

No. 6/15/2003-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 14th August, 2003

OFFICE MEMORANDUM

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

The undersigned is directed to forward herewith a copy of DoPT Circular No. 36033/4/97-Estt. (Res.) dated 25th July, 2003 on the subject mentioned above with the request that the contents of DoPT O.M. may please be brought to the notice of CPSUs under the administrative control of various administrative Ministries/Departments for information and necessary compliance.

Sd/-
 Deputy Secretary to the Govt. of India
 Tel: 24360624

End: As above.

All administrative Ministries/Departments concerned with CPSUs

Copy to:
 Chief Executives of all CPSUs

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 the 25th July, 2003.

OFFICE MEMORANDUM

Subject: Validity period of OBC certificate and verification to 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.

1. _____ son/daughter of Shri _____ resident of village/town/city _____ state _____ district _____

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 Panel 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, Trikot-1, Bhikaji Cama Place, R. K. Puram, New Delhi.