BCW-22013/1/2022-SECTION(BCW)-Dept. of BCW

I/447241/2023

Government of West Bengal
Backward Classes Welfare Department
Administrative Buildings, 4th floor, DJ 4, Sector II, Salt Lake, Kolkata-700091
Website: www.anagrasarkalyan.gov.in

No. : BCW-22013/1/2022-SEC(BCW)/641475(70) Date: 11.10.2023

From: A. Mukherjee, WBCS(Exe),
Joint Commissioner for Reservation &
Ex-Officio Joint Secretary

To: 1-69. The Sub-Divisional Officer (All).

70. The District Welfare Officer & Ex-Officio Joint Director, BCW, Kolkata.

Sub:- Clarification regarding issuing authority of SC/ST/OBC certificate in Central Govt.
format in case of shifted candidates.

Ref. No.- 1. Letter No. 13/2/74-Est. (SCT) dated 05.08.1975 by GOI
2. Order No. 36036/2/2013- Estt. (Res.) dated 30.05.2014 by GOI
3. Order No. 36012/22/93- Estt. (SCT) dated 22.10.1993 by GOI
4. Order No. 36012/22/93- Estt. (SCT) dated 15.11.1993 by GOI

Sir,

With reference to above subject, I am directed to state that SC/ST certificate in Central Govt. format as well as OBC (Non-Creamy Layer) certificate in Central Govt. format are being issued by competent issuing authorities of this State vide orders as mentioned in Ref. Nos. 1 and 2 respectively (copies enclosed) issued by Govt. of India. Again, competent authorities to issue such certificates have been clearly prescribed as mentioned in orders in Ref. Nos. 1, 3 and 4 (copies enclosed) issued by the same authority.

Now, further clarification has been sought for by various issuing authorities of this State regarding competent authority to issue such certificates in case of shifted certificate holders.

Hence, to mitigate ambiguity of all concerned issuing authorities in this regard, I am directed to clarify that while issuing OBC NCL) certificate or SC/ST certificate in Central Govt. format, issuing authority of such certificate has to certify not only the caste status and Non-Creamy Layer status (in case of OBC) of the candidate but also present residential status of the candidate. So, it shall be appropriate that such certificates are to be issued by the prescribed authorities under whose jurisdiction candidate and his/her family presently reside as provisioned under the aforementioned GOI orders, rather than the erstwhile issuing authority of his/her statutory caste certificate. Though, before issuing any of such format certificate, veracity of statutory caste certificate possessed by the candidate must be verified by the present issuing authority from the erstwhile issuing authority of his/her caste certificate or through official online portal of BCW Department. Moreover, in specific cases, wealth test to determine Non-Creamy Layer status of the candidate before issuing OBC(NCL) format certificate may also be verified from the erstwhile issuing authority if deemed necessary by the present issuing authority.

Yours faithfully,

Enclo:- As stated above.

Joint Commissioner for Reservation &
Ex-Officio Joint Secretary

BCW-22013/1/2022-SECTION(BCW)-Dept. of BCW

No. : BCW-22013/1/2022-SEC(BCW)/641475(70)/1(45) Date: 11.10.2023

I/447241/2023

Copy forwarded for information to:-

1-22. The District Magistrate (All).

23-45. The PO-cum-DWO/ DWO (All), with request to ensure proper compliance.

Joint Commissioner for Reservation &
Ex-Officio Joint Secretary.

Copy

Letter No. 13/2/74-Est. (SCT)

Govt. of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalay,
Deptt. of Personnel and Administrative Reforms
(Karmik Aur Prasashanik Sudhar Vibhag,

New Delhi-110 001, the 5th August, 1975

To

The Chief Secretaries of all State Governments and Union Territory Administrations.

Subject: - *Verification of claims of candidates belonging to Scheduled Castes and Scheduled Tribes—Form of caste certificate—amendments to.*

Sir,

I am directed to say that candidates belonging to Scheduled Castes and Scheduled Tribes seeking employment to posts/services under the Central Government are required to produce a certificate in the prescribed form from one of the prescribed authorities in support of their claim. A list of the prescribed authorities in this regard is enclosed for information. The form of caste certificate has now been slightly revised. The revised form of caste certificate is enclosed. I am to request that the revised form of caste certificate may please be brought to the notice of the authorities under the State Government who are empowered to issue such certificates.

Yours faithfully,

Sd/-
(J.S. Ahluwalia)
Under Secretary to the Govt. of India

No. 13/2/74-Est. (SCT) Dated, *the 5th August 1975*

Copy forwarded to U.P.S.C. for information with reference to their letter No. 26/43/74-EI (B), dated 28-1-1975.

List of authorities empowered to issue certificates of verification.

1. District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/ Additional Deputy Commission/Deputy Collector/1st Class Stipendary Magistrate/City Magistrate/*Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
   (*not below the rank of 1st Class Stipendary Magistrate)
2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
3. Revenue Officers not below the rank of Tehsildar.
4. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
5. Administrator/Secretary to Administrators/Development Officer (Lakshadweep Islands)

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Form of certificate to be produced by a candidate belonging to a Scheduled Caste or Scheduled Tribe in support of his claim.

Form of Caste certificate

This is to certify that Shri/Shrimati*/Kumari*..... son/daughter* of.....Village/town..... . In District/Division*.....of the State/Union Territory*.....belonging to the.....Caste/Tribe* which is recognised as Scheduled Caste* /Scheduled Tribe* under:-

The Constitution (Scheduled Castes) Order, 1950;

The Constitution (Scheduled Tribes) Order, 1950;

The Constitution (Scheduled Castes) (Union Territories) Order, 1951; [as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Reorganisation) Act, 1971]

The Constitution (Jammu and Kashmir) Scheduled Castes*Order, 1956;

The Constitution (Andaman and Nicobar Islands) Scheduled Tribes *Order, 1959;

The Constitution (Dadra and Nagar Haveli) Sch. Castes *Order, 1962;

The Constitution (Dadra and Nagar Haveli) Sch. Tribes *Order, 1962;

The Constitution (Pondicherry) Scheduled Castes *Order, 1964;

The Constitution (Scheduled Tribes) (Uttar Pradesh) *Order, 1967;

The Constitution (Goa, Daman and Diu) Scheduled Caste *Order, 1968;

The Constitution (Goa, Daman and Diu) Scheduled Tribes *Order, 1968;

The Constitution (Nagaland) Scheduled Tribes *Order, 1970.

2. Shri/Shrimati/Kumari*.....and his/her* family ordinarily reside(s) in village/town..... of..... District/Division* of the State/Union Territory* of.....

Signature.....
Designation.....
(With seal of Office)

Place.....State/Union Territory*
Date.....

*Please delete the words which are not applicable.

Note: - The term "Ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

No. 36036/2/2013- Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
****

North Block, New Delhi
Dated: 30th May, 2014

To,

The Chief Secretaries of
all the State Governments/Union Territories

Subject: Revision of format for OBC Caste Certificate

Madam/Sir,

The Government of India had issued instructions on 8th September, 1993 vide DoPT O.M. No. 36012/22/93-Estt.(SCT) providing for reservation to Other Backward Classes in the services and posts under the Government of India. The format of the Caste Certificate was prescribed vide Annexure A of the O.M. No. 36012/22/93-Estt.(SCT) dated 15th November 1993. In the said format, the then Ministry of Welfare's Resolution No. 12011/68/93-BCC(C) dated 10th September 1993 was mentioned, which contained the list of castes and communities treated as OBCs till that time. Since then, a large number of castes and communities have been added to the Central List of OBCs through various resolutions of the Ministry of Social Justice and Empowerment. The details of the resolutions subsequent to the Resolution dated 10th September 1993 do not find mention in the existing format. The said format also prescribes that the certificate issuing authority should certify that the candidate does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the aforesaid O.M. dated 8.9.1993.

2. Representations have been received in this Department wherein candidates belonging to OBC Communities have reportedly faced difficulty in getting the benefits of reservation. This is because of the fact that in the caste certificate issued by the concerned district authorities, although the name of the caste/community is mentioned in the certificate, the specific resolution by which the said caste/community has been included in the Central List of OBCs is not indicated.

3. Keeping in view such problems faced by the candidates, this issue was examined in consultation with the National Commission for Backward Classes and it has been decided to revise the existing format of OBC Caste Certificate. A copy of the revised format is enclosed (**Annexure**). All the certificate issuing authorities are requested to invariably mention the details of the **Resolution (Number and Date) by which the caste/community of the candidate** has been included in the Central List of OBCs and also to ensure that he/she does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the aforesaid O.M. dated 8.9.1993 as amended from time to time.

4. I am to request that the revised format of the Certificate may please be brought to the notice of authorities under the State Governments/Union Territories who are empowered to issue the Caste Certificate.

Yours faithfully

(**Sandeep Mukherjee**)
Under Secretary to the Government of India
Phone- 011-23092110

Copy to:

1. All Ministries/ Departments of the Government of India
2. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi-110001
3. Department of Public Enterprises, Block No.14, CGO Complex, New Delhi-110003
4. Railway Board, Ministry of Railways, *Rail Bhavan*, New Delhi
5. Union Public Service Commission/ Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission
6. Staff Selection Commission, CGO Complex. Lodhi Road, New Delhi
7. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi
8. National Commission for SCs/National Commission for STs, Lok Nayak Bhawan, New Delhi
9. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi(w.r.t. their letter No.NCBC/7/32/2012-RW dated 16.5.2013)
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi – 110 002
11. Information and Facilitation Center, DoPT, North Block, New Delhi.
12. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
13. The NIC, DoPT with a request to upload it at the website of this Department in OMs & Orders →Estt.(Reservation) → SC/ST/OBC and also under '*What's New*'

Annexure

FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES APPLYING FOR APPOINTMENT TO POSTS UNDER THE GOVERNMENT OF INDIA

This is to certify that Shri/Smt./Kumari _____ son/daughter of _____ of village/town _____ in District/Division _____ in the State/Union Territory _____belongs to the _____community which is recognised as a backward class under the Government of India, Ministry of Social Justice and Empowerment's Resolution No. _____ dated _____*. Shri/Smt./Kumari _____ and/or his/her family ordinarily reside(s) in the _____ District/Division of the _____ State/Union Territory. This is also to certify that he/she does not belong to the persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the Government of India, Department of Personnel & Training O.M. No. 36012/22/93 – Estt.(SCT) dated 8.9.1993**.

District Magistrate
Deputy Commissioner etc.

Dated:

Seal

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*- The authority issuing the certificate may have to mention the details of Resolution of Government of India, in which the caste of the candidate is mentioned as OBC.

**-. As amended from time to time.

Note:- The term "Ordinarily" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.

IMMEDIATE

No. 36012/22/93-Estt. (SCT)

भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI

Dated the 15th Nov. 1993

To

The Chief Secretaries of
all the State Governments/Union Territories.

Sub: Reservation for Other Backward Classes — exclusion of Creamy Layer for the purpose of appointment in services and posts under the Government of India — Certificate to be produced by the candidates.

Sir,

I am directed to say that the Government of India has issued instructions on 8.9.93 providing for reservation to Other Backward Classes in the services and posts under the Government of India (A copy of this O.M. is enclosed). The Other Backward Classes for the purpose of the above said reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Government's list. A list of such castes and communities was notified in Resolution No. 12011/68/93-BCC(C), dated 10th Sept. 1993 published in the Gazette of India, Extraordinary Part I Section I dated 13.9.93. For the purpose of verification of the castes and communities the Government of India has prescribed a certificate from the following authorities as in the case of SC/ST vide this Department's O.M. No. 36012/22/93-Estt. (SCT), dated 22.10.93 (copy enclosed):

(a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of Ist Class Stipendary Magistrate).

(b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.

(c) Revenue Officer not below the rank of Tehsildar; and

(d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

2. In the light of the Supreme Court's judgement in the Indira Sawhney case, this Department has specified the persons/section ("Creamy Layer") to whom the benefit of reservation shall not apply vide column 3 of the Schedule to the Department of Personnel and Training O.M.No. 36012/22/93-Estt. (SCT), dated 8.9.93. It has been considered that the same authorities who are notified as competent to certify OBCs status should also be authorised to certify that a candidate does not belong to the "Creamy Layer". It is, therefore, requested that instructions may be issued to the District Authorities under your control to verify and issue the necessary certificate to the candidates regarding his OBCs status as well as exclusion from the "creamy layer". To enable the District Authorities to

examine the claims of the candidates a model format has been devised as in Annexure B. This may be suitably revised if considered necessary. The format of the certificate that may be given by the concerned district authorities may be as in Annexure A.

3. It is also requested that wide publicity may be given to the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10-9-93 published in the Gazette of India/Extraordinary Part I Section I, dated 13-9-93 containing the list of Backward Castes as well as to DOPT O.M.No. 36012/22/93-Estt. (SCT), dated 8-9-93 which specifies the criteria which will determine the persons who belong to the creamy layer and to whom the reservation shall not apply. This will facilitate the candidates to ascertain their eligibility for reservation. It would also be advisable to appropriately brief the certifying Authorities and to provide them with sufficient number of copies of the above mentioned Gazette Notification and the Deptt. O.M. date 8-9-93 in order to ensure prompt and correct certification.

4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information.

Yours faithfully,

Sd/
(Smt. Sarita Prasad).
Joint Secretary to the Government of India.

No. 36012/22/93-Estt (SCT)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training

New Delhi, the 22nd October, 1993

OFFICE MEMORANDUM

Subject :—Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.

The undersigned is directed to refer to this Department's O.M. of even number dated the 8th September, 1993 on the above subject and to say that in accordance with the Supreme Court Judgement in the Indira Sawhney case, the reservations contemplated in clause 4 of Article 16 should not exceed 50%. For the purpose of applying the rule of 50%, an year should be taken as the unit and not the entire strength of the cadre, service or the unit as the case may be. This position would also apply in the case of carry forward vacancies. Therefore, the Ministries/Departments are requested to ensure that the reservations provided to SC/ST/OBCs put together do not exceed 50% of vacancies arising in an year.

2. In the light of the reservations provided to other backward classes, it is necessary to revise the existing reservation rosters. In respect of direct recruitment on All India basis by open competition where there is a reservation for 15% for SC and 7-1½% for ST, the existing 40 point-roster has been revised into a 200 point-roster as in the model indicated in Annexure-A. The revised roster will come into effect immediately. Vacancies filled on or after 8-9-1993 should be shown in the new roster now prescribed in Annexure-A. The old roster shall be deemed to have been closed from this date. The reservations which had to be carried forward in the previous roster shall now be carried forward to the new roster.

3. There is no change in the existing reservation rosters in so far as promotion is concerned, as there is no reservation for OBCs in promotion.

4. No other relaxation/concession is admissible to OBCs. There is no provision for any relaxed standard to be applied in the case of OBCs.

5. In para 2(d) of this Department's O.M. of even number dated 8th September, 1993, it has been stated that a list of castes and communities for the purpose of the reservation for OBCs is to be issued separately by the Ministry of Welfare. The Ministry of Welfare have since notified the said list *vide* their Resolution No. 12011/68/93-BCC(C) dated 10th September, 1993 published in the Gazette of India Extraordinary Part I Section I dated 13th September, 1993. For the purpose of verification of the castes/communities the certificate from the following authorities only will be accepted :

(a) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of Ist Class Stipendary Magistrate).

(b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.

(c) Revenue Officer not below the rank of Tehsildar; and

(d) Sub-Divisional Officer of the area where the candidate and/or his family resides.

(Sd)
(M. Venkataraman)
Under Secretary to the Government of India

To,

1. All Ministries/Departments of the Government of India.
2. Department of Public Enterprises, New Delhi.
3. Department of Economic Affairs (Banking Division), New Delhi.
4. Department of Economic Affairs (Insurance Division), New Delhi.