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1959, but that in respect of Caste, no Notification under Article 341(1) of the Constitution has been published so far. This must mean that in respect of public employment arising within the A & N Islands while reservation can be made for the Tribes as scheduled under the Presidential order of 1959 but in respect of Castes no such reservation is permissible.

The writ petitioner challenged before the learned Trial Judge a Notification issued by the A & N Administration wherein reservation were made for the Scheduled Caste candidates with regard to filling up of the posts of Junior Medical Officers under the Health Department of this Union Territory as also the Memo dated September 30, 1992 issued by the Union Public Service Commission addressed to the Chief Secretary, A & N Administration asking the Administration to open a Reservation roster showing ratio of posts for the scheduled caste candidates in connection with promotion to the grade of Executive Engineer (Elec) in the A & N Administration. It was contended before the learned Trial Judge that since no order or Notification had been issued by the President, classifying any particular Caste as Scheduled Caste within the Island Territory, neither the Central Government nor the A & N Administration could reserve any post in the A & N Islands for Scheduled Castes and appoint any person purported to be belonging to Scheduled Castes against such post. It was also contended that no candidate who is Scheduled Caste in relation to any other State within the Territory of India can be appointed against the purported reserved posts as nobody carries the status of a Scheduled Caste beyond the Territorial limits of the State in relation to which he has been classified as a Scheduled Caste by the Presidential Notification issued in relation to that State. In this connection reliance was placed on a Full Bench decision of the Bombay High Court in the case of M.S. Malathy -vs- The Commissioner, Nagpur Division and others, reported in A.I.R.

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