

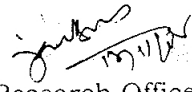
187

In this context, it is stated that this UT Administration have not adopted any policy under which the SCs/STs of other states are eligible for appointment against the reserved posts for STs of this UT. There are six Scheduled Tribes in this UT Notified by the Constitution (A&N Islands) Scheduled Tribes Order, 1959, which the Administration have been following in the matter of appointment against the reserved posts in this Administration. As such, the judgment in S. Puspa case of Pondichery cannot be made applicable to this UT. (77)

As per the judgment /Order of the Calcutta High Court passed in WP No.169 of 2005 (Ranchi Association Vs Union of India & Others) (a copy of the judgment dated 10.7.2006 at Flag- "F" for reference), " Since neither the Uraons nor the Mundas nor the Kharias nor the other migrants STs from the mainland have been included in the Constitution (A & N Islands) Scheduled Tribes Order, 1959, they, therefore, cannot be treated to be Scheduled Tribes in the UT of A & N Islands unless and until a Presidential Order is issued in terms of Article 341 and 342 of the Constitution of India ". (78)

But in the case of promotion 7½ % of posts reserved for STs in all grades and services are to be filled in by the ST candidates of this UT. Accordingly, STs from other states/UT working in this UT will not be eligible for promotion against the reserved posts of STs. (79)

Submitted pl.


Research Officer (J)

Assistant Commissioner (TW)(OT)

Secretary (TW)

There are no clear-cut precedents or judgments from High Court/ Supreme Court which could be relied upon to clarify this issue once and for all. I have gone through two of the landmark judgments on the subject, but they only tangentially throw light on the matter, from which a deduction could be drawn. (80)

The key facts in this case are:

- It is a promotion from Group C to Group B.
- The DPC is an Andaman & Nicobar Administration DPC, not All India level. (81)
- The Group B vacancies also pertain to Andaman & Nicobar Administration not of the Central Government.

Contd... 17/-