

To
The Hon'ble Minister,
Social Justies and empowerment,
Govt. of India, New Delhi.

Respected Sir,

Sub:- Ministry of Welfare – Govt. of India OBCs – clarification on issue of OBC certificates – clarification requested.

There are certain problems in getting OBC certificates from the authorities concerned. I submit here with a note seeking clarification on the reservation rules of OBCs and I request that necessary clarification may please be caused to be issued at an early date.

Yours faithyfully

B. Venkata Rao

Encl:

Note

Copy submitted to the Hon'ble Minister for BC Welfare, Govt. of A.P., Hyd.

We request that suitable directions may please be caused to be issued to the authorities concerned.

Copy submitted to sri. R. Krishnayya, President BC Welfare Hyd.

The matter may kindly be persuaded with the authorities concerned.

Note:

Certain problems in issuing OBC certificates by the authorities – Regarding.

The rules of reservation for OBCs lays down certain guidelines for issuance of OBC certificate for eligible candidates. Creamy layer is determined by column 3 of the “schedule”. The categories in the schedule are I, II A, B, C, III, IV A,B, V A,B,C and VI and rules of exclusion will apply shown in column 3 in schedule ie creamy layer. Category II service category A,B apply to direct recruitment and II C the criteria enumerated in A & B will apply Mutatis Mutandis to officers holding equivalent or comparable posts in P.S.U.s, Banks, Insurance organizations, Universities etc.

2) It is clear that the rule of Exclusion (creamy layer) will apply to the direct recruits but not to the promotes by virtue of seniority to that category irrespective of the salary they draw in the promoted categories mentioned in the IIA, B & C. Only those service personnel under category II A,B,C come under rule of Exclusion but not the other service personnel in other grades irrespective of their annual salary income. This may please be confirmed.

3) While issuing BC certificates the authorities taking into consideration the salary they are drawing at the time of application whether they belong to direct recruit or not and bringing them under VI (1) income and wealth test and declaring them as creamy layer where the annual income exceeds Rs. 4,50,000 though the explanation VI(i) under category of VI i, ii clearly lays down that income from salaries ... shall not be clubbed.

4) The Govt. of A.P. clarified in memo no. 3036/C2/99-2 dt. 29-10-99 income from other sources of wealth to which the income from salaries and exempted agricultural holding shall not be clubbed in computing the income/wealth criteria mentioned in category VI(i).

5) But in practice the certificate issuing authorities simply classifying the applicant as creamy layer if his salary income exceeds Rs. 4,50,000 per annum irrespective of the category to which he belongs under the schedule. But as per rule of reservation sons and daughters of employees under II A, B, C only come under creamy layer but not the employees who falls below that category or promotes. The first appointment that counts in respect of such promotes but not the existing class II – if he is promoted subsequently. This is causing undue hardship to employees other than those mentioned in category II A,B,C direct recruitment is the cardinal principle under II A,B,C to determine creamy layer.

6) Necessary guidance needed to the administrative departments by the Govt. as already once clarified by the Govt. of A.P. copy of which is submitted herewith.

II. Issue of OBC Certificates to persons living outside the native place or outside state.

7) It is found that so many persons migrated to the other places of work or employment outside the state, including transferable posts are finding it difficult to get an OBC certificate from the local authorities for their children. The Govt. of India, Ministry of Welfare letter No. 12011/11/94 BCC. (C) Dt. 8-4-1994 informed all State Govts. to issue OBC certificates to a person who has migrated from another state. But the authorities in the State in which he is working are refusing to give a certificate where he is working but asking the employee to get the same from his native place. When one leaves his native place in search of employment elsewhere he loses his residential identity in his native place and the Authorities are refusing to give a certificate in the absence of residential proof which he can't produce.

Thus the employees who are working in other states are deprived of OBC certificates though they fall within the norms, fixed by the reservation rules.

8) Hence in case of Govt. employees and other govt. undertaking etc. the certificates of OBC may be issued by the local authorities after due verification of the information at local residential address furnished by the applicant without asking them to go to their inactive places where he loses his residential identity after many years of absence from his native place. No certificate will be issued at one's native place unless he produces residential proof like ration card in support of his claim which he can't produce.

9) So, it is not difficult for the local administration to verify one's caste at the given address with residential proof in whichever state he was living at the time of application. There is already a list of OBC castes available with all state and union territories. Hence the question of going to native place in other state and seek OBC certificate is not practicable.

10) Hence suitable directions are necessary to all state to issue OBC certificates to all eligible persons at the present place of work in any state without reference to his state of origin.

Note :

Prepared by
(P. Gopala Rao)

Yours faithfully

B. Venkata Rao