

- Six tribes of indigenous origin have been notified for A & N Islands through a Presidential Order of 1959 and they are:

1. Nicobarese.
2. Shompen
3. Great Andamanese
4. Onges
5. Jarawas
6. Sentinelese.

82 Through a process of elimination based on the two different judgments, Order dated 01/07/1996 in FMAT no. 3 of 1996 Union of India and others -Vs- Local Born Association and others of Calcutta High Court in which the argument that the Central Government and the UT Administration are one and the same has not been accepted. The position taken by the court is that posts under the UT Administration cannot be equaled with Central Government posts (F/B).

83 Supreme Court Order dated 11/02/2005 in Civil Appeal No. 6-7 of 1998 S. Pushpa and others accepts the contention of the petitioner that Pondicherry being a UT, the reservations for STs/SCs in all categories of posts would be available to STs/SCs from all over India. This judgment is based on the fact that the Govt. of Pondicherry has through out been proceeding on the basis that being a UT, all orders regarding reservation for SC/ST in respect of posts/services under the Central Govt. are applicable to posts/services under the Pondicherry Administration as well. Consequently, all SC/ST candidates from outside the UT of Pondicherry would also be eligible for posts reserved for SC/ST candidates in Pondicherry Administration.

Thus the following position emerges: -

84 (As far as A & N Administration is concerned, there does not exist any policy under which all ST candidates, irrespective of their state, are eligible for posts reserved for STs in the Administration.) This view has also been upheld by the Calcutta High Court in its order dated 10/07/2006 in WP No. 169 of 2005, Ranchi Association -Vs-Union of India and others (F/A at 'X').