

Subject:

Para
No.

- 23

F. No. 1-554/2004-TW

60 May please refer to the office notes 56/N onwards. PUC is a letter No. U-13034/127/2005-ANL dated 27.9.05 of the Director (ANL), Govt. of India, Ministry of Home Affairs, New Delhi addressed to the Chief Secretary, A&N Admn. regarding representation dated 18.3.05 of the Ranchi Association seeking recognition of the Ranchi Tribe as Scheduled Tribe of the A&N Islands and extension of all resultant benefits in the light of the Judgement dated 11.2.05 of the Supreme Court in Civil Appeal No. 6-7 of 1998 (with Civil Appeal No. 4.5 of 1998 in respect of S. Pushpa & Ors - Vs - Sivasanmugavelu & Ors.) (copy of the judgment is available at pages 85-98/c for reference). The case relates to selection of migrant Scheduled caste candidates against the quota reserved for scheduled castes on the post of selection grade teachers in the selection held in the year 1995 in the UT of pondicherry.

61 Following receipt of the representation dated 18.3.05 of the Ranchi Association addressed to the Hon'ble Lt. Governor, A&N Islands, this Admn. sought clarification from the GOI, MHA-vide letter No. 1-554/2004-TW/1377 dated 19th/20th July, 2005 at pages 169-170/c whether the benefit of reservation can be extended to the Rachis, who are Scheduled Tribes in relation to the States of Bihar/Jharkhand and who have migrated to the A&N Islands in the light of the above judgment of the Supreme Court

62 In this context, the GOI have referred to the decision of the Calcutta High Court passed in the case of Local Born Association - Vs - UOI (a copy of the judgment dated 1st July, 1996 is placed at pages 158-166/c for reference), which was letter confirmed on 14th July 1997 by the Supreme. Court by dismissing the SLP filed by the MHA; restricting the benefit meant for STs/ SCs to only such castes/ tribes as have been notified in respect of Union Territory of Andaman and Nicobar Islands. (A copy is placed at 167/c). The GOI, MHA have clarified that the SLP filed by the MHA before the Hon'ble Supreme Court against the Order dated 1.7.96 of the High Court of Calcutta in FMAT No. 3/96 was dismissed on 14th March 2001 by two judges bench and it is not a law declared by the Supreme Court under Article 141 of