

under Article 341(1) of the Constitution of India had not been made specifying the scheduled Castes in relation to the Union Territory of A & N Islands, no reservation in any public employment can be made in respect of posts under the Union Territory Administration for any Scheduled Caste candidate. The learned Judge further directed that ".....if future, the Union of India should also not make any appointment to any post in the A & N Administration or send on deputation or transfer any person to these Islands to join any post here treating such post reserved for the Scheduled Caste in the A & N Islands till, I repeat again, a declaration is made by the President of India ^{under} Article 341(1) of the Constitution categorising any caste as Scheduled Caste in relation to A & N Islands".

Being aggrieved and dissatisfied with the said Judgement and order of the learned Trial Judge, the Respondents Union of India and the A & N Administration have come up on appeal challenging the said Judgement and order.

Part XVI of the Constitution of India provides special provisions relating to certain classes and under Article 341(1) appearing in the said part it has been provided that 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 which shall for the purpose of the Constitution be deemed to be scheduled castes in relation to that State or Union Territory, as the case may be. Similar provision has been made under Article 342(1) relating to Scheduled Tribes in relation to the State or the Union Territory to which they may belong.

It is undisputed that the Presidential Notification under Article 342(1) of the Constitution in respect of the Scheduled Tribes has already been published by the Constitution (Andaman & Nicobar Islands) Scheduled Tribes Order,

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