



## MAJESTY LEGAL

Advocates & Solicitors

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Author: Ms. Prerna Harchandani, Law Intern (Final Year)

### **CASTE IS BY BIRTH NOT BY MARRIAGE**

*(POONAM V. STATE OF UTTARAKHAND & OTHERS<sup>1</sup>)*

The Hon'ble Uttarakhand High Court in the present case quashed the impugned order dated 25/08/22 passed by the Secretary, Uttarakhand Medical Service Selection Board and allowed this present writ petition.

#### **FINDINGS OF HON'BLE COURT:**

- Caste status is acquired by birth and not by marriage. Thus, a girl, who does not belong to Other Backward Classes, will not get benefit of reservation available to Other Backward Classes merely by her marriage to a person belonging to O.B.C.
- Even otherwise also, there is no Statute or Government Order, providing that a girl belonging to O.B.C. category has to obtain O.B.C. certificate on the basis of income of her husband immediately after her marriage.
- There is no any such express provision in law which provides that, after marriage, a girl has to obtain O.B.C. certificate, based on income of her husband and not of her father.

#### **TEAM MAJESTY LEGAL<sup>2</sup>**

**OFFICE** : B-87, Alaknanda Apartment, G-1, Ganesh Marg/Moti Marg, Bapu Nagar, Jaipur, Rajasthan-302015. ([GoogleMapLink](#))

**CHAMBER** : 204, E-Block, Rajasthan High Court, Jaipur.

**MOB** : 9785461395

**E-MAIL** : [mahi@majestylegal.in](mailto:mahi@majestylegal.in)  
[majestylegal9@gmail.com](mailto:majestylegal9@gmail.com)

**WEBSITE** : [www.majestylegal.in](http://www.majestylegal.in)

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<sup>1</sup> Writ Petition (S/S) 1708 of 2022

<sup>2</sup> Majesty legal is law firm established in 2013 by Ms. Mahi Yadav. Aim of this analysis of the judgment is to provide insights on law and statutes. The opinions presented in the article are personal in nature and not to be deemed as legal advice.