

each and every case has to be judged by its individual merits. Moreover, there is no such directive for application of the principles to any other UT, in the said judgment passed by Hon'ble Supreme Court in Pondicherry matter.

4. Govt. of India by a notification schedule castes order 1959 (subsequently amended in the year of 1976) declared certain communities (aboriginals) as schedule tribes of the territory. Ranchi association in its representation has made a number of prayers such as concessions/reservation for appointment to the Govt. Posts and in allotment of seats for higher education etc. The judgment of Hon'ble Supreme Court in the referred case of S. Pushpa & Ors is based on its own facts and circumstances and Hon'ble Court specifically denied for giving benefits of scholarship, concessions in seat allotment for higher education etc. to the migrant schedule castes coming from neighboring states.

In view of the above, the referred judgment has no automatic binding effect upon the Andaman and Nicobar Administration and the benefits of reservations in appointment and in allotment of seat cannot be given to the migrant schedule tribes in the UT of A&N Islands against the notification issued by Govt. of India in this regard. However, department is at liberty to approach the concerned Ministry for any modification/amendment in the Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959, if thinks fit and proper.

Secretary (Law)

Secretary (Tribal Welfare)

C.S. may kindly see the opinion of law Deptt on the various demands raised by Ranchi Assn. This was also discussed in the chamber of CS on 23/6/05. Incidentally the request of Ranchi Assn. earlier to declare the Ranchis as ST has not been acceded to by the Admin. Hence, if approved a suitable reply may be given to the Ranchi Assn.

CS may seek the opinion of MHA
CS (TW)

बुद्धय साधन का गोपनीय कक्षा

CS's Conf. Cell

क्रमांक ... 4008 ...

दि. No. 27/6

वित्तिक

Received on

दिनांक

Despatched on

49)

50)

51)

- 19 -