

OFFICE OF THE
DIRECTOR OF BC WELFARE
A.P., HYDERABAD

Memo. No. E2/2702/2009

Date: 27-12-2010

SUB : BCWD – Issue of BC / OBC Caste Certificates – Exclusion of sections / persons coming under creamy layer through application of Income / Wealth Test – Income from salaries and income from agriculture shall not be taken into consideration for calculating the annual income for application of Income / Wealth Test – Reiteration of certain instructions issued already in this regard – Regarding.

REF : Representation from Sri R. Krishnaiah, President, A.P. State BC Welfare Association, Dt: 18-12-2010.

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The attention of the all the Tahsildars in the State is drawn to the subject cited.

All the Tahsildars in the State are aware that as per the orders of the Hon'ble Supreme Court, the concept of creamy layer was introduced so as to exclude the socially and educationally advanced sections and persons among the Backward Classes (BCs) / Other Backward Classes (OBCs) from availing the benefits of reservation.

As on today, the monetary ceiling for exclusion of the creamy layer is **Rs. 4.50 lakh** per annum in the case of Central Government and **Rs. 4.00 lakh** per annum in the case of State Government. The prescribed income ceiling shall be crossed for **three years consecutively**. Only then, a person has to be treated to come under creamy layer category.

Here, one very important aspect has to be noted. While calculating the annual income, the income from salaries and income from agriculture shall not be taken into consideration. The income from other sources alone (other than salaries and agriculture) has to be considered and when it exceeds the prescribed limit for three consecutive years, then only a person has to be treated to come under creamy layer category.

But, unfortunately several instances have been coming to the notice of the undersigned that certain Tahsildars are taking the income from salaries and income from agriculture too so as to arrive at the annual income and to decide the creamy layer status of an individual. As a result, those who will not come under creamy layer category as per the rules when they are correctly followed are being brought under creamy layer category fraudulently and they are being denied BC / OBC caste certificates.

So, it is clarified once again that for calculation of the annual income to decide the creamy layer status, **the income from salaries and income from agriculture shall not be taken into consideration.**

In this context, it is also clarified once again that for the children of employees, the creamy later status is **not** decided by the income they get from salary. Instead, it is decided by the status of initial appointment of their parent (s) and at what age they got promotion to the cadre of Group – I. The necessary details are given below for getting better clarity.

The children of the employees will come under creamy layer:

- (1). When both the parents are initially appointed in Group – I category
- (2). When any one of the parents is initially appointed in Group – I category
- (3). When both the parents are initially appointed in Group- II category
- (4). When only one of the parents is initially appointed in Group – II category and he / she is promoted to the category of Group – I category before 40 years.

The children of the employees will come under creamy layer **by virtue of their employment status** only under above conditions. The children of the employees who have been appointed in the category of Group-III and Group-IV will not come under creamy layer at all even if they get promotion to the Group-I category before 40 years also.

But, it is to be noted very importantly that the children of the employees who do not come under creamy layer category by virtue of the status of the employment of their parent (s) will come under creamy layer category if their annual income from other sources (other than salaries and agriculture) is more than the prescribed limit for three years consecutively. While calculating the income from other sources, the income from salaries and agriculture shall be left out. It should not be clubbed.

The nuances of the concept of creamy layer need to be understood clearly and thoroughly. Otherwise, the errors will creep into its application and in the process, the genuine candidates may suffer. For this reason, instructions and clarifications have been issued on this issue many a time. In addition, a pamphlet in Telugu was also printed and communicated to all the Tahsildars earlier. However, complaints are being received in this office very often than not, that certain Tahsildars are taking into consideration the income from salaries and income from agriculture also to arrive at the annual income and deciding the creamy layer status.

Therefore, it is felt that more caution is needed in this regard and the concept of creamy layer be understood in a better manner so that the genuine candidates will not suffer out of its mal-application.

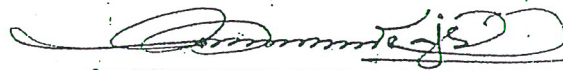
In case of any doubt on any aspect of creamy layer, it is requested that the Tahsildars may contact the **Dist. B.C. Welfare Officer of the District concerned or D. Chandra Sekhar Raju, Joint Director of this Office (Mobile No.984990 4452)**.

A copy of the pamphlet printed in Telugu is sent herewith with a request to go through it thoroughly to understand the concept of creamy layer better.

ENCLOSURE:

Pamphlet in Telugu on Creamy Layer.

Sd/- Syed Omer Jaleel
DIRECTOR OF B.C. WELFARE



for **DIRECTOR OF B.C. WELFARE** 27.12.19

To

- All the Tahsildars in the State through the Dist. BC Welfare Officers concerned.
- All the Revenue Divisional Officers in the State Dist. BC Welfare Officers concerned.
- Copy to all the Dist. B.C. Welfare Officers in the State.
- Copy to all the Dist. Collectors in the State.
- Copy to Sri R. Krishnaiah, President, A.P. State B.C. Welfare Association,
H.No.43, SRT - Vidyanagar, Hyderabad - 44.