

Subject:

- (1)

Para
No.

6. Recommend the government of India to include the Ranchi tribes in the Tribal list of Andaman and Nicobar Islands according to the Ranchi Association letter No. RA/7/04 dated 02/09/2004 to Professor Ram Kapse, Lieutenant Governor, Andaman and Nicobar Islands.

(33) In this context, the observation of Secretary (TW) is reproduced below:-

(34) "This would require a detailed examination by Law Department. Please put up on file"

Sd/-
Secretary (TW)
18/3/2005

(35) The Hon'ble Supreme Court vide its judgement dated 11/2/2005 has set aside the order of the Central Administrative Tribunal, Madras Branch under which selection of migrant SCs on the post of selection grade Teachers against the quota reserved for SCs under the Administration of Pondicherry was declared illegal and invalid (copy of the judgement is attached with the representation of Ranchi Association). In other words, the selection of migrant SCs on the post of Selection Grade teachers reserved for SCs under the Pondicherry Administration has been held valid. A perusal of the judgement shows that the supreme court has based its decision on the following facts so far as it relates to the Administration of Union Territory of Pondicherry.

- (i) Under Article 239 of the Constitution every UT shall be administered by the President of India through an administrator (Lt. Governor) appointed by him.
- (ii) Article 239 (b) of the Constitution confers powers on the Administrator of UT of Pondicherry to promulgate an ordinance during recess of legislature, but as per proviso to Clause (i) of article 239 (b), no such ordinance shall be promulgated without approval of the President of India.