

**Persons/Sections Excluded from Reservation which constitute Creamy Layer belonging to the Socially and Educationally Backward Classes of the Society as provided in OM 36012/22/93-(SCT) dated 8<sup>th</sup> September 1993 of the [amended vide OM No. 36033/3/2004-Estt. (Res) dated 9<sup>th</sup> March 2004]**

<b>Creamy Layer</b>	
Description of category	To whom rule of exclusion will apply
I. Constitutional Posts	Sons and daughter(s) of – (a) President of India; (b) Vice-President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India; (e) Persons holding constitutional positions of like nature.
II. Service Category  A. Group 'A'/Class I Officers of the All India Central and State Services (Direct Recruits)	Son(s) and daughter(s) of – (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I officer and such parents dies or suffers permanent incapacitation and before such death or such incapacitation 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; (e) parents, both of whom are Class I officers 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 Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years;  Provided that the rule of exclusion shall not apply in the following cases :- (a) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation; (b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for job.
B. Group 'B'/Class II Officers of the Central and State Services (Direct Recruitment)	Son(s) and daughter(s) of – (a) parents, both of whom are Class II officers; (b) parents of whom only the husband is a

	<p>Class II officer and he gets into Class I at the age of 40 or earlier;</p> <p>(c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organization UN, IMF, World Bank, etc., for a period of not less than 5 years before such death or permanent incapacitation;</p> <p>(d) parents of whom the husband is a Class I officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and</p> <p>(e) Parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation;</p> <p>Provided that the rule of exclusion shall not apply in the following cases: -</p> <p>Sons and daughters of –</p> <p>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</p> <p>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, 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.</p>
<p>C. Employees in Public Sector Undertakings, etc.</p>	<p>The criteria enumerated in A and B above in this category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organizations, Universities, etc., and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.</p>
<p>III. Armed forces including Paramilitary Forces (Persons holding civil posts are not included).</p>	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Paramilitary Forces;</p> <p>Provided that –</p>

	<p>(i) If the wife of an armed forces officer is herself in the armed forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</p> <p>(iii) if the wife of an officer in the armed forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.</p>
<p>IV. Professional class and those engaged in Trade and Industry</p> <p>(i) Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</p>	<p>Criteria specified against Category VI will apply</p>
<p>(ii) Persons engaged in trade, business and industry.</p>	<p>Criteria specified against Category VI will apply.</p> <p>EXPLANATION –</p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p>
<p>V. Property Owners</p> <p>A. Agricultural holding.</p>	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns-</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows: -</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area</p>

	<p>(having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting, the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.)</p> <p>(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>
<p>B. Plantations</p> <p>(i) Coffee, tea, rubber, etc.</p> <p>(ii) Mango, citrus, apple plantations, etc.</p>	<p>Criteria of income/wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this category will apply. Criteria specified in Category VI below will apply.</p>
<p>C. Vacant land and/or buildings in urban Agglomerations.</p>	<p>EXPLANATION: - Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
<p>VI. Income/Wealth Test</p>	<p>Son(s) daughter(s) –</p> <p>** (a) Persons having gross annual income of Rs. 1 lakh (the income limit has since been raised from 1 lakh to 2.5 lakhs w.e.f. 09.03.2004 vide DPOP2T O.M, No. 36033/3/2004-ESTT(Res) dated 09.03.2004) or above or possessing wealth above the exemption limit as prescribed in the Wealth Act for a period of three consecutive years.</p> <p>(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 of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p>EXPLANATION: -</p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation,</p>

	<p>however, so demands, the interregnum may be less.</p> <p>EXPLANATION—Wherever the expression “permanent incapacitation” occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>
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Note: \*\* The Income limit has since been raised from Rs. 1 lakh to Rs.2.5 lakhs w.e.f. 09.03.2004 vide DOP2T O.M, No. 36033/3/2004-ESTT(Res) dated 09.03.2004.