

GOVERNMENT OF ASSAM OFFICE OF THE DISTRICT COMMISSIONER, CHARAIDEO (ADMINISTRATION BRANCH)



No.CAC.18/2021-22/OBC-EWS/31/66 92

Dated 17-02-2025

NOTIFICATION

In pursuance of the letter received from the Addl. Secretary to the Govt. of Assam, Personnel Department vide letter no. eCF No. 469308/74 Dated 04.01.2025 regarding declaration of competent authorities by the States/UTs for issuance of Caste/Tribe/Community certificate and Income and Asset Certificate in pursuance of DoPT OM dated 15.03.2024 the following officers are hereby designated as Issuing authority for issuance of Income and Asset Certificate in respect of EWS candidates pertaining to Charaideo district:

SL No.	Name of the Service	Office of the Issuing Authority
1	Income & Asset Certificate	Office of the Circle Officer, Sapekhati Revenue Circle.
2		Office of the Circle Officer, Sonari Revenue Circle.
3		Office of the Circle Officer, Mahmora Revenue Circle.

Memo No. CAC.18/2021-22/OBC-EWS/31/ 6 6 92 - A

Copy to:

1. The Addl. Secretary to the Govt. of Assam, Personnel Department, Personnel (B) for kind information.

All the Circle Officers under Charaideo District for information and necessary action. They are
also directed to display the details of the designated authorities related to issuance of Income &
Asset Certificate in respect of EWS candidates on the website and notice board of their concerned
offices.

3. The District Informatics Officer, NIC, Charaideo for uploading of the notification on the District website for wide publicity of issuance of Income & Asset certificate.

4. Office File.

District Commissioner
Charaideo
District Commissioner
Charaideo

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GOVERNMENT OF ASSAM

ADC (Admin.)

Gy2756 DEPARTMENT OF PERSONNEL::: PERSONNEL(B) ASSAM SECRETARIAT (CIVIL)

DISPUR :::GUWAHATI-6.

Block-A, 3rd Floor, Assam Secretariat, Dispur

eCF No. 469308/74

To

The District Commissioner,

All Districts of Assam.

Sub

Declaration of Competent Authorities by the States/UTs for issuance of Caste/

Tribe/Community Certificate and Income and Asset Certificate in pursuance of

DoPT OM dated 15.03.2024.

Ref

DoPT letter No. 36039/1/2019-Estt.(Res.-II), dated 21.11.2024.

Sir,

In enclosing herewith a copy of the letter under reference, received from Shri Ajay Kumar Sinha, Under Secretary to the Government of India (Res.), Department of Personnel & Training, on the subject cited above, it has been directed to ensure that the details of designated authorities competent to issue Income & Asset Certificate in respect of EWS Candidates to be displayed on the website of the concerned Departments and Field organizations.

Personnel Department vide OM No. ABP.07/2019/4, dated 10.04.2019, has already designated the Circle Officer or Circle Officer (A) as the competent authority to issue Income and Asset Certificate.

You are therefore requested to ensure display of the details of the designated authorities to issue Income & Asset Certificate in respect of EWS candidates on the website and Field organizations under your administration.

Enclo: As stated above.

Yours faithfully,

Signed by Vikram Dev Sharma Date: 04-01-2025-14:04:36

Personnel Department.

Memo eCF No. 469308/74-A Copy for information to:

- 1. Shri Ajay Kumar Sinha, Under Secretary to the Government of India (Res.), Department of Personnel & Training, North Block, New Delhi, Email: ajay.sinha@gov.in, Ph: 2309 2869.
- 2. P.S. to Comm. & Secretary to the Govt. of Assam, Personnel Department, Dispur.
- 3. P.A. to the Secretary to the Govt. of Assam, Personnel Department, Dispur.

By order etc.,

(e-signed)

Addl. Secretary to the Govt. of Assam

URGENT

Personnel Department.

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F. No. 36039/1/2019-Estt.(Res.-II) Government of India

Ministry of Personnel, Public Grievances and Pensions

Establishment (Res) Sectionvarded as directed for necessary action

Sary, Personnel

North Block, New Delhi Dated, the 21st November, 2024

> Staff Officer to Gred Secretary Government of Assam Ph. (0361) 2237107

To.

The Chief Secretaries/ Administrators (All States/Union Territories)

Subject:-

Declaration of Competent Authorities by the States/UTs for issuance of Caste/Tribe/Community Certificate and Income and Asset Certificate in pursuance of DOPT OM dt.*15.03.2024-reg.

Sir/Madam.

I am directed to say that this Department vide its letter of even number dated 15.03.2024 (copy enclosed), has delegated the power to the concerned State Governments/UT Administration to prescribe the authorities in the State/UTs, which would be competent to issue a Caste/Tribe/Community Certificates in respect of SCs/STs/OBC candidate and an Income & Asset Certificate in respect of EWS Candidates so that the candidates can submit such certificates to various authorities for appointment in the Central Government. The State Governments/UT Administrations were also requested to upload the details of such competent authorities prominently on their websites. However, it has been observed that several States and UTs are yet to put the details of competent authorities in public domain/websites.

2. In view of the above, the State Governments/UT Administrations are requested to urgently look into the matter and intimate this Department about the authorities, declared/authorized to issue such certificates, in pursuance of this Department's letter dated 15.3.2024. The undersigned is directed to request that these details may please be furnished to this Department by return email within a period of one week i.e. on or before 30th November, 2024. The undersigned is also directed to request to please ensure that the details of these designated euthorities be prominently displayed on the website of the concerned Departments and Field organizations like District/Tehsil/Block etc. of the State Governments/UT Administrations.

Encl. As Above

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Yours faithfully.

(Ajay Kumar Sinha)

Under Secretary to the Government of India (Res.)
Email: ajay.sinha@gov.in

Ph. 2309 2869

No. 36039/1/2019-Estt.(Res.-II) Government of India Ministry of Personnel, Public Grevances and Pensions Department of Personnel & Training Establishment (Res.) Section

North Block, New Delhi, Dated, the 15th March, 2024.

To

The Chief Secretaries
(All States/Union Territories)

Subject: Modification/Revision in instructions regarding authorities competent to issue Caste/Tribe/Community certificates in respect of SC/ST/OBC and Income and Asset Certificates in respect of EWS -reg.

Sir/Madam.

I am directed to state that this Department has issued instructions to the State Government/U.T Administration from time to time prescribing the authorities of the State Governments /U.T. Administrations, who are competent to issue Caste/Tribe/Community certificates in respect of SC/ST/OBC and Income and Asset Certificates in respect of EWS. However, it has come to the notice of this Department that in some States, such Certificates have not been issued by the authorities prescribed by this Department, leading to avoidable hardship for the candidates.

- 2. In this regard, it is stated that the responsibility for issue and verification of caste/community certificate lies with the concerned State Government/UT Administration. The Hon'ble Supreme Court, vide its judgement in the matter of 'Kumari Madhuri Patil vs Addl. Commissioner', has already laid down detailed guidelines to be followed by the State Government to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval. The State Governments/UT Administrations are required to streamline the procedure for issuance and verification of Caste/ Tribe/Community certificates in respect of SC/ST/OBC and Income and Asset Certificates in respect of EWS keeping in view the directions of the Hon'ble Supreme Court, vide its order in 'Kumari Madhuri Patil vs Addl. Commissioner'.
- 3. In view of the aforesaid judgement of the Hon'ble Supreme Court, it has been decided to delegate the powers to the State Governments/UT Administrations to decide the authorities competent to issue the Caste/ Tribe /Community certificates in respect of SC/ST/OBC and Income and Asset Certificates in respect of EWS candidates. The State Governments/UT Administrations shall upload on their website the details of the authorities competent to issue such Caste/Tribe/Community/Income & Asset certificate. The earlier instructions issued vide OM No. 36012/6/88-Estt (SCT) dated

P.2/

24.4.1990 and letter No. 36012/22/93-Estt (SCT) dated 15.11.1993 (copies enclosed) with regard to the authorities prescribed for issuance of Caste/Tribe/Community certificates in respect of SC/ST/OBC and OM No. No.36039/1/2019-Estt (Res) dated 31.01.2019 (copies enclosed), with regard to the authorities prescribed for issuance of Income and Asset Certificates in respect of EWS are modified to that extent.

Enalo. As above.

Yours faithfully,

(Debabrata Das)

Under Secretary to the Government of India

Ph. 23040279

Copy to:

 The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.

2. The Secretary, Department of Financial Services, New Delhi.

The Secretary, Department of Public Enterprises, New Delhi.
 The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New

Delhi. 5. The Secretary, Union Public Service Commission, New Delhi

6. The Secretary, Staff Selection Commission (HQ), CGO complex, New Delhi.

7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar

Marg, New Delhi.

8. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Central Vigilance Commission/NITI

9. Cabinet Secretariat/President's Secretariat/ Vice President's Secretariat/

Prime Minister's Office 10. National Commission for Scheduled Castes, Lok Nayak Bhawan, New

Delhi 11. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi

 National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi.

The Director, ISTM.

Department of Personnel and Training OM No. 36012/6/88-Esti (SCT) dated the 24-4-90

Subject :- Verification/acceptance of castes certificates produced by candidates

It has been brought to the notice of the government that there are cases in which candidates have produced false caste certificates as belonging to Scheduled Castes/Scheduled Tribes and secured Central Government jobs against vacancies reserved for SCs/STs. Instructions already exist which provide that the services of the candidates claiming to be belonging to SCs/STs would be terminated, if their claims are found to be false on subsequent verification through District Magistrates.

2. At present the following certificates can be accepted by the appointing authorities as sufficient proof in support of candidate's claim as belonging to SC/STs.

Matriculation or school leaving certificate or birth certificate giving the caste/community of the candidate and the place of his residence.

- 3. It has now been decided that henceforth the certificates as mentioned in para 2 above should not be accepted as proof of caste at the time of initial appointment. The Caste/Tribe certificates issued by the following authorities in the prescribed form in Appendix 14 of the Brochure on Reservation for Scheduled Castes/ Scheduled Tribes (Seventh Edition) will only be accepted.
 - (1) 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.
 - (2) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
 - (3) Revenue Officer not below the rank of Tehsildar, and
 - (4) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
- 4. It has also been decided that henceforth the appointing authorities should, in the offer compointment to be candidates claiming to be belonging to Scheduled Castes/Scheduled Tribes, include a clause as follows: a water 1 or breather, in this crapts of

ingle or give your

- The appointment is provisional and is subject to the castes/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste/Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of lalse certificates.
- 5. Ministries/Departments are requested to note for strict compliance. Maria Maria de la compansión de la compa

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LUNHSTRY OF PERSONNEL FUELIC GRIEVANCES AND PENSIONAL ভাতিক ভাতি মহিল্লা বিভাগ

DEFARTMENT OF PERSONNEL & TRAINING

NEW DELHI Letes the 5 Car. 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-castes and communities was notified in the Gazette of India, 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/ sections ("Creamy Layer") to whom the benefit of reservation shall

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the Ministry of Welfare Resolution No. 12011/68/93-BCC(C), dated 10-9-93 published in the Gazette of India/Extraordinary Part I as well as to DOPT 0.M.NO. 36012/22/93-Estt.(SCT), dated 8-9-93 which specifies the criteria which will determine the persons 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 prompt and correct certification.

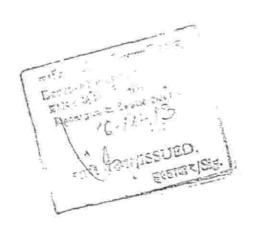
4. A copy of the orders issued by your Government in this regard may also be endorsed to this Department for information.

(Hindi version will follow.)

Yours faithfully,

(Smt. Sarita Prasad).

Jaint Secretary to the Government of India.



No.36039/1/2019-Estt (Res) Government of India Ministry of Personnel, Public Grievances & Pensions Department of Personnel & Training

North Block, New Delhi dated the 31st January, 2019

OFFICE MEMORANDUM

Subject: Reservation for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services in the Government of India.

- In continuation of this Department's Office Memorandum of even number dated 19.01.2019, the following instructions are issued in consultation with Ministry of Social Justice and Empowerment and Department of Legal Affairs regarding reservation for EWSs not covered under the reservation scheme for SCs/STs/OBCs in respect of direct recruitment in civil posts and services in the Government of India.

OUANTUM OF RESERVATION 2.

The persons belonging to EWSs who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India.

EXEMPTION FROM RESERVATION: 3.

- "Scientific and Technical" posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/ Departments:
 - (i) The posts should be in grades above the lowest grade in Group A of the service concerned.
 - (ii) They should be classified as "scientific or technical" in terms of Cabinet Secretariat [OM No. 85/11/CF-61(1) dated 28.12.1961], according to which scientific and technical posts for which qualifications in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.

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- (iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.
- 3.2 Orders of the Minister concerned should be obtained before exempting any posts satisfying the above condition from the purview of the scheme of reservation.

4. CRITERIA OF INCOME & ASSETS:

4.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income:-

- 5 acres of agricultural land and above;
- ii. Residential flat of 1000 sq. ft. and above;
- iii. Residential plot of 100 sq. yards and above in notified municipalities;
- Residential plot of 200 sq. yards and above in areas other than the notified municipalities.
- 4.2. The property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status.
- 4.3 The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

5. INCOME AND ASSET CERTIFICATE ISSUING AUTHORITY AND VERIFICATION OF CERTIFICATE:

- 5.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. The Income and Asset Certificate issued by any one of the following authorities in the prescribed format as given in Annexure-I shall only be accepted as proof of candidate's claim as belonging to EWS:
 - District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/Additional Deputy Commissioner/1st Class Stipendary

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Magistrate/ Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner

(ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/

Presidency Magistrate

(iii) Revenue Officer not below the rank of Tehsildar and

- (iv) Sub-Divisional Officer or the area where the candidate and/or his family normally resides.
- 5.2 The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process as prescribed by the respective State/UT.
- 5.3 The crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise.
- 5.4 The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause:-

"The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate."

The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority.

5.5 Instructions referred to above should be strictly followed so that it may not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, her/his services shall be terminated invoking the conditions contained in the offer of appointment.

6. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

6.1 Department of Personnel and Training had circulated Office Memorandum No.36012/2/96-Estt(Res) dated July 2, 1997 regarding implementation of post brack reservation roster. The general principles for making and operating post

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based reservation roster would be as per the principles laid down in the said Office Memorandum.

- 6.2 Every Government establishment shall now recast group-wise post-based reservation roster register for direct recruitment in accordance with format given in Annexure II, III, IV and V, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. While fixing roster point, if the EWS roster point coincides with the roster points of SCs/STs/OBCs the next available UR roster point has been allotted to the EWSs and also the principle of "squeezing" has been kept in view. While drawing up the rosters, the cadre controlling authorities may similarly "squeeze" the last points of the roster so as to meet prescribed 10% reservation.
- 6.3 Where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog.
- 6.4 Persons belonging to EWS selected against the quota for persons with benchmark disabilities/ex-servicemen shall be placed against the rester points earmarked for EWS.

7. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

A person belonging to EWS cannot be denied the right to compete for appointment against an unreserved vacancy. Persons belonging to EWS who are selected on the basis of merit and not on account of reservation are not to be counted towards the quota meant for reservation.

8. FORTNIGHTLY/ANNUAL REPORTS REGARDING REPRESENTATION OF EWS:

The Ministries/Departments shall send single consolidated fortnightly report including their attached/subordinate offices beginning from 15.2.2019 as per format at Annexure-VI.

From 01.01.2020, the Ministries/Departments shall upload data on representation of EWSs in respect of posts/services under the Central Government on the URL i.e. www.rrcus.nic.in as on 1st January of every year. All Ministries/Departments have already been provided respective usercode and password with guidelines for operating the URL.

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9. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

- 9.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.
- 9.2 Any person aggrieved with any matter relating to discrimination in employment against any EWS may file a complaint with the Grievance Redressal Officer of the respective Government establishment. The name, designation and contact details of the Grievance Redressal Officer may be displayed prominently on the website and in the office of the concerned establishment.

10. LIAISON OFFICER:

Ministries/Departments/Attached and Subordinate Offices shall appoint Liaison Officer to monitor the implementation of reservation for EWSs.

- 11. The above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019.
- 12. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control. In case of any difficulty with regard to implementation of the provisions of this OM, the concerned authorities may consult DOP&T through their administrative Ministry/Department.

Encl.: As above.

(G. Srinivasan)

Director

Ph.No.011-23093074

To

(i) The Secretaries of all Ministries/Departments of the Govt. of India

(ii) Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi

(iii) Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi

(iv) Railway Board, Rail Bhavan, Delhi.

- (v) 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/NITI Aayog
- (vi) Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi
- (vii) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (viii) The Secretary, Department of Social Justice and Empowerment, Shastri Bavan, New Delhi
- (ix) National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi
- (x) National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
- (xi) National Commission for Backward Classes, Trikoot, Bhikaji Cama Place, R.K. Puram, New Delhi.
- (xii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (xiii) Information and Facilitation Centre, DOPT, North Block, New Delhi.
- (xiv) Director, ISTM, Old INU Campus, Olof Palme Marg, New Delhi-110067.
- (xv) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Copy to: Director, NIC, DOPT - with the request to immediately place this OM on the website of this Department (what's new tab) for information of all concerned.

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(Name & Address of the authority issuing the certificate)					
INCOME & ASSEST CE SECTIONS	RTIFICATE TO BI	PRODUCED	BY ECONOMICALLY WEAKER		
Certificate No.	Date:				
VALID FOR THE YEAR					
This is to certify that Shri/Smt./Kumari					
Shri/Smt./Kumari belongs to the caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)					
	ė.		e with seal of Office ame Designation		
Recent Passport size attested photograph of the applicant					
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^{*}Note1: Income covered all sources i.e. salery, agriculture, business, profession, etc.

[&]quot;Note 2:The term "Family" for this purpose include the person, who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years

^{***}Note 3: The property held by a "Family" in different locations or different places/cities have been clubbed white applying the land or property holding test to determine EWS status.