

The points concerning the Tribal Welfare department are discussed as under: -

(i) Implement the Supreme Court Order 2005, SCCI.com 97 date of judgement 11/02/2005 in A & N Islands.

Ranchi Association, A & N Islands, Port Blair has filed a Writ Petition No. 169/2005 in the Circuit Bench of Calcutta High Court at Port Blair pleading for resultant benefit from the Supreme Court judgment dated 11th February 2005 in Civil Appeal No. 6-7 of 1998 pertaining to recruitment of migrant SCs of other states by Government of Pondichery, for the migrant STs of the other States particularly the STs from Ranchi of Jharkhand. The writ petition has been admitted vide No 169 dated 2005. The Union of India including the A & N Administration are respondents. The case came up for hearing on 28.3.2006 in which the Hon'ble Court passed an order directing the respondents to file affidavit in opposition. Accordingly the Administration has taken up preparation of affidavit in opposition in consultation with the Government of India, Ministry of Home Affairs vide Administration's letter No 5-46/2005-TW(PF)/40 dated 14/01/2006 (copy placed at page 84/c.

(19)

The legal department of the Administration vide para 122-123/N on the page 44 of file No.5-46/2005-TW (Copy placed at page 93/C) has stated that the benefit of reservation can only be given to the Scheduled Tribes of these Islands notified by the Government of India in the Constitution (A & N Island) Scheduled Tribes Order 1959. If such benefit is extended to any other Tribes belonging from other states it will open a flood gate for the Scheduled Tribes from all other States and Union Territories.

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However, the Hon'ble Court of Calcutta Circuit Bench at Port Blair had given a last chance to file Affidavit in opposition before its next circuit sitting with effect from 5th June 2006. As such, the matter was put up to Chief Secretary through the Law Secretary who has advised to file Affidavit in opposition to avoid ex-parte decision. Accordingly, AIO has been filed by Secretary (TW) in the court on 12th June 2006. As such, the matter is sub-judice before the Hon'ble High Court of Calcutta, Circuit Bench at Port Blair. Therefore, it would be unsafe for the Administration to give any specific comments on the demand of Ranchi Association for the present.

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