

Subject:

Para
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the Constitution which the judgment dated 11.2.05 of the Supreme Court is of 3 Judges Bench and is a law declared by the Supreme Court under Article 141 of the Constitution, which is equally applicable to all the UTs including the A&N Islands.

(63) As such the Supreme Court judgment dated 11.2.05 in Civil Appeal No. 6-7 of 1998 by three Judges Bench takes precedence over the judgment dated 14.3.97 by two Judges Bench in FMAT No. 3/96. Accordingly, the MHA have advised this Admn. to take appropriate action on the representation of Ranchi Association.

(64) However, the Ministry have further clarified that the request for inclusion of Ranchis in the list of STs of the A&N Islands is not covered within the meaning and scope of the judgment dated 11.2.05 of the Hon'ble Supreme Court.

(65) It may also be relevant to add here that the Ranchi Association has filed a writ petition in the Hon'ble High Court, Circuit Bench at Port Blair seeking the direction to the Respondents for, among others, considering the migrant STs of other States / UTs against the reserved posts for STs under the A&N Administration. The case is stated to have been fixed for hearing in the next Circuit Bench commencing from 14/11/2005. The UOI and Ors including the Lt. Governor, A&N Islands have been made respondents. In this connection a copy of the notice dated 03/10/2005 received from Shri Anand Halder, Advocate for the petitioner is placed at page 190/c for reference.

(66) Hitherto this Admn. have extended reservation in services to only the ST of the A&N Islands and notified in relation to and not the migrant STs of any other States/UTs. The Employment Exchange, Port Blair does not sponsor ST candidates of any other States/UTs against any reserved post under this Admn.

(67) In this connection it may be noted that with the application of the Scheduled Cast judgement dated 11.2.05, the benefit of reservation in the matter of appointment may be extended not only to the Ranchis, the STs of Bihar and Jharkhand but also the STs of