

s reserved for
admn. These
owed strictly".
ndicherry also
.1993 issuing
points and the
ie Government
duced above).
ad as under:

I cited is again
information and
ted therein that
in a Central
ed in a State any
late throughout
eligible. It has
ed that since
n Territory, all
reservation for
led Tribe issued
f Personnel in
ces under the
e applicable to
he Pondicherry
ence, as such, a
eduled Tribe
de Pondicherry
: for a vacancy
Caste/Scheduled
ion Territory

of other benefits
admission to
etc., the benefits
the Scheduled
ritory."
government of
larifications from
ient regarding
benefit to migrant
their letter dated
to by the Ministry
f India vide their
the relevant part
v:

"I am directed to refer to your letter
No. A. 27265/12/23/CS(EC)/95 dated
21.9.1995 on the above subject and to say
that according to para 9 of MHA (Now
DoPT) OM No. 42/21/49-NGS dt.
23.1.1952, the Central Government
instructions apply *mutatis mutandis* to all
Part C States (now UTs) as well. Such
UTs have therefore to follow all Central
Government instructions.

In view of the above position
explained above, Pondicherry being UT,
services under the Administration will be
open to all the SC/ST irrespective of their
State of origin. Further in regard to posts
filled on all-India basis through UPSC
or SSC on open competition basis, SC/
ST candidates irrespective of their state
of origin can apply. In regard to the posts
filled through SSC, Madras all the SC/
ST candidates from the southern region
will be eligible to apply.

The Government of Pondicherry
circulated the aforesaid letter of Government
of India to Secretaries of all Departments and
Heads of Departments/Offices vide its G.O.
Ms. No. 9 dated 20.10.1995.

16. These documents show that
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.

17. We do not find anything inherently
wrong or any infraction of any constitutional
provision in such a policy. The principle
enunciated in Marri Chandra Shekhar Rao
(supra) cannot have application here as U.T.
of Pondicherry is not a State. As shown above,
a Union territory is administered by the
President through an administrator appointed
by him. In the context of Article 246, Union
territories are excluded from the ambit of
expression "State" occurring therein. This
was clearly explained by a Constitution Bench
in *T.M. Kannian vs. Income Tax Officer* 1968
(2) SCR 103 (AIR 1968 SC 367). In *New
Delhi Municipal Council vs. State of Punjab*
1997(7) SCC 339 the majority has approved
the ratio of T.M. Kannian and has held that
the Union territories are not States for the
purpose of Part XI of the Constitution (para
145). The Tribunal has, therefore, clearly
erred in applying the ratio of Marri Chandra
Shekhar Rao in setting aside the selection and
appointment of migrant SC candidates.

18. The contesting respondents
(applicants before the Tribunal, who who
challenged the selection) can derive no benefit
from the decision in Marri Chandra Shekhar
Rao (supra). In this case the writ petitioner
Marri Chandra was born in Gouda community
in the State of Andhra Pradesh, which is
recognized as a Scheduled Tribe in the
Presidential Order issued for the said State.
For getting admission in a medical college in
the State of Maharashtra, he claimed benefit
of reservation being an ST. Gouda community
was not recognized as Scheduled Tribe in the