

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

: AIR 1968 SC
2339 = 1996(9)

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