



2026:UHC:1714

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/668/2026</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Amar Murti Shukla, Advocate for the petitioner.</p> <p>Mr. S.S. Chaudhary, Standing Counsel for the State.</p> <p>2. Petitioner applied for the post of Assistant Teacher Government Primary School pursuant to advertisement issued by District Education Officer (Elementary), Champawat. She was permitted to participate in the selection; however, after counselling, her candidature was rejected on the ground that she belongs to State of Uttar Pradesh, therefore, benefit of reservation cannot be given to her.</p> <p>3. It is not in dispute that petitioner claimed reservation available to Other Backward Classes. It is also not in dispute that she was born in District Bijnor and her parents are permanent residents of Uttar Pradesh; however, her husband is a permanent resident of Uttarakhand in District Champawat.</p> <p>4. Learned counsel for the petitioner submits that upon her marriage, petitioner acquired domicile of her husband, therefore, she cannot be termed as domicile of Uttar Pradesh any more.</p>



5. Learned State Counsel, however, relies upon a judgment rendered by this Court in Writ Petition No. 462 of 2025 (SS) and other connected petitions.

6. He submits that in that judgment, identical question was decided. Para 14 of the said judgment is reproduced below:

“14. From perusal of the judgments referred to above, it is apparent that benefit of reservation can be availed of by a person only in the State to which he/she originally belonged and upon migration to some other State, for whatever reason, one would not be entitled to reservation in State Services of State to which he/she migrates. This view is supported by the judgment dated 29.08.2011 rendered by Division Bench of this Court in WPSB No. 297 of 2007, which was affirmed by Hon’ble Supreme Court in Civil Appeal No. 8425 of 2013, vide judgment dated 02.11.2018.”

7. Upon perusal of the judgment rendered in Writ Petition No. 462 of 2025 (SS), this Court is of the considered opinion that the issue involved in this writ petition is covered by that judgment.

8. Accordingly, the writ petition is decided in terms of the judgment dated 12.11.2025 rendered in WPSS No. 462 of 2025.

(Manoj Kumar Tiwari, J.)

12.03.2026



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