respondents (applicants before the Tribunal) and which has been relied upon by the Tribunal related to a case where the migrant was from one State to another State (from Andhra Pradesh to Maharashtra) and it can have no application to a case where the migration of a SC person is from a State to an adjoining or contiguous Union territory, as is the case here. The areas included in the U.T. of Pondicherry being very small enclaves and being contiguous and surrounded by large States, the principle which may be applicable in the case of migration from one State to another State cannot be applied having regard to the ground realities. Learned counsel has further submitted that the Government of India has, from time to time, issued circulars and Government Orders clearly providing that migrant SC persons are eligible for appointment on posts reserved for SC persons in the U.T. of Pondicherry and in absence of any statutory enactment or rules made in exercise of powers conferred under the proviso to Article 309 of the Constitution, these circulars or Government Orders are binding upon the Government of Pondicherry. It has also been contended that in the matter of providing reservation in favour of any backward class of citizens within the meaning of Article 16(4) of the Constitution, it is open to the U. T. of Pondicherry to apply any policy, especially one whereunder migrant SC persons are also given the benefit of reservation and it is not open to the contesting respondents to object to such kind of a reservation policy and claim that the benefit of reservation should be extended only to such SC persons who are mentioned in the schedule appended to the Presidential Order issued in the year 1964. Learned counsel has also submitted that right from inception, the U.T. of Pondicherry has been following a practice whereunder migrant SC persons are held eligible for appointment on reserved posts and this being the consistent and uniform policy of the State, the same cannot be held to be illegal or contrary to any constitutional provisions.

7. Learned counsel for the contesting respondents (applicants in the original application before the Tribunal) have submitted that in view of the clear language in Article 341(1) of the Constitution, only such castes which have been mentioned in the schedule appended to the Presidential Order of 1964, shall be deemed to be Scheduled Castes for the U.T. of Pondicherry and a migrant SC person is not eligible for any reserved posts. Learned counsel has also submitted that the fact that a Union territory is administered by the President though an administrator appointed by him, can make no difference as the posts in question are posts under the Pondicherry government and cannot be deemed to be posts under the Central Government. Learned counsel has also placed strong reliance on the following observation made by the Constitution Bench in the case of Marri Chandra (supra) in para 10 of the reports:

> ".....These must be so balanced in the mosaic of the country's integrity that no section or community should cause detriment of discontentment to other community or section. Scheduled Castes and Scheduled Tribes belonging to a particular area of the country must be given protection so long as and to the extent they are entitled in order to become equal with others. But equally those who go to other areas should also ensure that they make way for the disadvantaged and disabled of that part of the community who suffer from disabilities in those areas. In other words Scheduled Castes and Scheduled Tribes say of Andhra Pradesh do require necessary protection as balanced [illegible] other communities. But equally