

GOVERNMENT OF RAJASTHAN  
Department of Personnel (A-V)

No.F.9(8)DOP/A-V/2000

Dated: February 02, 2001

CIRCULAR

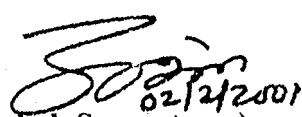
**SUBJECT:** Reservation for Other Backward Classes in posts and services under the State Government - clarification regarding application of Rule of Exclusion in certain situations.

In the Schedule annexed with this Department's Notification No.F.9(8)DOP/A-V/90 dated 28/09/93 such Persons/Categories of Persons have been specifically mentioned who will not be entitled (excluded) for the benefit of reservation of Other Backward Classes. With respect to "CONSTITUTIONAL POSTS" it has been prescribed that the Rule of Exclusion will apply to persons holding Constitutional Positions like President of India, Vice-President of India, Judges of the Supreme Court and of the High Courts, Chairman & Members of U.P.S.C. and of the State Public Service Commission, Chief Election Commissioner, Comptroller and Auditor General of India and "Persons holding Constitutional positions of like nature". In this regard clarification has been sought as to whether Ministers in the State Government would fall under the category of "Persons holding Constitutional positions of like nature" and the Rule of Exclusion will apply to their sons and daughters. The matter has been examined in consultation with the Law Department and the position is clarified as under:-

Ministers of the State Government are Constitutional functionaries but their tenure being temporarily and often transitory they are not supposed to have shed their backwardness in such short periods. Therefore, the Rule of Exclusion will not apply to the sons and daughters of Ministers and they will be entitled for other Backward Classes reservation, provided their parents do not fall in Category VI of the Schedule.

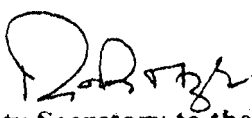
Clarification has also been sought whether the Rule of Exclusion will apply in the case of sons and daughters of the Officers enumerated in the "SERVICE CATEGORY" even after they retire on superannuation. In this context it is hereby clarified that retirement on superannuation has no effect on the Rule of Exclusion. Therefore, retirement on superannuation of the specified category of Officers has no effect on their offsprings, who are once defined as "Creamy Layer".

These clarifications may be brought to the notice of all concerned and they may be directed to take action accordingly.

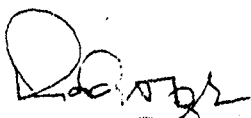
  
(Ashok Sampatram)  
Secretary to Government

Copy forwarded to the following for necessary action :-

1. Secretary to H.E. the Governor/ Chief Minister.
2. All Principal Secretaries/Secretaries/Special Secretaries to the Government.
3. All Heads of Departments (including Divisional Commissioners and District Collectors).
4. All Departments/Sections of Rajasthan Secretariat.

  
Deputy Secretary to the Government

1. Secretary, Rajasthan Public Service Commission, Ajmer.
2. Secretary, Rajasthan Legislative Assembly, Jaipur.
3. Secretary, Lokayukta Sachivalaya, Jaipur.
4. Registrar, Rajasthan High Court, Jaipur/Jodhpur.
5. Registrar, Rajasthan Civil Services Appellate Tribunal, Jaipur

  
Deputy Secretary to the Government

OBC Certificate - Clarifications