

GOVERNMENT OF RAJASTHAN  
DEPARTMENT OF PERSONNEL  
(A-Gr. II)

F. 7(8)DOP/A-2/08

Jaipur, dated 25th, August 2009

**NOTIFICATION**

In exercise of the powers conferred by the clause (b) of section 2 of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes, and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008(Act No. 12 of 2009), the State Government hereby notify that the following class of persons within the Backward Classes and Special Backward Classes shall be the Creamy layer for the purposes of this Act, namely:-

S.No.	Description of category	Class of Persons
1.	2.	3.
I	CONSTITUTIONAL POSTS	Son (s) 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 & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) Persons holding Constitutional positions of like nature.

15/2009

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 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 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 Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years:

Provided that the Creamy layer 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 Backward Classes or Special Backward Classes has got married to a Class I Officer, and may herself like to apply for a 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 Class II Officer and he gets into Class I at the age of 40 or earlier.
- (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 Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation.
- (d) Parents, of whom the husband is a Class I Officer (direct recruit or pre-forty promoted) and the wife is a Class II Officer and the wife dies or suffers permanent incapacitation.
- (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:

Provided that the Creamy layer shall not apply in the following cases:

Son (s) and daughter (s) of-

- (a) Parents, both of whom are Class II Officers and one of them dies or suffers permanent incapacitation.
- (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 Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

C. Employees in Public Sector  
Undertakings, etc.

The criteria enumerated in A & B above in this Category will apply mutatis mutandis to officer holding equivalent of comparable posts in PSUs, Banks, Insurance Organisations, 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.

III. ARMED FORCES INCLUDING PARA-  
MILITARY FORCES  
(Persons holding civil posts are not  
included)

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 Para Military forces:

Provided that,-

- (i) If the wife of an Armed Forces Officer is herself in the Armed Forces (i.e. the category under consideration) the Creamy layer will apply only when she herself has reached the rank of Colonel;
- (ii) The Service ranks below Colonel of husband and wife shall not be clubbed together;
- (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 Creamy layer 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.

IV. PROFESSIONAL CLASS AND THOSE  
ENGAGED IN TRADE AND INDUSTRY

- (i) Persons engaged in profession as a  
Doctor, Lawyer, Chartered Accountants,

Criteria specified against Category VI will apply.

Income-Tax Consultant, Financial or Management Consultant, Surgeon, Engineer, Architect, Computer Specialist, Film Artist and other Film Professional, Author, Playwright, Sports Persons, Sports Professional, Media Professional or any other vocations of like status.

- (ii) Persons engaged in trade, business and industry.

V. PROPERTY OWNERS  
A. Agricultural holdings

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Criteria specified against Category VI will apply-

Explanation:

- (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.
- (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 criteria will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.

Son (s) and daughter (s) of persons belonging to a family (father, mother and minor children) which owns-

- (a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or
- (b) both irrigated and unirrigated land, as follows:
- (i) The Creamy layer will apply where the pre-condition exists that the irrigated area (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 Creamy layer will apply and disentitlement will occur.

- (ii) The Creamy layer will not apply if the land holding of a family is exclusively unirrigated.

**B. Plantations**

- (i) Coffee, tee, rubber, etc.  
(ii) Mango, citrus, apple plantations etc.

**C. Vacant land and/ or buildings in urban areas or urban agglomerations.**

Criteria of income/wealth specified in Category below will apply. Deemed as agricultural holding and hence criteria at A above under this Category will apply.

Criteria specified in Category VI below will apply.

Explanation:

Building may be used for residential, industrial or commercial purpose and the like two or more such purpose.

Son (s) and daughter (s) of-

- (a) Persons having gross annual income of Rs. 4 lakh & Fifty Thousands 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

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VI INCOME/WEALTH TEST

- (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.

Explanation:

- (i) Income from salaries or agricultural land shall not be clubbed.  
(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, however, so demands, the interregnum may be less.

Explanation:

Wherever the expression "permanent incapacitation" occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.

By order of the Governor,



( B.K.Dosi )

Deputy Secretary to the Government

15/2009

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