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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1755/93

NEW DELHI THIS THE 20th DAY OF JANUARY, 1995.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Mrs.Sunita Singh
W/o Dr.Veer Singh
Flat No.42-A, Pocket, B
Mayur Vihar Phase II,
Delhi-110091

... APPLICANT

BY ADVOCATE SHRI D.S.CHAUDHARY.

vs.

1. Union of India through
the Secretary, Ministry of Personnel
Public Grievances & Pension
Department of Personnel & Training
North Block
New Delhi-110011.

2. Staff Selection Commission
through its Chairman
Block No.12
C.G.O.Complex
Lodhi Road,
New Delhi-110003. ...

RESPONDENTS

BY ADVOCATE SHRI N.S.MEHTA.

ORDER

JUSTICE S.K.DHAON:

The applicant is aggrieved by the communication dated 28.4.1993 of the Assistant Director, Staff Selection Commission, Department of Personnel & Training in the Government of India, informing her that upon a scrutiny, it has been discovered that she did not fall in the category of Scheduled Castes and it has been further verified that she did not qualify as a general candidate. Therefore, her name had been omitted from the provisions list of candidates announced by the Commission earlier.

2. On 12.3.1961, the applicant was born in an "Aggarwal" community in Bulandshahar city. Her father's name is Shri Daya Nand Swaroop Aggarwal. The said community is considered to be of general category for the purpose of appointment to any service. On 11.6.1979, she was married to Dr.Veer Singh, a Scheduled Caste. Her maiden name is Sunita Aggarwal. After marriage, she adopted the surname of her husband and thereafter she is known as Smt.Sunita Singh wife of Dr.Veer Singh. She continued her further studies after marriage and in all the relevant

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certificates issued thereafter her name is shown as Smt. Sunita Singh. On 29.11.1991, the District Magistrate, Bulandshahar issued to her a certificate that she is a Scheduled Caste. The respondents invited applications for the recruitment of Assistant Teachers in the Municipal Corporation of Delhi. She succeeded in the test and her name was included in the provisional list of successful candidates.

3. In the counter-affidavit filed on behalf of the respondents, it is averred that along with the application for being appointed as an Assistant Teacher, the applicant gave an undertaking regarding the caste certificate to the effect that she belongs to the Scheduled Caste category.; She has misplaced her original/certificate issued by the District Magistrate, Bulandshahr.; she is unable to produce the caste certificate with the application form.; She will produce the same before recruitment examination or at the time of interview. She is submitting photo copy of the caste the/ certificate of her husband Dr.Veer Singh, who is a Scheduled Caste.

4. The question arises for our consideration is whether the applicant, who was admittedly a caste Hindu, automatically became a Scheduled Caste on account of her marriage with a Scheduled Caste, Dr.Veer Singh. The respondents rely upon a circular letter dated 2.5.1975 issued by the Ministry of Home Affairs. The subject of this circular is "Issue of Scheduled Castes and Scheduled Tribe Certificates- Points to be observed". Para 3 of the said circular letter has the sub-heading "Claims through marriage". In it, it is stated:

/a " The guiding principle is that no person who was not Scheduled Caste or Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or Scheduled Tribe merely because he or she had married a person belonging to Scheduled Caste or a Scheduled Tribe..."

This circular of the Ministry of Home Affairs, in our opinion, clinches the issue in so far as the subject

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matter of this OA is concerned. The prayers in this OA, inter-alia, are that the aforesaid communication
Director
dated 28.4.1993 of the Assistant/may be quashed; the applicant may be declared to be a member of the Scheduled Caste with entitlement to all the benefits thereof; and the respondents may be directed to treat the applicant as on duty with all consequential benefits with effect from the date on which any candidate below her in the merit list had been appointed.

5. We are making it clear that the decision on the basis of the circular of the Ministry of Home Affairs that the applicant is not a Scheduled Caste is confined to the controversy raised in this OA. We hold that for the purpose of giving an appointment as an Assistant Teacher in the Municipal Corporation of Delhi, the applicant cannot be treated as a Scheduled Caste.

6. This OA fails and is dismissed but without any order as to costs.

B. N. Dhoundiyal
(B.N.DHOUNDIYAL)
MEMBER(A)
SNS

S. K. Dhaon
(S.K.DHAON)
VICE-CHAIRMAN(J)