

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

41 WRIT PETITION NO.7719 OF 2018

BHASKAR GOVINDRAO RANVIRKAR AND ANOTHER THROUGH FATHER
GOVIND GANPATRAO RANVIRKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners: Mr Patil Indrale Anand V.
AGP for Respondents State: Mr Y. G. Gujrati

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15th April, 2019

PER COURT :

1. Mr. Indrale-Patil, the learned Advocate for the petitioner submits that the ground on which the application of the petitioner for issuance of non-creamy layer certificate is rejected is absolutely erroneous. The same is not in consonance with the circular dated 25th March, 2013. Annexure-A to the Circular clarifies that if a person is appointed initially on Class-3 post and subsequently on Class-1 post, either before or after the age of 40, his wards be included in non creamy layer category. According to the learned counsel, no distinction is made between appointment by nomination or promotion. Father of the petitioner was appointed initially in

Class-3 category and subsequently officiated as a Tahsildar.

2. Learned A.G.P. submits that father of the petitioner is appointed as Tahsildar and his salary is more than Rs.8 lakh per annum. He cannot get the benefit of the non creamy layer.

3. We have considered the submissions.

4. The purpose of non creamy layer certificate is to confirm that income of a person is less than Rs.8 lakh per annum. Father of the petitioner Mr.Govind Ranvirkar is appointed as Tahsildar by nomination in the selection process conducted by the M.P.S.C. on 10th November, 2002. It is not disputed that he works in Class-I category. Tahsildar is a Class-I post and salary of the Tahsildar is more than Rs.8 lakhs per annum.

5. Granting non creamy layer certificate to the person working on Class-1 post and earning more than 8 lakhs per annum would be anathema to the policy of non creamy layer. Explanation in Annexure-A to the Circular

leads us nowhere. Moreover it is an explanation to a circular.

6. In the present matter the father of the petitioner is appointed as Class-1 Officer through the MPSC having salary of more than Rs.8 lakhs per annum. In view of that the application for non creamy layer certificate has been rightly rejected.

7. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVALA, J.)

(S.V.GANGAPURWALA, J.)

JPC