

**REPORTABLE**

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE / ORIGINAL JURISDICTION

CIVIL APPEAL NO. 2317 of 2011 ETC. ETC.

***THE STATE OF PUNJAB &  
ORS.***

***...APPELLANT(S)***

***VERSUS***

***DAVINDER SINGH & ORS.***

***...RESPONDENT(S)***

**J U D G M E N T**

**SATISH CHANDRA SHARMA, J.**

1. I have had the privilege of reading the lucid and detailed opinion(s) authored by Hon'ble Dr. Justice D.Y.Chandrachud, Chief Justice of India and Hon'ble Mr. Justice B.R. Gavai, respectively. I am fully in agreement with both opinions to the extent that the validity of sub-classification within Scheduled Castes has been held to be constitutionally permissible. Moreover, I am fully in agreement with the opinion(s) to the extent that any exercise involving sub-classification by the State, must be supported by empirical data that ought to underscore the more 'disadvantaged' status of the sub-group to which such preferential treatment is sought to be provided *vis-à-vis* the Constitutional Class as a whole.

2. However, on the question of applicability of the ‘*creamy layer principle*’ to Scheduled Castes and Scheduled Tribes, I find myself in agreement with the view expressed by Justice Gavai i.e., for the full realisation of substantive equality *inter se* the Scheduled Castes and Scheduled Tribes, the identification of the ‘*creamy layer*’ qua Scheduled Castes and Scheduled Tribes ought to become a constitutional imperative for the State.

.....**J.**  
**[ SATISH CHANDRA SHARMA ]**

New Delhi  
August 01, 2024.