

GOVERNMENT OF RAJASTHAN  
Department of Personnel (A-V)

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

Dated: March 05, 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.

Vide Department of Personnel (A-V) Notification No. F.9(8)/DOP/A-V/90 dated September 28, 1993 21% of the vacancies in posts and services under the State Government have been reserved for Other Backward Classes. The Schedule annexed with this Notification specifies the various categories of persons who shall be excluded for the purposes of providing the benefit of reservation to the Other Backward Classes. Clarification have been sought by various officers regarding applicability of the Rule of Exclusion in certain specific circumstances / situations. The matter has been examined in consultation with the Law Department and the following clarifications are hereby issued for the guidance of all concerned :-

**ISSUE:** Whether the benefit of reservation for Other Backward Classes would be admissible to a woman who herself does not belong to one of the castes which have been recognised as Other Backward Classes in the State but marries a person who belongs to one of the castes which has been recognised as Other Backward Classes /

**CLARIFICATION:** In the case of a married woman, her pre-marital status is relevant for determining whether she belongs to Other Backward Classes; marriage has no impact on her status in this regard. Therefore, the benefit of reservation for Other Backward Classes will not be admissible to a woman who was born in any of the castes which is not notified as one of the Other Backward Classes.

**ISSUE:** Whether in the case of a married woman the income of the parents should be taken into account or the income of the husband should be taken into account.

**CLARIFICATION:** Category VI of the Scheduled to Notification No. F.9(8)/DOP/A-V/90 dated September 28, 1993 refers to the "INCOME / WEALTH TEST". Under this category, Son(s) and Daughter(s) of persons having annual income of Rs 1 lakh or above (now revised to Rs 2.5 lakhs or above) or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years are excluded for the purposes of availing the benefit of reservation in the matter of appointments under the State Government. This provision is quite clear and only the income / wealth of the parents (both Father and Mother) is to be taken into account for this purpose. The income / wealth of the husband of the woman has no relevance whatsoever in so far as this provision (Category VI - INCOME / WEALTH TEST) is concerned.

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**ISSUE:** Whether in the case of a person who is an adult, has his own independent source of income, and is living separately from his parents the income of the parents has to be taken into consideration or the income of the individual has to be taken into consideration.

**CLARIFICATION:** As stated above, Category VI of the Scheduled to Notification No. F.9(8)/DOP/A-V/90 dated September 28, 1993 refers to the "INCOME / WEALTH TEST". Under this category, Son(s) and Daughter(s) of persons having annual income of Rs 1 lakh or above (now revised to Rs 2.5 lakhs or above) or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years are excluded for the purposes of availing the benefit of reservation in the matter of appointments under the State Government. This provision is quite clear and only the income / wealth of the parents (**both Father and Mother**) is to be taken into account for this purpose. The income / wealth of the individual has no relevance whatsoever in so far as this provision (Category VI - INCOME / WEALTH TEST) is concerned.

Certain other clarifications on the subject had been issued vide this Department's Circular of even No. dated February 02, 2001. All District Collectors are requested to discuss these clarifications in the monthly meeting of Revenue Officers so as to bring these clarifications to the notice of all Revenue Officers. All Sub-Divisional Officer may be directed to bring these clarifications to the notice of their subordinate Revenue Officers i.e. Tehsildars / Naib-Tehsildars / Inspectors of Land Revenue / Patwaries for ensuring strict compliance.

*Ashok Sampatram*  
05/3/2001  
(Ashok Sampatram)  
Secretary to Government

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Deputy Secretary to the Government

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