

Suppose in the grade, of which 50 per cent recruitment quota and 10 per cent result of this, the number became 450 and in the promotion provide for filling of 50% of the vacancies in recruitment and 100 by promotion for direct recruitment quota would become 450. The number recruitment quota and promotion quota would

Direct Recruitment:  
Promotion

SCs-82  
SCs-67

STs  
STs-3

No. 6/16/2006-DPE (SC/ST Cell)  
 Government of India  
 Ministry of Heavy Industries & Public Enterprises  
 Department of Public Enterprises

Block No. 14, CGO Complex,  
 Lodi Road, New Delhi-110003

Dated the 13<sup>th</sup> August, 2007

OFFICE MEMORANDUM

Subject: Revision of quantum of reservation for Scheduled Tribes in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from a locality or a region in the State of Goa.

In continuation of this Department's OM of even number dated 3<sup>rd</sup> November, 2006 circulating therewith a DoPT OM No.30617/1/2004-Estt.(Res) dated 5<sup>th</sup> July, 2005 on the subject mentioned above, the undersigned is directed to say that the quantum of reservation for SCs, STs and OBCs in case of direct recruitment to Group 'C' and 'D' posts normally attracting candidates from the regions of the State of Goa was fixed as 2%, 0% and 18% respectively keeping in view the figures of 2001 census. Some communities in the State of Goa have since been notified as Scheduled Tribes by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 dated 8<sup>th</sup> January, 2003 after the Census, 2001 was conducted. As a result of this, proportion of population of STs in the State of Goa is now estimated as 12.07%. DoPT has, accordingly, decided to fix quantum of reservation for STs at 12% in the State of Goa. Therefore, the entry against S.No.6 of Annexure to DoPT OM dated 5<sup>th</sup> July, 2005 would stand substituted by the following:

S.No.	Name of the State/UT	Percentage of reservation		
		SCs	STs	OBCs
(1)	(2)	(3)	(4)	(5)
06	Goa	2	12	18

2. All administrative Ministries/Departments are requested to bring it to the notice of all the Central Public Sector Enterprises under their administrative control for necessary compliance.

(G.S. Bothyal)  
 Director  
 Tel. 24360218

All administrative Ministries/Departments concerned with CPSEs.

Copy to: Chief Executives of all CPSEs.

52/3/2007

5/5

(1) Director (S) (1)

13/8/2007

Handwritten signatures and initials.

Handwritten signature.

**MOST IMMEDIATE**

F.No.36033/2/2006-Estt.(Res.)  
Government of India  
Ministry of Personnel, Public Grievances and Pension  
Department of Personnel & Training

New Delhi, dated the 12<sup>th</sup> October, 2007

**OFFICE MEMORANDUM**

**Subject: Special efforts to fill up the reserved vacancies of SCs, STs and OBC.**

Attention is invited to this Department's O.M No.36012/17/2002-Estt.(Res) dated 6.11.2003 which, in regard to the procedure for filling up the reserved vacancies of the SCs/STs/OBCs in case of direct recruitment, inter alia, provides as follows:

"If sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt shall be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies".

2. The undersigned is directed to say that earnest efforts should be made to fill up the reserved vacancies in the initial year of recruitment itself as per instructions referred to above. If done so, there would hardly be any chance of reserved vacancies remaining vacant and creation of backlog reserved vacancies.

Dept. of Personnel  
Public Grievances  
Ministry of Personnel

46 00

RECEIVED

(K.G. Verma)  
Director  
Tel: 23092158

948  
12/10/07

1. All Ministries/Departments of Government of India
2. Department of Financial Services, New Delhi.
3. Department of Economic Affairs, New Delhi.
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/ Election Commission/Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Planning Commission/ Election Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. Office of the Comptroller & Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
9. Guard file
10. NIC for uploading in the website.
11. Spare copies 100

18/10/07  
19/10/07

10A

No. 42011/18/96-Estt.(Res)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(DEPARTMENT OF PERSONNEL & TRAINING)

NORTH BLOCK,  
New Delhi, the 06.03.1997.

OFFICE MEMORANDUM

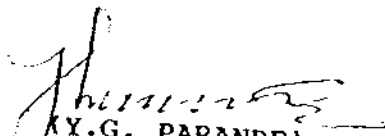
Subject: Reservation for OBCs - Appointment of separate Liaison Officer for looking after matters relating to OBCs.

\*\*\*\*\*

The undersigned is directed to invite attention to this Department's O.M. No. 36035/8/92-Estt.(SCT) dated 10.11.1994 on the above subject, according to which the Liaison Officers appointed to look after the reservation matters of Scheduled Castes/Scheduled Tribes were also entrusted with the responsibility of looking after reservation matters relating to the Other Backward Classes.

2. The matter of having the same Liaison Officer for the Scheduled Castes/Scheduled Tribes and the Other Backward Classes has been re-examined and it has been decided that there should be a separate Liaison Officer for looking after matters relating to the reservation for the Other Backward Classes. Ministry of Finance etc. are requested to take immediate steps to appoint a separate Liaison Officer for the Other Backward Classes.

3. Ministry of Finance etc. may also please bring these instructions to the notice of all the Attached and Subordinate Offices/Public Sector Undertakings under them for compliance.

  
(Y.G. PARANDE)  
DIRECTOR (RESERVATION)

To

All Ministries/Departments  
of the Government of India.

No. 36033/28/94-Estt. (Res)  
 GOVERNMENT OF INDIA  
 MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS  
 (DEPARTMENT OF PERSONNEL & TRAINING)

NORTH BLOCK, NEW DELHI.  
 Dated the 2<sup>nd</sup> July, 1997.

To

The Chief Secretaries,  
 All State Governments/Union Territories.

Subject: Reservation for Other Backward Classes - revised proforma certificate.

Sir,

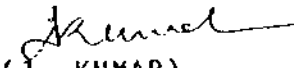
I am directed to enclose revised proforma certificate to be produced by the candidates belonging to the OBCs. The revised proforma has been necessitated by certain notifications/amendments in the central list of OBCs in respect of the following States contained in the Ministry of Welfare's Resolution No. 12011/44/96-BCC dated the 6th December, 1996 published in the Gazette of India Extraordinary Part-I Section-I No.210 dated 11th December, 1996:-

- (i) Bihar
- (ii) Goa,
- (iii) Gujarat
- (iv) Haryana
- (v) Orissa
- (vi) Utter Pradesh
- (vii) West Bengal.

2. It is requested that the concerned authorities competent to issue the certificate for the OBCs may be apprised of the revised proforma so that the candidates belonging to the OBCs now included in the resolution dated the 6th December, 1996 do not face any problem.

(Hindi Version will follow).

Yours faithfully,

  
 (J. KUMAR)

UNDER SECRETARY TO THE GOVT. OF INDIA.

To

1. All Ministries/Departments.
2. Department of Economic Affairs (Banking Division)
3. Department of Economic Affairs (Insurance Division)
4. Department of Public Enterprises.
5. Union Public Service Commission, Dholpur House, New Delhi.
6. Staff Selection Commission, C.G.O. Complex, Lodhi Road, New Delhi.
7. Ministry of Welfare (Smt. Manjula Krishnan, Director)

**FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES  
APPLYING FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA**

This is to certify that.....  
son/daughter of.....of village.....  
District/Division.....in the.....  
State.....belongs to the.....community  
which is recognised as a backward class under

(i) Resolution No.12011/68/93-BCC(C) dated the 10th  
September,1993, published in the Gazette of India Extraordinary  
- Part 1, Section 1, No. 186 dated 13th September,1993.

(ii) Resolution No.12011/9/94-BCC dated 19th October,1994,  
published in the Gazette of India Extraordinary Part I - Section  
I, No. 163, dated 20th October,1994.

(iii) Resolution No. 12011/7/95-BCC, dated the 24th May,1995,  
published in the Gazette of India - Extraordinary - Part I,  
Section I, No. 88, dated 25th May,1995.

(iv) Resolution No.12011/44/96-BCC, dated the 6th December,1996,  
published in the Gazette of India - Extraordinary - Part I,  
Section I, No. 210, dated the 11th December,1996.

Shri.....and/or his family ordinarily reside(s) in  
the.....District/Division of the.....State.  
This is also to certify that he/she does not belong to the  
persons/sections (Creamy Layer) mentioned in column 3 of the  
Schedule to the Government of India, Department of Personnel &  
Training O.M. No. 36012/22/93-Estt.(SCT) dated 8.9.1993.

District Magistrate,  
Deputy Commissioner etc.

Dated:

Seal

NB : (a) The term 'ordinarily' used here will have the same  
meaning as in Section 20 of the Representation of the  
People Act,1950.

(b) The authorities competent to issue caste certificates  
are indicated below:-

(i) District Magistrate/Additional Magistrate/Collector/  
Deputy Commissioner/Additional Deputy Commissioner/  
Deputy Collector/Ist Class Stipendary Magistrate/  
Sub-Divisional Magistrate/ Taluka Magistrate/Executive  
Magistrate/Extra Assistant Commissioner (not below the  
rank of Ist Class Stipendary Magistrate).

(ii) Chief Presidency Magistrate/Additional Chief Presidency  
Magistrate/Presidency Magistrate.

(iii) Revenue Officer not below the rank of Tehsildar; and

(iv) Sub-Divisional Officer of the area where the candidate  
and/or his family resides.

No.36033/4/97-Estt.(Res.)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi.

Dated: 25<sup>th</sup> July 2003.

OFFICE MEMORANDUM

Subject: Validity period of OBC certificate and verification of community and 'non-creamy layer' status of OBC candidates.

The undersigned is directed to say that a question has arisen about the validity period of certificates issued to the candidates belonging to other backward classes for the purpose of reservation in services. The OBC certificate consists of two parts - first part indicates that the concerned person belongs to a community listed as OBC and the second part indicates that the candidate does not fall in the creamy layer. While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list, his/her creamy layer status may change any time. In view of it, it is not possible to determine a fixed validity period for the OBC certificate.

2. Every candidate seeking reservation as OBC is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by an authority mentioned in DOPT Office Memorandum No.36012/22/93-Estt.(SCT) dated 15-11-1993. The 'OBC status' and/or 'non-creamy layer status' of the candidate, as pointed out in para above, may change after issue of the certificate making him/her ineligible for reservation. In order to ensure that candidates not eligible to get reservation do not seek reservation, a declaration, in addition to certificate issued by the competent authority, may be obtained from the candidates seeking reservation as OBCs in the following format:

"I, \_\_\_\_\_ son/daughter  
of Shri \_\_\_\_\_  
resident of village/town/city \_\_\_\_\_  
district \_\_\_\_\_ state \_\_\_\_\_  
hereby declare that I belong to the  
\_\_\_\_\_ community which  
is recognized as a backward class by the Government of India for the  
purpose of reservation in services as per orders contained in  
Department of Personnel and Training Office Memorandum  
No.36012/22/93-Estt.(SCT) dated 8-9-1993. It is also declared that  
I do not belong to persons/sections (Creamy Layer) mentioned in  
column 3 of the Schedule to the above referred Office Memorandum  
dated 8-9-1993."

3. The appointing authority, before appointing a person seeking appointment on the basis of reservation to OBCs should verify the veracity of the community certificate submitted by the candidate and also the fact that he/she does not fall in creamy layer on the crucial date. The crucial date for this purpose may be treated as the closing date for receipt of applications for the post except in cases where crucial date is fixed otherwise.

4. It was decided vide this Department's Office Memorandum No.36033/9/95-Estt.(SCT) dated 10-5-1995 that in case of appointments against vacancies reserved for OBCs a clause in the offer of appointment would be inserted to the effect that appointment will be provisional and subject to verification of the community certificate. Since reservation is available only to such OBC candidates who do not fall in the creamy layer, it is necessary that the clause inserted in the offer of appointment should be modified so as to take care of creamy layer status of the candidate also. It is, therefore, decided that the following modified clause may be included in the offer of appointment in place of clause prescribed vide Office Memorandum dated 10-5-1995:



"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Penal Code for production of false certificates."

5. All Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all authorities under them for information and compliance.



(K.G. Verma)

Deputy secretary to the Government of India

Tele: 23092797

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi.
10. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.

No.36033/3/2004-Estt(Res)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block, New Delhi.  
Dated: 9<sup>th</sup> March, 2004.

OFFICE MEMORANDUM

Subject: Revision of Income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs).

The undersigned is directed to invite attention to this Department's O.M. No.36012/22/93-Estt.(SCT) dated 8<sup>th</sup> September, 1993 which inter alia provides that sons and daughters of persons having gross annual income of Rs. 1 lakh or above for a period of three consecutive years fall within the creamy layer and are not entitled to get the benefit of reservation available to the Other Backward Classes. It has been decided to raise the income limit from Rs. 1 lakh to Rs. 2.5 lakh for determining the creamy layer amongst the OBCs. Accordingly the following entry is hereby substituted for the existing entry against Category VI in the Schedule to the above referred O.M.:

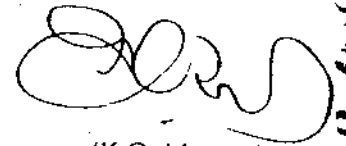
<u>Category</u>	<u>Description of Category</u>	<u>To whom the rule of exclusion will apply</u>
VI	INCOMEWALTH TEST	Son(s) and daughter(s) of  (a) Persons having gross annual income of Rs. 2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.  (b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources or wealth which will bring them within the income /wealth criteria mentioned in (a) above.

Explanation:

Income from salaries or agricultural land shall not be clubbed.

2 The provisions of this Office Memorandum take effect from the 4<sup>th</sup> February, 2004.

3 All the Ministries/Departments are requested to bring the contents of this Office Memorandum to the notice of all concerned.



(K.G. Verma)  
Deputy Secretary to the Government of India  
Tele: 23092797

To

1. All the Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs and STs, Lok Nayak Bhavan, New Delhi
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
11. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi - 110002.
12. Information and Facilitation Centre, DOPT, North Block, New Delhi. (100 copies)
13. Spare copies - 400

No. 36033/5/2004-Estt(Res)  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

\*\*\*\*\*

New Delhi, Dated : the 14<sup>th</sup> October, 2004

To

The Chief Secretaries of all the States /Union Territories.

**Subject:** Clarifications regarding creamy layer amongst OBCs.

Sir,

I am directed to invite your attention to the Schedule to this Department's OM No.36012/22/93-(SCT) dated 8<sup>th</sup> September, 1993 which contains the criteria to determine the creamy layer amongst the OBCs. In regard to the children of the persons in civil services of the Central and the State Governments, it provides that son(s) and daughter(s) of:

- (a) parents, both of whom are directly recruited Class I/Group A officers;
- (b) parents, either of whom is a directly recruited Class I/Group A officer;
- (c) parents, both of whom are directly recruited Class I/Group A officers, but one of them dies or suffers permanent incapacitation;
- (d) parents, either of whom is a directly recruited Class I/Group A officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (e) parents, both of whom are directly recruited Class I/Group A officers and both of them die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (f) parents both of whom are directly recruited Class II/Group B officers;
- (g) parents of whom only the husband is a directly recruited Class II /Group B officer and he gets into Class I/Group A at the age of 40 or earlier;

- (h) parents, both of whom are directly recruited Class II/ Group B officers and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;
- (i) parents of whom the husband is a Class I/ Group A officer (direct recruit or pre-forty promoted) and the wife is a directly recruited Class II /Group B officer and the wife dies; or suffers permanent incapacitation; and
- (j) parents, of whom wife is a Class I/Group A officer (Direct Recruit or pre-forty promoted) and the husband is a directly recruited Class II/Group B officer and the husband dies or suffers permanent incapacitation

shall be treated as falling in creamy layer.

2. The Schedule further provides that sons and daughters of:

- (i) parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation;
- (ii) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation;
- (iii) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer.

3. The criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organizations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/Wealth Test' given in the Schedule. The Income/ Wealth Test prescribes that the sons and daughters of persons having gross annual income of Rs.2.5 lakh or above or possessing wealth above the exemption limit as prescribed

in the Wealth Tax Act for a period of three consecutive years would be treated to fall in creamy layer. An explanation is given below the Income/Wealth Test which provides that 'income from salaries or agricultural land shall not be clubbed.'

4. Following questions have been raised from time to time about the application of the above provisions to determine creamy layer:

- (i) Will the sons and daughters of parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (ii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?
- (iii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation after retirement even though either of them has had got the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation be treated to be excluded from the purview of creamy layer?
- (iv) Will the sons and daughters of parent(s) who retire from the service on the basis of which their sons and daughters fall in creamy layer, continue to fall in creamy layer after retirement of the parent(s)?
- (v) Will the sons and daughters of parents of whom husband is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer?
- (vi) Will a candidate who himself is a directly recruited Class I/Group A officer or a directly recruited Class II/Group B officer who got into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer on the basis of his service status?
- (vii) Will a candidate who has gross annual income of Rs.2.5 lakh or above or possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years be treated to fall in creamy layer?

(viii) The instructions provide that a lady belonging to OBC category who has got married to a directly recruited Class I/Group A officer shall not be treated as falling in creamy layer on the basis of her marriage. Will a man belonging to OBC category who is married to a directly recruited Class I/Group 'A' officer be treated as falling in creamy layer on the basis of his marriage?

(ix) How will the Income/Wealth Test apply in case of sons and daughters of parent(s) employed in PSUs etc. in which equivalence or comparability of posts has not been established vis-à-vis posts in the Government?

(x) What is the scope of the explanation, 'Income from salaries or agricultural land shall not be clubbed', given below the Income/ Wealth Test?

5. It is clarified in regard to clauses (i), (ii) and (iii) of para 4 that the sons and daughters of:

- (a) parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;
- (b) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and
- (c) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

are not treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.

6. In regard to clause (iv) of para 4, it is clarified that sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

7. In regard to clause (v) of para 4, it is clarified that the sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

8. In regard to clauses (vi), (vii) and (viii) of para 4, it is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

9. In regard to clause (ix) of para 4, it is clarified that the creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-vis posts in Government has not been evaluated is determined as follows:

Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.2.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 2.5 lakh per annum and income from other sources is also less than Rs.2.5 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.2.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.

10. In regard to clause (x) of para 4, it is clarified that while applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI of the Schedule to the OM, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 2.5 lakh per annum, income from agricultural land is more than Rs. 2.5 lakh per annum, but income from other sources is less than Rs. 2.5 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s)