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(tribunal) have
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Scheduled Castes and Scheduled Tribes
say of Maharashtra in the instant case,
do require protection in the State of
Maharashtra, which will have to be in
balance to other communities....."

Reliance has also been placed on the
following observation in Action Committee
case (supra):

"The Constitution Bench has, after
referring to the debates in the Constituent
Assembly relating to these articles,
observed that while it is true that a person
does not cease to belong to his caste/tribe
by migration he has a better and more
socially free and liberal atmosphere and
if sufficiently long time is spent in
socially advanced areas, the inhibitions
and handicaps suffered by belonging to
a socially disadvantageous community
do not truncate his growth and the natural
talents of an individual gets full scope to
blossom and flourish. Realising that these
are problems of social adjustment it was
observed that they must be so balanced
in the mosaic of the country's integrity
that no section or community should
cause detriment or discontentment to the
other community. Therefore, said the
Constitution Bench, the Scheduled
Castes and Scheduled Tribes belonging
to a particular area of the country must
be given protection so long as and to the
extent they are entitled to in order to
becoming equals with others but those
who go to other areas should ensure that
they make way for the disadvantaged and
disabled of that part of the community
who suffer from disabilities in those
areas".

9. Before the Tribunal it was pleaded on
behalf of the appellants that the Legislative
Assembly of U.T. of Pondicherry has not been
vested with powers to make laws in relation
to public services of the Union territory and
consequently the President of India is the

repository of all powers with regard to public
services of the Union territory and with regard
to the persons appointed in connection with
the affairs of the Union territory. The
President has delegated to the Lt. Governor
of Pondicherry power to frame rules for
regulating the method of recruitment to the
civil services and posts in Grade 'A', 'B', 'C'
and 'D' under his administrative control in
connection with the affairs of the Union
territory and also the conditions of service of
persons appointed to such services. While
making rules for appointment in Grade 'A'
and 'B' posts, the Lt. Governor has to act
subject to prior consultation with the Union
Public Service Commission. The services and
posts for U.T. of Pondicherry are treated like
Central services and posts, and in the matter
of reservation in posts and services for
Scheduled Castes, the Government of U.T.
of Pondicherry is bound by the policy
prescription and the rules and orders of
Government of India.

9. The Policy of the Government of India,
whereunder all SC/ST candidates get benefit
in the matter of appointment and admission
in educational institutions controlled/
administered by the Central Government has
been reproduced in para 18 of the judgment
in Marri Chandra Shekhar Rao (supra) and
the relevant part thereof reads as under:

"Scheduled Castes and Scheduled Tribes
are entitled to derive benefits of the all-
India Services or admissions in the
education institutions controlled/
administered by the Central
Government, irrespective of the State to
which they belong. The reservation in
force in favour of the Scheduled Castes
and Scheduled Tribes in filling vacancies
in posts and services under the
Government of India are as in the
enclosure (Chapter II of the Brochure on
the Reservation for Scheduled Castes and
Scheduled Tribes in Services issued by

Education