

ANY PERSON OF INDIA, ABLE TO SHOW "WHERE IS THE COLUMN TO WRITE GOVT. SALARY INCOME IN PRESCRIBED CENTRAL APPLICATION FORM TO GET OBC CERTIFICATE?" WILL BE AWARDED "CASH PRIZE"
(The CENTRAL APPLICATION FORM is available on website WWW.OBCGURU.COM)

Dear Sirs,

The eligible OBC candidates are not getting caste certificate due to misinterpretation of creamy layer criteria Dt. 08.09.1993, especially in case of sons/daughters of government servants.

NORMALLY AN OBC CANDIDATE HAVING PARENT'S SALARY INCOME ABOVE Rs. 4.50 LAKH DONT TRIES TO GET OBC NON-CREAMYLAYER CASTE CERTIFICATE, WHICH IS A TOTALLY WRONG CONCEPT.

In creamy-layer criteria issued by Ministry of Personnel (DOPT) Government of India New Delhi vide O.M. No.36012/22/93-Est. (SCT) dated 8.9.1993 (also adopted by Supreme Court in recent judgment on Civil writ petition no. 265/2006 of 27% obc reservation in Central higher educational institutions) following important point is misinterpreted due to which whole country is confused including OBCs and authorities issuing the caste certificate.

- (1) Actually the annual income limit of Rs. 4.50 lakhs is not applicable to "government servant's salary income" & "farmer's agricultural income". It is the limit for "business income" only.
- (2) In rule- (6) showing the creamy-layer annual income criteria of Rs.4.50 lakhs following explanation is already given:

"Income from salaries or agricultural land shall not be clubbed with total income"

"कुल वार्षिक आय में वेतन अथवा कृषि भूमि से प्राप्त आय को नहीं जोड़ा जाएगा।"

It means that income from salaries and agricultural land both will not be added with the annual income because to determine creamy layer status there are separate rule number (2) & (3) provided on the basis of "post held" for salaried persons & rule number (5) of "land holdings" for persons holding agricultural land. Hence they cannot be checked by salary/agricultural income.

- (3) The criterion (2) & (3) clearly speaks that only the sons and daughter of following "government servants" will be treated as creamy-layer.
 - (i) Parents, either of whom is a Class I officer. (Direct Recruitment)
 - (ii) Parents, both of whom are Class II officers. (Direct Recruitment)
 - (iii) Parents of whom only the father is a Class II officer and he gets into Class I at the age of 40 or earlier.
 - (iv) In military, colonel and above.

"Other than the above 4, all the government servants are not creamy-layer."

- (4) The criteria (5) clearly speak that only following "farmers" will be treated as creamy-layer.
 - (i) Having, only irrigated land which is equal to or more than 85% of the statutory ceiling area.
 - (ii) The rule of exclusion will not apply if the land holding of a family is exclusively un-irrigated.

A very clear creamy layer clarification regarding not to include salary and agricultural income vide DOPT O.M. dated 14 October 2004 Para-10, is also available on website WWW.OBCGURU.COM.

"This information may please be circulated to all."