

Ashwini Kumar Upadhyay v. Union of India & Ors.

Writ Petition (Civil) No. 684 of 2026

Supreme Court order dated 16 June 2026 | 2026-06-16

Income-tax Act 2025: petition seeking creamy-layer restriction on scheduled-tribe exemption disposed with liberty to pursue legislative-policy representations.

Income-tax Act, 2025: section 11 read with Schedule III, serial No. 19 (as identified in the petition reproduced in the order) | Constitution of India: Article 32 | Rules of Procedure and Conduct of Business in Lok Sabha: Rule 306 (as referred to in the order)

2-judge bench | The Chief Justice of India (coram designation in the order) | V. Mohana, J.

Assessment years: Not an assessment appeal

No constitutional ruling on exemption

The Court neither invalidated the scheduled-tribe exemption nor introduced a creamy-layer test. It disposed of the petition on the stated legislative-policy basis, with liberty to make representations.

01 FACTS OF THE CASE

The petitioner invoked Article 32 seeking a direction to introduce a creamy-layer system into the scheduled-tribe exemption identified in section 11 and Schedule III, serial No. 19, of the Income-tax Act, 2025. Alternatively, he sought a declaration that the exemption was unconstitutional. The reproduced prayers invoked Articles 14, 15, 19(1)(g), 21 and 27. This was a policy and constitutional petition, not an appeal against an individual assessment.

Source: [Paragraph 1; PDF p. 1](#)

02 DISCUSSION BY THE HON'BLE COURT

After hearing the petitioner at length, the Court considered the reliefs to involve formulation, revision or amendment of legislative public policy. It said the Court might therefore not be the appropriate platform for that purpose at that stage. The reasoning did not examine the substantive validity of the exemption, classify eligible taxpayers, or prescribe a new income threshold.

Source: [Paragraphs 2-3; PDF p. 2](#)

03 JUDICIAL DECISION

The petitioner was given liberty, if advised, to approach the Committee on Petitions constituted under Rule 306 of the Lok Sabha Rules through a comprehensive petition. He was also permitted to send the writ petition as a representation to the respondents and other concerned authorities. The petition was disposed of with those liberties; pending applications were also disposed of.

Source: [Paragraphs 4-7; PDF p. 2](#)

04 OUTCOME / IN WHOSE FAVOUR

The requested judicial changes to the exemption were not granted. The petitioner obtained liberty to pursue parliamentary and administrative representations. Neither the exemption's constitutionality nor any taxpayer's exemption entitlement was finally decided.

Source: [Paragraphs 3-7; PDF p. 2](#)

05 AKHB REVIEW POINT

AKHB analysis: do not describe this disposal as approval of the exemption's constitutional validity or as creation of a creamy-layer restriction. For an exemption claim, examine the governing statutory text and the taxpayer's evidence independently. For a policy representation, distinguish the parliamentary route expressly mentioned in this order from an assessment, appeal or refund remedy. Check for subsequent legislation or proceedings before advising on present eligibility.

Source: [AKHB analysis based on paragraphs 1-7; PDF pp. 1-2](#)

SOURCE & VERIFICATION

[Supreme Court of India official order](#)

Complete two-page official record of proceedings and order, paragraphs 1-7.

[Open cited source rendition](#)

Full original source PDF read; exact downloaded bytes match the source catalogue SHA-256.

The official order identifies its first member by the designation Chief Justice; no personal name is inferred from external news reports.

STATUTORY SCOPE

This order concerns the Income-tax Act, 2025 provision identified in the petitioner's prayers, not a decision interpreting the Income-tax Act, 1961. The note does not independently determine exemption eligibility or the applicable statutory conditions.

LATER TREATMENT

Source checked 2026-10-10. The complete identified judgment/order has been checked. Later proceedings, statutory amendments and comprehensive subsequent judicial treatment have not been verified; this note does not represent current citator clearance.

AI DISCLOSURE

AI-assisted research checked against the identified source. Extraction, interpretation or omission errors remain possible. Source review does not mean independent approval by a practising professional. Verify every material statement against the complete original judgment.

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