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3. This Department has, in consultation with the law officers of the Government, examined whether the above referred judgement introduces the concept of creamy layer for the Scheduled Castes and Scheduled Tribes. This Department has been advised that the observations made in Nagaraj's case regarding creamy layer amongst the Scheduled Castes and Scheduled Tribes are mere obiter dicta, per incurium and do not flow from, and cannot be reconciled with the nine judge bench judgement of the Supreme Court in the matter of Indra Sawhney. The reference to creamy layer in the concluding paragraph and other portions of the judgement does not relate to the Scheduled Castes and Scheduled Tribes.

4. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,



(K.G. Verma)

Director

Tele. No.23092158

**Copy to: -**

1. All Ministries/Departments of Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurances Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Pubic Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/ President Secretariat/Prime Minister's Office/Planning Commission/National Commission for Backward Classes.
7. National Commission for Scheduled Castes.
8. National Commission for Scheduled Tribes w.r.t. their letter No. 12/16/2006-C.Cell dated 26.12.2006.
9. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
10. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

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Endt overleaf.