State. Clause (3) to (5), however, lay down several exceptions to the above rule of equal opportunity. Article 16(4) is an enabling provision and confers a discretionary power on the State to make reservation in the matter of appointments in favour of "backward classes of citizens" which in its opinion are not adequately represented either numerically or qualitatively in services of the State. But it confers no constitutional right upon the members of the backward classes to claim reservation. Article 16(4) is not controlled by a Presidential Order issued under Article 341(1) or Article 342(1) of the Constitution in the sense that reservation in the matter of appointment on posts may be made in a State or Union territory only for such Scheduled Castes and Scheduled Tribes which are mentioned in the schedule appended to the Presidential Order for that particular State or Union territory. This Article does not say that only such Scheduled Castes and Scheduled Tribes which are mentioned in the Presidential Order issued for a particular State alone would be recognized as backward classes of citizens and none else. If a State or Union territory makes a provision whereunder the benefit of reservation is extended only to such Scheduled Castes or Scheduled Tribes which are recognized as such, in relation to that State or Union territory then such a provision would be perfectly valid. However, there would be no infraction of clause (4) of Article 16 if a Union territory by virtue of its peculiar position being governed by the President as laid down in Article 239 extends the benefit of reservation even to such migrant Scheduled Castes or Scheduled Tribes who are not mentioned in the schedule to the Presidential Order issued for such Union territory. The U.T. of Pondicherry having adopted a policy of Central Government whereunder all Scheduled Castes or Scheduled Tribes, irrespective of their State are eligible for posts which are reserved for SC/ST candidates, no legal infirmity can be ascribed to such a policy and the same cannot be held to be contrary to any provision of law.

22. For the reasons discussed above, we are of the opinion that there has been no violation of any constitutional or any other legal provision in making selection and appointment of migrant Scheduled Caste candidates against the quota reserved for Scheduled Castes on the post of Selection Grade Teachers. The view to the contrary taken by the Tribunal cannot, therefore, be sustained and has to be set aside.

23. The appeals are accordingly allowed and the judgment and order dated 5.11.1996 of the Central Administrative Tribunal (Madras Bench) is set aside.

2005(2) SCALE 61

PROF. YASHPAL & ANR. *Petitioners*

VS

STATE OF CHHATTISGARH & ORS. *Respondents*

CORAM: R.C. LAHOTI, CJI., G.P. MATHUR AND P.K. BALASUBRAMANYAN, JJ.

EDUCATION — CHHATTISGARH NIJI KSHETRA VISHWAVIDYALAYA (STHAPANA AUR VINIYAMAN) ADHINIYAM, 2002 [AS AMENDED BY 2004 ADHINIYAM] — SECTION

Judgment dated February 11, 2005 in W.P.(C) No. 19 of 2004 with W.P.(C) Nos. 295, 299, 345 and 525 of 2004, W.P.(C) Nos. 565 of 2003, C.A. Nos. 5146, 5161, 5171, 5172, 5174, 5175, 5180, 5184, 5185, 5188, 5189, 5190, 5191, 5197 and 5198 of 2004.