Supreme Court Ruling on creamy layer in OBC 2026

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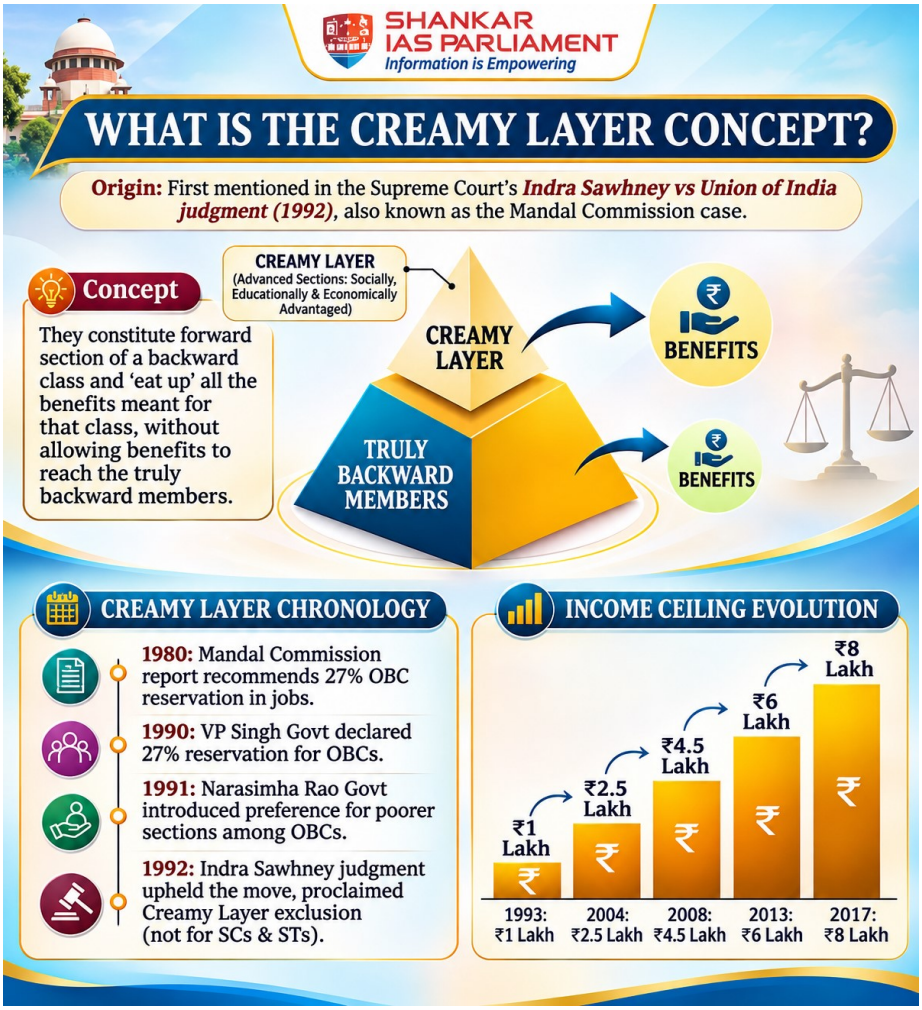
Why in News?

The Supreme Court of India reaffirmed on November 6, 2026, that an Other Backward Classes (OBC) candidate's creamy layer status cannot be determined solely on the basis of their parents' salary income.

- **Core Holding–** A Bench of Justices P.S. Narasimha and R. Mahadevan ruled that mechanical exclusion from OBC non-creamy layer (OBC-NCL) benefits based strictly on parental salary income is invalid.
- **The 1993 OM vs. 2004 Clarification–** The Court upheld the original **1993 Office Memorandum (OM)**, which explicitly excluded salary and agricultural income from the wealth/income test, rather than relying solely on the DoPT's 2004 clarification that counted PSU and private sector salaries.
- **Nature of the Post–** The determination must consider the **nature, status, and rank** of the parents' employment post (Categories I to V) rather than just a flat income threshold like the ₹8 lakh limit.

Scope and Applicability

- The ruling applies to the parties before the Court and pending considerations (such as selections from the Civil Services Examination).
- The Supreme Court clarified that already concluded appointments, promotions, and seniority lists will not be reopened.
- The government retains the executive and legislative freedom to formulate policy in line with constitutional principles, without the Court fixing a rigid timeline for inter-ministerial equivalence of posts.



Reference

[The Indian Express| Supreme Court Ruling on Creamy Layer]

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