

File No. 5-99/2006-TW

⑧ The Tribal Welfare Department is concerned with note at paras 7-9/N on page 2/N of the Special Secretary (Home), A&N Administration. (A copy of note taken from F.No. 26-2006-Home of Home Section, Secretariat is placed at pages 44-46/c for perusal please)

⑨ It is regarding extension of reservation in posts/services for migrant STs of other States to UT of A & N Islands, in the light of the judgement dated 11.2.2005 of the Hon'ble Supreme Court in Civil Appeal No. 6-7 of 1988 in the case relating to recruitment carried in the UT of Pondicherry. Taking cue from the above judgement of Supreme Court, the Ranchi Association has filed a Writ Petition in the Circuit Bench of Calcutta High Court at Port Blair seeking reservation against the posts/services in A & N Islands for migrant STs of Ranchi and Jharkand. The Union of India (Ministry of Home Affairs) & Ministry of Tribal Affairs and A & N Administration are respondents in the Writ Petition. The Hon'ble High Court of Calcutta has passed an order dated 28.3.2006 granting four weeks time as a last chance to the respondents to file Affidavit-in-Opposition to the Writ Petition from the date.

⑩ The Administration proposes to contest the case in view of the fact that A & N Administration has been following a policy, which is materially different from that of Pondicherry Government. The Govt. of India has notified six aborigines of these Islands as Scheduled Tribes in relation to the Union Territory - vide Constitutional Order No.58 dated 31.3.1959 (Copy is placed at page 50/c. The Administration has been following the policy of recruiting members from amongst the STs of these Islands. As such, the judgement of Supreme Court in the Civil Appeal quoted above does not enjoin the Administration ipso-facto to follow the judgement order and recruit from the members of STs from other States.