

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION
CIVIL APPEAL NO.2317 OF 2011ETC.ETC.**

**THE STATE OF
PUNJAB & ORS.**

...APPELLANT (S)

VERSUS

DAVINDER SINGH & ORS

...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. I am generally in agreement with the reasons and conclusions arrived at in the opinions of Hon'ble the Chief Justice and Brother Justice Gavai in particular that the holding in **E.V.Chinnaih**, that sub-classification within Scheduled Castes was impermissible, does not lay down good law and stands over-ruled. Further, any exercise involving sub-classification by the State must be supported by empirical data.

2. I am also in agreement with the opinion of Brother Justice Gavai that '*creamy layer*' principle is

also applicable to Scheduled Castes and Scheduled Tribes, and that the criteria for exclusion of creamy layer for the purpose of affirmative action could be different from the criteria as applicable to the Other Backward Classes.

.....**J.**
(VIKRAM NATH)

NEW DELHI
AUGUST 01, 2024