andhra Pradesh, a Scheduled Caste or a Scheduled Tribe may require protection because a boy or a child who grows in that area is inhibited or is at disadvantage. In Maharashtra that caste or that tribe may not be so inhibited but other castes or tribes might be. If a boy or a child goes to that atmosphere of Maharashtra as a young boy or a child and goes in a completely different atmosphere or Maharashtra where this inhibition or this disadvantage is not there, then he cannot be said to have that



reservation which will denude the children or the people of Maharashtra belonging to any segment of that State who may still require that protection. After all, it has to be borne in mind that the protection is necessary for the disadvantaged castes or tribes of Maharashtra as well as disadvantaged castes or tribes of Andhra Pradesh. Thus, balancing must be done as between those who need protection and those who need no protection, i.e., who belong to advantaged castes or tribes and who do not. Treating the determination under Articles 341 and 342 of the Constitution to be valid for all over the country would be in negation to the very purpose and scheme and language of Article 341 read with Article 15(4) of the Constitution.

In Action Committee (supra)

“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.”

Aforesaid view has been followed by Apex Court in **Ranjana Kumari vs. State of Uttarakhand & Ors. (2019) 15 SCC 664** and **Bhadar Ram (Dead) through Legal Representatives vs. Jassa Ram & Ors. (2022) 4 SCC 259**.

9. From the aforesaid, it is lucid that a person, who migrates from one State to the other does not carry his caste status to the migrating State, even if the same caste is recognized as SC in both States. The reason is not far to see. There may be caste or sub caste of same name, which are recognized in more than one States in India. However, merely because the caste known by a particular name is recognized in more than one States cannot extend the benefit of reservation in both the States. The recognition of a caste in a particular State as SC is directly relatable to social, economic and educational backwardness faced by that caste in the home State. This geographical, social and educational backwardness existing in the home State cannot necessarily be the same in the other State. Thus, it is not the similarity of name of a particular caste in two or more States, which is the deciding factor but it is the social, economic and educational backwardness of that particular caste in a particular State, which recognizes that caste to be a scheduled caste. The social, economic and educational backwardness are factors, which are never identical or even similar in two different States.

10. The benefit of caste would be available to them who were migrants of Scheduled Caste or Scheduled Tribe in other State, who had migrated before 1950 to the other State and not otherwise and in that regard the petitioner therein who migrated in the year 1998 from the State of Rajasthan to State of M.P. after her



marriage was held not to be entitled to contest the election on the basis of caste certificate issued by the competent authority of State of Rajasthan. [Smt.Preeti Gehlod Vs. M.P. State Election Commission and others, (passed in Civil Revision No.574 of 2019, decided on 26.3.2025)].

11. Castes or groups are specified in relation to a given State or Union Territory, which obviously means that such caste would include caste belonging to an OBC group in relation to that State or Union Territory for which it is specified and the matters that are to be taken into consideration for specifying a particular caste in a particular group belonging to OBCs would depend on the nature and extent of disadvantages and social hardships suffered by that caste or group in that State and they may not be so in another State to which a person belongs thereto goes by migration and it was also argued that it may also be that a caste belonging to 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 data for specification may also be entirely different. Thus, merely because a given caste is specified in one State as belonging to OBCs does not necessarily mean that if there be another group belonging to the same nomenclature in other State, a person belonging to that group is entitled to the rights, privileges and benefits admissible to the persons of that caste. [M.C.D.Vs. Veena and others, reported in (2001) 6 SCC 571]

12. The Co-ordinate Bench of this Court in the case of Smt. Preeti Gehlod (*supra*) while referring to the decision of the Apex Court in the matter of Action Committee (*supra*) wherein it was held that the benefit of caste would be available to them who were migrated before 1950 to the other State has held that since the petitioner therein migrated in the year 1998 from the State of Rajasthan to Madhya Pradesh after her marriage, therefore, she is not entitled to contest the election on the basis of a caste certificate issued by the



Competent Authority of the State of Rajasthan.

13. In the case herein the petitioner is possessing the caste certificate issued by the State of U.P. and no caste certificate from the State of M.P. has been issued in her favour. Thus, when that is the case, the benefit of caste certificate issued by the State of U.P. in the light of the aforesaid judgments cannot be accepted in the State of M.P. and on its basis the benefit of reservation cannot be extended to the petitioner. The Apex Court in the case of **M.C.D. vs. Veena and others (supra) in para 6** has held as under:

"Castes or groups are specified in relation to a given State or Union Territory, which obviously means that such caste would include caste belonging to an OBC group in relation to that State or Union Territory for which it is specified. The matters that are to be taken into consideration for specifying a particular caste in a particular group belonging to OBCs would depend on the nature and extent of disadvantages and social hardships suffered by that caste or group in that State. However, it may not be so in another State to which a person belongs thereto goes by migration. It may also be that a caste belonging to the same nomenclature is specified in two States but the considerations on the basis of which they been specified may be totally different. So the degree of disadvantages of various elements which constitute the data for specification may also be entirely different. Thus, merely because a given caste is specified in one State as belonging to OBCs does not necessarily mean that if there be another group belonging to the same nomenclature in other State and a person belonging to that group is entitled to the rights, privileges and benefits admissible to the members of that caste. These aspects have to be borne in mind in interpreting the provisions of the Constitution with reference to application of reservation to OBCs."

14. In light of the aforesaid discussion, this Court finds that petitioner who prior to migration was domicile of State of U.P. and was possessing a caste certificate issued by the State of U.P. therefore, after her migration (due to marriage) to the State of M.P. cannot avail the benefit of reservation on the basis of caste certificate issued by the State of U.P."

8. Even otherwise, the writ petition is not maintainable against a remand order, as the Commissioner has directed consideration of the inter se



merit of the applicant/petitioner as well as the respondents, and has further directed that appointment to the post of Anganwadi Worker be made on the basis of merit.

9. In view of the aforesaid, respondent No. 4 is directed to take a decision in accordance with the order dated 04.01.2018, after affording an opportunity of personal hearing to the petitioner, respondent No. 5, and all other candidates who had applied for the post of Anganwadi Worker. Respondent No. 4 shall also determine the inter se merit in light of the observations made herein, and while doing so, shall treat the petitioner as not entitled to the benefit of the SC category in the State of Madhya Pradesh.

10. The respondent No.4 is directed to comply the aforesaid direction within a period of three months from the date of receipt of certified copy of this order and passed the reasoned and speaking order after giving personal opportunity of being heard the petitioner as well as respondent No.5 and other candidates.

11. With the aforesaid, present petition is **disposed of**.

(ANAND SINGH BAHRAWAT)
JUDGE