

from the Governments of Tamil Nadu, Andhra Pradesh and Kerala — Respondents challenged selection of SC candidates basically on the ground that migrant SC candidates belonging to another State are not eligible for appointment on a post reserved for a SC candidate for Union Territory — Selection and appointment of migrant SC candidates set aside by the Administrative Tribunal — Government of Pondicherry has throughout been proceeding on the basis that being a Union Territory, all orders regarding reservation for SC/ST in respect of post/services under the Central Government are applicable to post/services under the Pondicherry administration as well — Under this policy migrant SC/ST candidates are held to be eligible for reserved posts in Pondicherry administration — Whether the selections made following the said policy could be held to be suffering from any legal infirmity

— Held, No — Allowing the appeals, Held,

A. The Administrator (Lt. Governor of Pondicherry) and his Council of Ministers act under the general control of and are under an obligation to comply with any particular direction issued by the President. Further, the administrator (Lt. Governor of Pondicherry) while acting under the scope of the authority given to him under Article 239 of the Constitution would be the Central Government. (Para 14).—

B. The Central Government has issued several orders and circulars extending the benefit to SC candidates of other States in the matter of employment in the U.T. of Pondicherry. (Para 15).

C. Government of Pondicherry has throughout been proceeding on the basis that being a Union territory, all orders regarding reservation for SC/ST in respect of posts/services under the Central Government are applicable to posts/services under the Pondicherry administration as well. Since all SC/ST candidates which have been recognized as such under the orders issued by the President from time to time irrespective of the State/Union territory, in relation to which particular castes or tribes have been recognized as SCs/STs are eligible for reserved posts/services under the Central Government, they are also eligible for reserved posts/services under the Pondicherry administration. Consequently, all SC/ST candidates from outside the U.T. of Pondicherry would also be eligible for posts reserved for SC/ST candidates in Pondicherry administration. Therefore, right from the inception, this policy is being consistently followed by the Pondicherry administration whereunder migrant SC/ST candidates are held to be eligible for reserved posts in Pondicherry administration. (Para 16).

D. The U.T. of Pondicherry having consistently followed the policy of the Central Government where all scheduled caste candidates were given benefit of reservation, the selection made following the said policy could not be held to be suffering from any legal infirmity. (Para 18).

E. Part XVI of the Constitution deals with special provisions relating to certain classes and contains Articles 330 to 341. Articles 330 and 332 make provision for reservation of seats in the House of People and Legislative Assemblies of the States respectively, for Scheduled Castes and Scheduled Tribes. Similar provisions have been made for Anglo-Indian community in Articles 331 and 333. Article 338 provides that there will be a Commission for the Scheduled Castes to be known as National Commission for the Scheduled Castes and it also provides for its composition, powers and duties. Clause (2) of Article 330 provides that the number of seats reserved in the States or Union territories

for Scheduled proportion to of the People or of the States of which seats. Similar provision of any State order to ascertain or Scheduled absolutely as Scheduled Tribes it becomes relation to the with the President taken into account reserved in the of another State after migration altogether and

F. Article to make reservation which in its services of the classes to claim under Article the matter of such Scheduled appended to it does not say in the President backward class whereunder the Scheduled Tribes when such a provision clause (4) of Article by the President such migrant SC to the President adopted a policy Tribes, irrespective candidates, not held to be competent

G. For the violation of any appointment of