

1989 Bombay 138, wherein it was held that a person belonging to Scheduled Caste would be Scheduled Caste only in the State in relation to which his Caste is specified as a Scheduled Caste. He does not carry his Scheduled Caste status on his migration to another State in relation to which he has not been declared a Scheduled Caste.

Mr. S.C. Bose, learned Senior Advocate, assisted by Ms. Shyamali Ganguli, learned Advocate, cited the latest Supreme Court's decision in the matter as made in the case of Action Committee on Issue of Caste Certificate to Scheduled Caste and Scheduled Tribes in the State of Maharashtra And Another -vs- Union of India & Another reported in (1994) 5 SCC 244. In the said decision, the Supreme Court categorically laid down that Scheduled Castes or Scheduled Tribes have to be specified by Presidential Notification under Articles 341 and 342 in relation to a given State or Union Territory, which would mean that a given Caste or a Tribe can be a Scheduled Caste or a Scheduled Tribe in relation to the State or Union Territory for which it has been so specified. The Supreme Court further laid down that merely because a given Caste is specified in, say, State A as a Scheduled Caste does not necessarily mean that if there be another Caste bearing the same nomenclature in say, State B, the person belonging to the former would be entitled to the privileges and benefits admissible to a member of the Scheduled Caste of the latter State "For the purposes of this Constitution".

The ratio of the said Supreme Court decision apply with all force to the facts and circumstances of the instant case.

The learned Trial Judge, after considering the contentions both of the parties and keeping in view the law in the matter came to the conclusion that since the Presidential Notification under Article 341(1) of the Constitution had not been issued, question of reserving posts under the Administration for Scheduled Caste candidates could not arise and accordingly, quashed the impugned

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