

to the contrary  
aside. (Para 22).  
College & Ors.  
Union of India

AIR 1968 SC  
339 = 1996(9)

The employment sponsored 118  
ent exchange of  
d 4 candidates for  
exchange Yanam  
and employment  
1 (AP) sponsored  
n. After holding  
list was prepared  
ed SC candidates,  
iced community  
nments of Tamil  
Kerala, based on  
y of Pondicherry  
tificates to them.  
idates produced  
om the revenue  
The contesting  
ls filed O.A. No.  
14 of 1996 before  
Tribunal (Madras  
ction of aforesaid  
the ground that a  
nging to another  
ointment on a post  
SC candidate for  
er for short 'UT')  
or a direction to  
its of Scheduled  
IT of Pondicherry.  
rative Tribunal  
ibunal'), relying  
Chandra Shekhar  
il College & Ors.  
ion Committee on  
Scheduled Castes

and Scheduled Tribes in the State of  
Maharashtra vs. Union of India & Anr.  
1994(5) SCC 244 held, that the SC persons  
who migrated to UT of Pondicherry after the  
issuance of Presidential notification, which  
has specified Scheduled Castes in terms of  
Article 341 of the Constitution cannot claim  
the benefit of reservation in the matter of  
employment in Pondicherry Government  
service. Accordingly, the selection and  
appointment of migrant SC candidates was  
set aside and a direction was issued to review  
the selection process with regard to the  
reserved quota after excluding the migrant SC  
candidates who had migrated after the  
issuance of the notification in the year 1964.

3. Feeling aggrieved by the decision of  
the Central Administrative Tribunal (for short  
the 'Tribunal'), the Union of India and  
Director of Education, Government of  
Pondicherry, preferred Special Leave  
Petitions, which after grant of leave have been  
registered as Civil Appeal Nos. 4 and 5 of  
1998. Some of the candidates whose selection  
has been set aside also preferred Special  
Leave Petitions which, after grant of leave  
have been registered as Civil Appeal Nos. 6  
& 7 of 1998.

4. Before adverting to the contentions  
raised by learned counsel for the parties, it is  
necessary to mention that the U.T. of  
Pondicherry comprises of former four French  
settlements in India, viz. Pondicherry,  
Karaikal, Mahe and Yanam. Karaikal is  
situate within the territorial boundary of State  
of Tamil Nadu, Mahe is situate within the  
territorial boundary of State of Kerala and  
Yanam is situate within the territorial  
boundary of State of Andhra Pradesh. Though  
de-facto transfer of these four French  
settlements to Government of India took place  
in the year 1954, they legally merged with  
the Union of India with effect from 16.8.1962  
by the Eighteenth Amendment to the  
Constitution. These four settlements were

constituted as U.T. of Pondicherry under  
Government of Union territories Act, 1963  
(Act No. 20 of 1963).

5. Article 341 of the Constitution which  
is important for the purpose of decision of  
the present case reads as under:

"341. *Scheduled Castes.* - (1) The  
President may with respect to any State  
or Union territory, and where it is a State,  
after consultation with the Governor  
thereof, by public notification, specify  
the castes, races or tribes or parts of or  
groups within castes, races or tribes  
which shall for the purposes of this  
Constitution be deemed to be Scheduled  
Castes in relation to that State or Union  
territory, as the case may be.

(2) Parliament may by law include in or  
exclude from the list of Scheduled Castes  
specified in a notification issued under  
clause (1) any caste, race or tribe or part  
of or group within any caste, race or tribe,  
but save as aforesaid a notification issued  
under the said clause shall not be varied  
by any subsequent notification."

The President of India exercising power  
under Article 341(1) issued an order known  
as Constitution (Pondicherry) Scheduled  
Castes Order, 1964. Paragraph 2 of this Order  
reads as under:

"2. The castes, races or tribes or parts of  
or groups within castes, races or tribes  
specified in the schedule to this Order  
shall for the purposes of the Constitution,  
be deemed to be Scheduled Castes in  
relation to the U.T. of Pondicherry so far  
as regards members thereof resident in  
that Union territory."

The schedule mentions 15 castes which  
are to be deemed to be Schedules Castes in  
relation to the U.T. of Pondicherry.

6. Learned counsel for the appellants has  
submitted that the decisions rendered in Marri  
Chandra Rao (supra) which has been the sheet  
anchor of the case of the contesting