

**THE JHARKHAND HIGH COURT OFFICERS AND THE  
MEMBERS OF STAFF (RECRUITMENT, CONDITIONS OF  
SERVICE, CONDUCT AND APPEAL) RULES, 2003**

JHARKHAND H.C. OFFL. & THE MEM. OF STAFF (RECRUIT.....APPEAL) RULES, 2003

**Notification No. 4/Accounts, dated 24th December, 2002— Published in Jharkhand Gazette**

**Extraordinary No. 390, dated 24th December, 2002.**—In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution of India and all other enabling provisions in this behalf and in supersession of all Rules, Regulations, Notifications and Orders etc. on the subject, I, Vinod Kumar Gupta Chief Justice of the High Court of Jharkhand hereby make the following rules with respect to recruitment, conditions of service, conduct and appeal of persons serving in the Establishment of the High Court of Jharkhand.

**PART I**

**1. Short title and commencement.**—(i) These rules may be called “The Jharkhand High Court Officers and the Members of the Staff (Recruitment, Conditions of Service, Conduct and Appeal) Rules, 2003.

(ii) These rules shall apply to all Officers and Members of the Staff of the Establishment of the High Court of Jharkhand. They shall come into force with effect from the 1st day of January, 2003.

**2. Definitions.**—In these rules, unless the context otherwise require :

(a) ‘Board’ means any recognized Institution conducting examinations up to intermediate standard or awarding diplomas as may be declared by the Chief Justice to be so recognized for the purpose of these rules.

(b) ‘Chief Justice’ means the Chief Justice of Jharkhand High Court.

(c) ‘Commission’ means the Jharkhand Public Service Commission.

(d) 'Constitution' means Constitution of India.

(e) 'Court' means the Jharkhand High Court.

(f) 'Establishment' includes all Offices, Departments, Sections, Branches and other ancillary Unit and Wings of the High Court of Jharkhand.

(g) 'Governor' means the Governor of the State of Jharkhand.

(h) 'Member of the Establishment' means a person appointed in accordance with these rules or the rules or orders in force prior to the commencement of these rules, but does not include Officers appointed by way of deputation.

(i) 'Member of the Staff' means and includes the employees/officials working in the Establishment of the High Court, other than Officers and also includes all Class III and Class IV employees.

(j) 'Officers' means Officers appointed from amongst the members of the Staff of the Court and include Officers on deputation.

(k) 'Schedule' means the schedule appended to the rules.

(l) 'University' means any University incorporated by law in India and recognized as such, or any other University/Institution which is declared by the Chief Justice to be a University, for the purpose of these rules.

## **PART II**

**3. The High Court Establishment.**—(i) The Establishment of the High Court shall comprise of various posts classified and categorized in the Schedule appended to these rules.

(ii) The Chief Justice may from time to time create more or additional number of posts in any class or category on permanent regular basis, temporarily or otherwise.

(iii) The Chief Justice may, at his discretion either not fill up any post or vacancy, and the non-filling up of any post or vacancy shall not give rise to any claim by any person.

**4. Appointing Authority.**—(i) The Chief Justice shall be the Appointing Authority for all Class I, Class II and other Gazetted posts borne on the Establishment of the Court.

(ii) The Registrar General shall be the Appointing Authority with respect to other posts, including Daily Wages employees. However, before issuing such appointment orders, he shall obtain the prior approval of the Chief Justice.

**5. Appointment of persons in the establishment of the Court.**—Appointment of members of the Establishment and members of the staff, meaning thereby persons in various classes and categories in the Establishment of the court shall be made :—

(a) by deputation ;

(b) by direct recruitment ;

(c) by promotion ; or

(d) by absorption,

the manner as indicated against every such post or class or category of posts in the schedule.

**6. Pay and Allowances.**—The persons borne on the Establishment of the Court shall draw such pay, allowances and perquisites as are indicated in the Schedule or as may be fixed or prescribed from time to time by the Chief Justice.

**7. Eligibility.**—A person shall not be eligible for appointment in the Establishment of the Court in any post unless he possesses the qualifications and fulfils the requirements of such appointment as are indicated in the schedule.

**8. Age.**—(A) The lower or upper age limits of candidates for appointment in the establishment through direct recruitment shall be either as applicable to the corresponding employees of the Government or as may specifically be fixed or prescribed by the Chief Justice.

(B) The Chief Justice may in exceptional cases relax upper or lower age limits.

**9. Seniority.**—(A) The seniority of a Member of the Staff, or a Member of the Establishment, other than the Officers on deputation, shall be determined by the date of his first appointment in service, cadre, class



or category in which he is appointed.

Explanation.—The words “date of first appointment” as occurring in this Rule means the date of first substantive appointment ; meaning thereby the date of first appointment on probation or otherwise, but on a clear vacancy, confirmation being subject to good work and conduct and/or passing of any Examination or Test as may be prescribed.

(B) Inter se seniority of two or more persons appointed on the same posts in a class or category of the Establishment simultaneously will, notwithstanding the fact that they may join or assume duties of their appointment on different dates, shall be determined :—

(i) in the case of those promoted, by their relative seniority in the lower service, class, category or grade ;

(ii) in the case of those recruited directly, according to the positions attained by and assigned to them in order of merit in the Competitive Examination as is determined and declared by the Court, and

(iii) in any class or category of posts which provides for appointment both by promotion as well as direct recruitment, the promotees enable shall rank senior to direct recruits enable and inter se seniority of appointees in both groups would be subject to (i) and (ii) above.

**10. Postings and Transfers.**—Notwithstanding the initial appointment of any person on any particular post or in any particular class or category, the Chief Justice may in the interest of administration, transfer any such person to any other post, or in any other class or category in the Establishment of the Court, but such transfer or posting shall not affect his seniority as originally fixed or determined.

### **Part III**

**11. Punishment/Penalties.**—(A) The following Penalties may, for good and sufficient reasons, and as hereinafter provided, be imposed upon any Member of the Establishment, namely :—

#### **Minor Penalties :**

- (i) censure,
- (ii) fine,
- (iii) withholding of increments or promotion, and
- (iv) recovery from pay of any loss caused to the State.

#### **Major Penalties :**

- (i) reduction to a lower post, rank, in a lower class or category or grade ;
- (ii) pre-mature (compulsory) retirement ;
- (iii) removal from service, which does not disqualify for future appointment ; and
- (iv) dismissal

(B) Without prejudice to the generality of the provisions of law, no order imposing any ‘minor penalty’ shall be passed against a Member of the Establishment unless he has been given an adequate opportunity in writing of making a representation that he may desire and before taking such representation into consideration.

Explanation.—While an opportunity of making representation, the Member of the Establishment shall be informed in writing the substance of the accusations/allegations against him and he would be asked to submit his detailed reply/defence with respect thereto.

(C) Without prejudice to the generality of law and the Constitutional provisions, to order (other than an order passed on facts which had led to his conviction in a Criminal Court) imposing a ‘major penalty’ with respect to a Member of the Establishment shall be passed unless he has been informed in writing of the grounds on which it is proposed to take action against him and afforded an adequate opportunity of effectively defending himself. The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges which shall be communicated to the Member charged, together with a statement of the allegations/imputations in which each charge is based and the circumstances which it is proposed to take into consideration in passing the order, he shall be required within a reasonable time to put in a written statement of his defence and to state whether he pleads “guilty” or “not guilty” of the charges. If the Member charged pleads “guilty” to



the charge(s), but at the same time desires to be heard in person to explain any extenuating circumstance or put across any other factors, the Chief Justice may, after hearing him decide upon the imposition of the penalty.

If, however, the Member charged pleads "not guilty" to the charge(s), an enquiry shall be held in respect of such of the allegations as are not admitted by him and at such enquiry evidence will be recorded by an Enquiry Officer to be appointed by the Chief Justice. The Enquiry Officer shall submit his enquiry report to the Chief Justice, a copy whereof shall also be provided to the Member charged. The Chief Justice upon consideration may pass appropriate orders with respect to imposition of a 'major penalty', but before doing so, a show cause notice with respect to the proposed penalty shall be issued to the Member charged and after considering his reply thereto, the order with respect to the imposition of the penalty shall be passed.

**12. Appeals.**—Every Member of the Establishment against whom any penalty, minor or major, has been imposed, shall be entitled to file an Appeal against such an order which shall be heard by Standing Appeal Committee consisting of three Judges of the Court to be nominated by the Chief Justice.

Provided that no such appeal shall be entertained unless it is filed with the Registrar General of the Court within a period of 30 days from the date of communication of the Order to be appealed against :

Provided further that the Chief Justice, or the Standing Appeal Committee may for sufficient reasons, condone the delay in filing. Appeal if the delay is not more than 30 days.

**13. Suspension.**—(1) The Chief Justice may place a Member of the Establishment under suspension where :

- (i) an enquiry into his conduct is contemplated or is pending ;
- (ii) a complaint against him of any criminal offence is under investigation or trial.

(2) A member of the Establishment who is detained in custody whether on a criminal charge or otherwise for a period longer than 48 hours shall be deemed to have been suspended by the Chief Justice under this Rule.

(3) The order of suspension may be revoked at any time by the Chief Justice.

**14. Review.**—The Chief Justice may, notwithstanding the provisions contained in these rules review any order imposing any penalty passed by him either suo motu or at the instance of any aggrieved Member of the Establishment.

#### **Part IV**

**15. Probation.**—(1) (A) Persons appointed to the service either by direct recruitment or by promotion shall be on probation for two years from the date of their initial appointment and their confirmation in service of the Establishment shall be subject to clearing the probation period successfully. In any individual case and class of cases, the Chief Justice may extend period of probation.

(B) It shall be permissible with respect to any individual member of the Establishment or group of such Members to make the passing of any special Examination a condition precedent for the clearance of the probation period.

(2) Confirmation.—A probationer shall be continued substantively at the end of his probation period (of extended probation period) if his work and conduct during the period of probation has been found to be satisfactory.

**16. Existing Members of the Establishment.**—Persons already serving in the Establishment of the Court before the commencement of these rules shall be considered as the members of the Establishment under these rules for all intents and purposes.

**17. Reservations.**—Reservation in direct recruitments, for various categories and classes of posts in the Establishment of the Court with respect to Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the orders issued by the Chief Justice from time to time, having due regard to the prevailing policies of the Government.

**18. Special Deputation.**—The Chief Justice may at his discretion appoint any person in the Establishment of the Court on deputation from any source outside the Court. The Chief Justice may in any appropriate case permit a member of the Establishment to go on deputation outside the Court for such period



as he considers appropriate.

**19. Appointment on compassionate Grounds.**—The Chief Justice may in suitable cases appoint on compassionate ground any person having requisite qualification against a Class III post, except that of an Assistant or above, or on a Class IV post, but subject to availability of posts.

#### **Part V**

**20. Residuary Matters.**—With regard to matters not specially covered by these Rules, including the matters governing service conditions of the Members of the Establishment, their conduct and discipline, the Members of the Establishment shall be governed by law, rules and regulations or norms applicable to the State Government Employees in general in so far as these are not inconsistent with, or repugnant to these rules.

**21. Delegation.**—The Chief Justice may delegate to anyone any of the powers vesting in him under these Rules.

**22. Relaxation.**—The Chief Justice may from time to time with respect to any individual case or for any class or group of cases relax any condition or any requirement as it relates to age, qualification or minimum experience, as is or may be prescribed in or under these Rules.

**23. Interpretation.**—If any dispute or question arises relating to the applicability or interpretation of these rules, the decision of the Chief Justice shall be final.

**24. Regulations and Administrative Orders.**—(A) With a view to achieve the purpose of these Rules and also to carry into effect the provisions and objectives contained therein, the Chief Justice may from time to time make Regulations or issue Administrative Orders.

(B) Without prejudice to the generality of the foregoing power, such Regulations or Orders may relate to, or provide for :—

- (i) a procedure for making direct appointments, including the conduct of examinations and the fees required to be paid by the candidates desirous of appearing in such Examinations ;
- (ii) the method of granting promotions ;
- (iii) the provision or prescription of any special examinations or tests for clearance of probation ; or
- (iv) the prescription of higher or additional qualifications for any post to be filled up either by direct recruitment or promotion, or relaxation of any such qualification in any particular or special case, or category of cases.

**25. Amendment of the rules.**—The Chief Justice may from time to time amend these rules.

**26. Repeal and savings.**—(A) All previous Rules, Regulations, Orders, Notifications, Circulars, Instructions and other Instruments with respect to the subject matter covered by these Rules are hereby repealed.

(B) Notwithstanding such repeal, any appointment made or action taken under any of the aforesaid repealed provisions shall be deemed to have been made or taken under these Rules and is hereby saved.

**\*\*Subs by Amendment Rules, 2005 (w.e.f. 1.11.2005). 3[SCHEDULE A**

#### **Officers on deputation**

(The following posts in the establishment of the Court shall be filled up by deputation of Officers, drawn from Jharkhand Superior Judicial Service and Jharkhand Judicial Service, as the case may be).

Sl. No. Category/designation of post.

1. Registrar General.
2. Registrar (Administration).
3. Registrar (Vigilance & Inspection).
4. \*Registrar (Establishment).
5. Additional District Judge-cum-Principal Secretary to the Chief Justice.



6. Joint Registrar (Judicial).
7. Joint Registrar (List & Computer).
8. Joint Registrar (Establishment).
9. Deputy Registrar (Protocol).
10. Assistant Registrar (Judicial).

\*Only if a member of the Establishment of the Court is either not senior enough or not found suitable to be appointed on this post.

## **SCHEDULE B**

### **Officers, being Members of the Establishment of the Court**

Sl. No., Category/

Class/ Designation, Mode of appointment, Minimum qualification required,, if any, Minimum experience,, if any,, required having been earned on the feeder post, Existing Scale of Pay

**1, 2, 3, 4, 5, 6**

1., \*Registrar (Establishment), By selection from non-judicial Joint Registrars on the basis of merit-cum-seniority, , , Rs. 14,300-

400-18,300/-

2., (a) Joint Registrar (Administration)

(b) Joint Registrar (Non-Judicial), By selection from Non-Judicial Deputy Registrars of the High Court/ Deputy Registrar-cum- PPS to the Chief Justice/ Senior Secretaries of the Judges on the basis of merit-cum-length of service in the existing scale, , , Rs. 14,300-

400-18,300/-

3., Deputy Registrars (Non-Judicial), By selection from Non- Judicial Assistant Registrars/Court Masters/Librarian and Secretaries to the Judges on the basis of merit-cum-length of service in the existing scale, , Five Years, Rs. 12,000-375- 16,500/-

4., Deputy Registrar- cum-Principal Private Secretary to the Chief Justice, By selection from Senior Secretaries/Secretaries to Judges on the basis of merit- cum-seniority, , , Rs. 12,500- 375- 16,500/-

^, ^, **Note :** (A) Posting of D.R.- cum-PPS will be at the sole discretion and pleasure of the Chief Justice, , ,

^, ^, (B) The Chief Justice may,, by way of departure from the afore- said requirement,, appoint any other person also on this post, , ,

5., Senior Secretaries to the Judge, By selection from Secretaries to the Judges on the basis of merit-cum-seniority, , , Rs. 12,000-375-16,500/-

6., Librarian

, By promotion from Assistant Librarian and in case suitable candidate is not available by direct recruitment, Graduate and Degree in Library Science from a University, Three Years,

7., Assistant Registrars (Non-Judicial), By selection from Administrative Officers/ Senior P.A/or such other posts of equivalent pay/ status as may be prescribed taking into account both merit and suitability as may be determined by written examination or oral interview,, whichever is prescribed and the length of service in the existing scale, , Five Years, Rs. 10,000-325-15,200/-

8., Secretaries to the Judges, By selection from Senior P. As. on the basis of merit-cum- seniority and passing of such examination as may be prescribed, , Three Years, Rs. 10,000-325-15,200/-



9., Court Masters, A. 50% by promotion from Members of the Establishment having a minimum qualification of Law Graduate, , Five Years, Rs. 9,000-250-10750- 300-13,150- 350-14,550 with three additional increments @ Rs. 250/-.

^, ^, B. 50% by direct recruitment with minimum qualification of Law Graduate with at least three years experience of working as an Advocate, ^, ^, ^~

^, ^, **Note :** If the candidates in the promotion quota with suitable merit are not available,, the short-fall may be made up by direct recruitment, ^, ^, ^

\*Subjected to the sufficient seniority and being found fit and suitable; otherwise this part will be filed up by deputation from Jharkhand Superior Judicial Service.

### **SCHEDULE C**

#### **Class II (Gazetted)**

Sl. No., Category/Class/ Designation, Mode of appointment, Minimum experience,, if any,, required having been earned on the feeder post, Existing Scale of Pay

#### **1, 2, 3, 4, 5**

1., Administrative Officers, By promotion from Section Officers/ Stamp Reporter/ Oath Commissioner/ Deputy Director (Translation)/ Translation Officer on the basis of merit-cum-length of service in the existing scale, Three Years, Rs. 6,500-200- 10,500/-

2., Oath Commissioner, By promotion from Assistants/ Translators on the basis of merit-cum- length of service in the existing scale., Five years, Rs. 6,500-200-10,500/-

3., Stamp Reporter, By promotion from Assistants/ Translators on the basis of merit- cum-length of service in the existing scale, Five years, Rs. 6,500-200-10,500/-

4., Deputy Director (Translation), , , Rs. 6,500-200-10,500/-

5., Section Officers, By promotion from Assistants and Translators or any post of the same scale on the basis of merit- cum- seniority/length of service in the existing grade, Five Years, Rs. 6,500-200-10,500/-

6., Senior Personnel Assistants, By promotion from amongst the P.As. subject to the passing of examination,, if any prescribed, Five years, Rs. 6,500-200-10,500/-

7., Translation Officer, By promotion from Translators on the basis of merit-cum-seniority, Five years, Rs. 6,500-200-10,500/-

8., Accounts-cum-Cash Officer, By promotion from Cashier, Three years,

### **SCHEDULE D**

#### **Non-Gazetted Class III and IV Posts**

#### **(Sources, qualifications and methods of recruitment)**

Sl. No., Designation of posts, Mode of appointment, Minimum qualification for appointment, Existing Scale of pay

#### **1, 2, 3, 4, 5**

1., Personal Assistants, By direct recruitment on the basis of English Shorthand and typewriting test with minimum per minute speed of 100 words and 40 words respectively

, Graduate from a University, Rs. 5,500-175-9000/-

2., Assistants—, (i) 50% vacancies in a calendar year by direct recruitment, Graduate from a University, Rs. 5,500-175- 9,000/-

^,  
, ^, ^, ^

, (ii) 25% Vacancies in a calendar year by appointment from Ex-cadre Assistants,, Treasury Sarkar,, Xerox Operator and other employees holding other similar class III or Class IV posts on the basis of seniority-



cum-merit and/or limited competitive test,, as may be prescribed., ,

, (iii) 25% of the vacancies in a Calendar year by absorption from daily wages literate Mazdoors or Mazdoors after completing three years of continuous satisfactory service on the basis of seniority and/or limited competitive test,, as may be prescribed :, ,

, , Provided that if suitable candidates are not available in categories (ii) and (iii),, the remaining vacancies may also be filled up by direct recruitment

, ,

3., Cashier, By direct recruitment, Commerce/  
Economics Graduate from a University

, Rs. 5,500-175-9,000/-

4., Translators, By promotion from Junior Translators on the basis of seniority-cum-merit or by direct recruitment

, Graduate from a University, Rs. 5,500-175-9,000/-

1, 2, 3, 4, 5

5., Telex Operator, By direct recruitment, Graduate from a University with experience in Telex operating  
, Rs. 5,000-150- 8,000/-

6., Data Entry Operator, By direct recruitment, Degree in Computer Engineering or one year Diploma  
Holder with two years experience  
, Rs. 5,000-150- 8,000/-

7., Junior Translator, By direct recruitment, Graduate from a University  
, Rs. 5,000-150- 8,000/-

8., Assistant Librarian, By direct recruitment, Graduate and Degree in Library Science from a University  
, Rs. 5,000-150-8,000/-

9., Court Officer, (i) By selection from Assistant Court Officer/ Ex-cadre Assistants, Graduate from a  
University, Rs. 4,500-125- 7,000/-

^, ^, (ii) If suitable candidate of category (i) is not available by direct recruitment

, ^, ^

10., Typist, (i) 50% by direct recruitment, Graduate from a University having typing speed 40 words  
per minute in English and/ or 30 words per minute in Hindi

, Rs. 4,000-100- 6,000/-

^, ^, (ii) 50% by promotion from Class-IV employees or by absorption of the Literate Mazdoors and  
Mazdoors, ^, ^

11., Ex-cadre Assistants, By promotion from Class IV employees,, or by absorption of ILterate  
Mazdoors and Mazdoors or both having minimum two years experience, Intermediate in case of promotion/  
absorption and Graduate in case of direct recruitment, Rs. 4,000- 100- 6,000/-

, , **Note** : If none of the two is available,, or if found suitable,, by direct recruitment

, ,

12, Assistant Court Officer, By promotion from Class IV employees, or by absorption of the Literate  
Mazdoors and Mazdoors or both having minimum two years experience

Note : If none of the two is available,, or if found suitable,, by direct recruitment., Intermediate in case  
of pro- motion/absorption and graduate in case of direct recruitment

, Rs. 3,200-85-4,900/-

\*\*Deleted by Amendment Rules, 2003 (w.e.f. 1.1.2003). \*\*Added by Amendment Rules, 2003  
(w.e.f. 1.1.2003).

**Class IV**



Sl. No., Designation of Posts, Mode of appointment, Minimum qualification for appointment, Existing Scale of Pay

**1, 2, 3, 4, 5**

1., Senior Staff Car Driver-cum- Mechanic, By way of promotion from amongst Staff Car Drivers having due regard to seniority, Having ten years of experience of Staff Car Driving and having knowledge of car mechanism

2., Staff Car Driver, (a) By absorption from daily wages employees on completing minimum two years satisfactory service,, having due regard to seniority, Having a validly issued Driving License and possessing such qualification as may be prescribed

, Rs. 3,050-75- 3,950-80- 4,590/-

, , (b) In absence of Daily Wages employees,, by direct recruitment, **Note :** The passing of the driving test shall be a mandatory requirement and a condition precedent for appointment on this post

3., Treasury Sarkar, By selection from regular Class IV employees holding posts in the lower scale of pay or from Daily Wages employees on completion of five years of continuous satisfactory service with due regard to seniority, Matriculation, Rs. 2,750-70- 3,800-75-4,400

4., Xerox Operator, (a) By absorption from Daily Wages employees on completing minimum two years of satisfactory service having due regard to seniority, Matriculation with knowledge of handling Duplicating,, Fax and Photocopy Machines, Rs. 2,750-70- 3,800-75- 4,400/-

, , (b) In absence of Daily Wages employees by direct recruitment

5., Electrician, By absorption from Daily Wages Mazdoors on completing minimum two years of satisfactory service having due regards to seniority

Or

In absence of Daily Wages employees,, by direct recruitment

, Having Diploma of Electrician from I.T.I.,

6., Mali's, By absorption from Daily Wages Mazdoors on completing minimum two years of satisfactory service having due regard to Seniority

Or

If not available,, by direct recruitment

, Proficiency in Gardening,, knowledge of reading writing and cycling, Rs. 2,650-65- 3,300-70-4,000

7., Jamadars, By promotion from Peons on the basis of seniority and satisfactory service, , Rs. 2,610-60- 3,150-65-3,540/-

8., Cook, By direct recruitment or by absorption from Daily Wages Mazdoors

, Having knowledge of cooking/ catering, Rs. 2,650-65- 3,300-70-4,000/-

9., Records Supplier, By selection from regular Class IV employees,, holding posts in the lower scale of pay or from Daily Wages employees on completion of five years of continuous satisfactory service with due regard to seniority

, Matriculation, Rs. 2,650-65- 3,300-70-4,000/-

10., Generator Operator, By selection from regular Class IV employees holding posts in the lower scale of pay or from Daily Wages employees on completion of five years of continuous satisfactory service with due regard to seniority

, , Rs. 2,650-65- 3,300-70-4,000/-

11., Daftari, By selection from regular Class IV employees holding posts in the lower scale of pay or



from Daily Wages employees on completion of five years of continuous satisfactory service with due regard to seniority

, , Rs. 2,610-60-

3,150-65-3,540/-

12., Chaukidar, By absorption from Daily Wages Mazdoors on completing minimum three years service having due regard to merit-cum-seniority or in absence of Daily Wages Mazdoors,, by direct recruitment , Cycling,, knowledge of reading and writing, Rs. 2,550-55- 2,660-60-3,200/-

13., Faras, By absorption from Daily Wages Mazdoors on completing minimum three years service having due regard to merit-cum- seniority or in absence of Daily Wages Mazdoors,, by direct recruitment , Cycling,, knowledge of reading and writing, Rs. 2,550-55- 2,660-60-3,200/-

14., Sweeper, By absorption from Daily Wages Mazdoors on completing minimum three years service having due regard to merit-cum-seniority or in absence of Daily Wages Mazdoors,, by direct recruitment , Cycling,, knowledge of reading and writing, Rs. 2,550-55- 2,660-60-3,200/-

15., Water Supplier, By absorption from Daily Wages Mazdoors on completing minimum three years service having due regard to merit-cum-seniority or in absence of Daily Wages Mazdoors,, by direct recruitment , Cycling,, knowledge of reading and writing, Rs. 2,550-55- 2,660-60-3,200/-

16., Peons, By absorption from Daily Wages Mazdoors on completing minimum three years service having due regard to merit-cum- seniority or in absence of Daily Wages Mazdoors,, by direct recruitment , Cycling,, knowledge of reading and writing, Rs. 2,550-55- 2,660-60-3,200/-

17., Daily Wage Literate Mazdoors, On Daily Wages basis, Graduate, Rs. 85/- per day including Sundays

18., Mazdoors, On Daily Wages basis, Cycling, Rs. 65/- per day including Sundays.

**Note :** 1. Cycling is not necessary for female candidates.

2. For the posts of Peon, preference may be given to Washerman/ Barber/Carpenter/Tailor/Daftri by profession.]

#### <P11M>APPENDIX-X

### **JHARKHAND SUPERIOR JUDICIAL SERVICE (RECRUITMENT, APPOINTMENT AND CONDITION OF SERVICE)**

**RULES, 2001\*\*Published in Jharkhand Gazette, Extraordinary No. 91, dated May 10, 2001.**

**JHARKHAND SUPERIOR JUDI. SERV. (RECRUITMENT.....SERVICE) RULES, 2001**

**Notification No. 6/Astha. Nyaya - 610/2001Ka - 1246, dated 8th May, 2001.**—In exercise of powers conferred by Article 233 read with Article 309 of the Constitution of India and all provisions of law enabling in that behalf, and in supersession of all earlier Rules on the subject, the Governor of Jharkhand, after consultation with the High Court of Jharkhand at Ranchi, is pleased to make the following Rules for regulating the recruitment in appointment to and the conditions of service with respect to the members of the Jharkhand Superior Judicial Service.

#### **CHAPTER I**

**1. Short title and commencement.**—These rules may be called as the Jharkhand Superior Judicial Service (Recruitment, Appointment and Conditions of Service) Rules, 2001 and shall take effect from the date these are published in the official Gazette.

**2. Definitions.**—In these rules unless there is anything repugnant to the subject or context :—



- (i) Additional District Judge includes any other post of equivalent rank.
- (ii) "Cadre" means the cadre of the Jharkhand Superior Judicial Service.
- (iii) "Direct Recruit" means an officer in the cadre appointed to the service in accordance with clause (a) of Rule 4.
- (iv) "Government" means the Governor of Jharkhand.
- (v) "Governor" means the Governor of Jharkhand.
- (vi) "High Court" means the High Court of Jharkhand at Ranchi.
- (vii) "Jharkhand Judicial Service" means the judicial service as constituted by the Jharkhand Judicial Service (Recruitment) Rules, 2001.
- (viii) "Promoted Officer" means an officer in the cadre appointed to the service from amongst the officers belonging to the Jharkhand Judicial Service by promotion in accordance with Clause (b) of Rule 4.
- (ix) "Scheduled Castes" means the castes specified in Part II of the Constitution (Scheduled Castes) Order, 1950.
- (x) "Scheduled Tribes" means the tribes specified in Part II of the constitution (Scheduled Tribes) Order, 1950.
- (xi) "Service" means the Jharkhand Superior Judicial Service.

**3. Cadre strength and the composition of the service along with the pay scales in various categories of the cadre shall be as specified by the State Government from time to time after consultation with the High Court.**

**4. Appointment to the service.**—Appointment to the service, which shall in the first instance ordinarily be to the post of Additional District Judge, shall be made by the Governor, in consultation with High Court :—

(a) by direct recruitment of persons as recommended by the High Court for such appointment under clause (2) of Article 233 of the Constitution of India; and

(b) by promotion on merit-cum-seniority basis from amongst the officers belonging to the Jharkhand Judicial Service :

Provided that where the merit of the officers is equal in all respects, seniority shall prevail and be given weightage.

**5. Of the total posts in the cadre of the service 67% shall be filled in by promotion and 33% by direct recruitment :**

Provided that the State Government may, in consultation with the High Court, from time to time deviate from the aforesaid percentage in either direction.

**6. Probation.**—A member of the service appointed under clause (a) of Rule 4 shall be on probation for a period of two years :

Provided that the probation period may, in any individual case be extended from time to time by the High Court.

**7. Grant of increments :**

(a) The initial pay of a promoted officer shall be fixed by adding Rs. 500/- in the time scale at the stage next above that arrived at by adding to his substantive pay as a member of the Jharkhand Judicial Service.

(b) The initial pay of a direct recruit shall be fixed in the time scale by adding to his substantive pay one annual increment in time scale for every four years of practice at the Bar, subject to minimum of Rs. 250/- and not being more than 500/-.

Notwithstanding anything contained in this Rule, the fixation of pay will be subject to the decision of the State Government in consultation with the High Court.

**8. Seniority :**

(a) Seniority inter se of direct recruits shall be determined in accordance with the dates of their respective appointments to the service.

(b) Seniority inter se of promoted officers shall be determined on the basis of their seniority as existing



in the Jharkhand Judicial Service immediately prior to their appointment under these Rules.

(c) If at any time more than one direct recruit is appointed in the service, the inter se seniority of such appointees will be determined in accordance with the order of merit as obtaining in the select list at the time of their appointment.

(d) Seniority of direct recruits vis-a-vis promoted officers shall be determined with reference to the dates on which their appointments actually are made :

Provided, however, when a direct recruit and a promoted officer are appointed on the same date, the promoted officer shall rank senior to the direct recruit.

## CHAPTER II

### SELECTION OF DIRECT RECRUITS

**9. Eligibility.**—A candidate shall be eligible to be appointed as an Additional District Judge under these Rules, if :—

(a) he is above the age of 35 years and below the age of 45 years as on the last day of January preceding the year in which the examination is held; provided that in the case of a candidate belonging to scheduled caste or scheduled tribe, there may be a relaxation of upper age limit by three years;

(b) is a graduate in law from a University recognised for the purpose of enrollment as an Advocate under the advocates' Act, 1961;

(c) has an experience of more than seven years at the Bar as a practicing Advocate after having been duly enrolled as such under the Advocates' Act, 1961;

(d) possesses good health, is of sound moral character and is not involved in, or related to any criminal case of any type involving moral turpitude.

**10. (a) The High Court may undertake the entire selection process either itself or entrust the same, either wholly or in part, to another Agency. If the selection process is entrusted either wholly or in part to another Agency, the name of such an agency shall be approved before the selection process starts by a resolution adopted at a meeting of all the Judges of the High Court and the terms and conditions for such engagement by such Agency shall be finalised in this meeting.**

Explanation.—Under these Rules, therefore, wherever the expression 'High Court' occurs with respect to the conduct of examination of the selection process, such expression shall include such agency as well.

(b) If the selection process, either wholly or in part, is entrusted to an agency, such Agency shall ensure that it maintains secrecy and confidentiality in all respects with regard to the conduct of the selection process at all levels and before starting the selection process shall submit in writing to the High Court an undertaking to the following effect :—

"I/We having been entrusted with the task of undertaking the selection process, as communicated to us by the High Court of Jharkhand at Ranchi vide their communication no..... date.....do hereby State, undertake and bind ourselves that we shall maintain absolute secrecy and confidentiality at all levels and in all stages of the election process until we submit the report/recommendation/evaluation finally to the High Court and for all times thereafter, or until the final result finally published by the High Court and the selection process is completed in all respects and appointments based on our aforesaid recommendation/report/evaluation made and till such further period as the High Court may direct us to do so. We understand that the breach of this undertaking by us or by any one or our behalf shall be liable to action under law."

**11. If in any particular year the number of candidates is very large and in the opinion of the High Court if it is desirable to have a Preliminary Written Entrance Test in order to limit the number of candidates for the Main Written Examination, it may conduct a Preliminary Written Entrance Test and prescribe the minimum qualifying standards therein as also the number of candidates to be selected therein who shall thus be eligible to appear in the main written examination. The High Court may make regulations from time to time prescribing the syllabus for the Preliminary Written Entrance Test and for the Main Written Examination and before the commencement of selection**



process, such syllabus may be made available to the intending candidates.

**12. The High Court may invite applications from the intending candidates. The application may either be in the prescribed proforma as published in the advertisement/notification or may be in a printed form as may be obtained from the intending candidates. Similarly, at the start of each selection process, the High Court may also decide that each candidate along with the application/application form may submit one or more for the following :—**

(i) Certificates or copies thereof with respect to the educational qualifications and the enrollment certificate under the Advocates' Act, 1961, as also the experience at the Bar.

Explanation.—The certificate of experience at the Bar shall be obtained by the candidate either from Registrar General/Registrar of the High Court or such other officer of the High Court as the Chief Justice may nominate, District Judge or the Chief Judicial Magistrate of the district in which he has been practicing as an Advocate, or from the President and the Secretary of the Bar Association jointly signed by both of them, duly countersigned by the registrar General/Registrar or other nominated officer of the High Court, District Judge/Chief Judicial Magistrate/any other Judicial Officer of that district in which the candidate has been practicing.

(ii) Names of at least two persons as references alongwith the reference testimonials certifying that they know the candidate personally and that he bears a good moral character, is not involved in any criminal case or an offence relating to moral turpitude and in the opinion of such referensor has an aptitude for judicial service. None of the Referensors should be related to the candidate directly or indirectly.

(iii) A certificate from a qualified medical practitioner that the candidate possesses sound health and is free from any disease which may be hazardous for his service.

(iv) Certificate of age issued by the Board for School Education or a University as duly recognised by law.

Explanation.—If the candidate submits the copies of the certificate and not the originals, the copies should be certified as true copies of the originals by a Judicial Magistrate. Candidates shall, however, be under obligation to produce the originals before the High Court as and when so required, or at the viva voce test.

(v) A bank draft or a postal order of prescribed amount towards the payment of the examination fee as may be fixed or prescribed by the High Court from time to time.

**13. On receipt of the application/application form from the candidates, the High Court shall process the same and on being satisfied that the application/application forms are in order and that the candidate is eligible to appear at the examination, an admit card shall be issued to the candidate. No candidate shall be admitted to any examination unless he holds such an admit card.**

It is therefore in the interest of the candidates that before they apply they satisfy themselves that they are eligible and that the application/ application forms are duly filled in by them and are complete in all respects and documents enclosed relating to payment of examination fee etc.

**14. Notwithstanding anything contained in the foregoing Rule, it shall be open to the High Court to require the candidate at any stage of the selection process or thereafter, to furnish any such additional proof or to produce any document with respect to any mater relating to his suitability and/or eligibility as the High Court may deem necessary.**

**15. If any candidate at any time, either during the selection process, before or after the examinations are conducted, or at any time thereafter is found to have furnished any false information or made any misrepresentation relating to his age, academic qualifications, experience at the Bar, enrollment as an advocate, eligibility, suitability or otherwise, at its sole discretion the High Court may cancel the candidature of such a candidate and may debar him from appearing in the examination at any stage of the selection process. Similarly, if a candidate obtains appointment under these Rules based on any of the aforesaid, such appointment shall be liable to immediate termination by the High Court.**

**16. Subject to the provisions of these Rules, the decision of the High Court as to eligibility or**



**otherwise of the candidate for admission to the examination and for his recruitment shall be final.**

**17. If during the conduct of the examination any candidate is found :**

- (i) resorting to any irregular or improper means for obtaining admission to examination;
- (ii) impersonating as another candidate or being impersonated by any person at the written or viva-voce examination;
- (iii) submitting fabricated or forged document or documents which have been tampered with or interpolated;
- (iv) making statements which are false or incorrect or suppressing material information;
- (v) communicating with any other person for the purpose of getting help or trying to influence the candidature;
- (vi) behaving unruly, rudely or in an uncivilized manner in the examination hall or violating any instructions issued by the High Court in this behalf or disobeying any orders of the officials entrusted with the conduct of the examination;

such candidate shall be expelled forthwith from the examination hall by the authority of the High Court or by any person authorised by the High Court in this behalf. In such a case, the High Court may invalidate the answer books or deal in such other manner with the candidate as it considers fit and proper, including his expulsion from any future examination for any period as may be decided.

**18. Before the start of the examination, the High Court may fix the minimum qualifying marks in the Preliminary Written Entrance Test and thereafter minimum qualifying marks in the main examination. Based on such minimum qualifying marks, the High Court may decide to call for viva-voce such number of candidates, in order of merit in written examination, depending upon the number of vacancies available as it may appropriately decide :**

Provided that in the case of candidates belonging to scheduled castes and scheduled tribes and candidates belonging to other reserved categories, such minimum qualifying marks may not be higher than 45% of the total aggregate marks :

Provided also that in determining the suitability of a particular candidate based on both the minimum qualifying marks as well as in order of merit, the total marks obtained in the examination as a whole and the marks obtained in any individual paper, both shall also be taken into consideration, depending upon any guidelines that the High Court may issue in this behalf in the Regulations to be framed for this purpose.

**19. (i)** The viva-voce test of the candidates shall be conducted by the High Court. The Chief Justice may decide upon the composition of the Board comprising the Judges of the High Court for this purpose.

**(ii)** All the members of the Board shall be assigned equal marks for assessing the fitness and suitability of candidate. At the end of the viva-voce test each day the Board shall not disperse unless it has recorded the marks allocated to each candidate in that day's viva voce-test in the manner as prescribed under the Regulation and in a sealed cover hand it over to the official of the High Court as may be nominated for this purpose by the Chief Justice. Each such sealed cover shall be in turn deposited by such nominated official of the High Court in safe custody in such manner as may be prescribed by the Chief Justice.

**20.** The viva-voce test shall be conducted by the Board in such manner as to assess the merit, suitability and fitness of the candidate, shall be as objective as is possible and shall endeavour to elicit such answers from the candidate as would convey the candidate's aptitude towards the judicial service; his understanding of law; sharpness of mind; his intellect, knowledge and potential for becoming a good judicial officer.

**21.** A candidate, irrespective of the marks obtained by him in the Preliminary Written Entrance Examination and/or the Main Written Examination shall not be qualified to be appointed unless he obtains a minimum of 30% marks in the viva-voce test. The marks obtained at the viva voce test shall then be added to the marks obtained by the candidate at the main written examination. The names of the candidates will then be tabulated and arranged in order of merit. If two or more candidates obtain equal marks in the aggregate, the order shall be determined in accordance with the marks secured at the main written examination. If the marks



secured at the main written examination of the candidates also are found equal, then the order shall be decided in accordance with the marks obtained in the Preliminary Written Entrance Test. From the list of candidates so arranged in order of merit the High Court shall prepare a select list and have it duly notified in a manner as prescribed in the regulations. Such select list shall be valid for a period of one year from the date of being notified.

**22.** From out of the aforesaid select list, depending upon the number of vacancies available or those required to be filled up, the High Court shall recommend to the Government the names for appointment as Additional District Judge.

**23.** After the Government receives the aforesaid recommendations from the High Court, it may make such enquiry and undertake such investigation as is considered necessary to find out and determine that the candidate is suitable in all respects for appointment to the judicial service only in so far as such suitability relates to the candidate's credentials with respect to his involvement in any criminal case or anti-social or anti-National activities. Such investigation/enquiry, however, shall be completed as soon as possible from the time of receipt of recommendation from the High Court, but not later than six weeks from the date of such receipt.

**24.** After the completion of the investigation/enquiry, as undertaken vide the aforesaid Rule, the appointment orders shall accordingly be issued.

**25.** Notwithstanding anything to the contrary contained in these rules, an Additional District Judge appointed on temporary basis shall be eligible for permanent appointment to the service without there being any upper age limit subject to the conditions that;

(i) he has completed two years of service from the date of his first appointment.

(ii) he has passed such tests as may from time to time be prescribed in the Departmental Examination Rules, if any, and

(iii) he is recommended by the High Court for such permanent appointment.

**26.** No recommendation except those received in accordance with these rules shall be entertained or taken into consideration. Any attempt on the part of any candidate to enlist support for his appointment through any person or any influence, or in any other manner will disqualify him for appointment.

**27.** The record of each examination as held under these Rules, both with respect to the written examinations at both the levels and the viva-voce test shall be maintained and preserved by the High Court for at least one year from the date of notification of the select list.

**28.** The candidate shall be entitled on payment of such fee as may be prescribed in this behalf by the Regulations to apply for and obtain the break up of his result in any such examination.

### CHAPTER III

**29. Conditions of service.**—All such matters relating to conditions of service of the officers appointed under these rules and not specified herein shall be governed by the general rules in this behalf.

### CHAPTER IV

**30. Power to make regulations.**—The High Court may make Regulations for carrying out the purposes of these rules for giving effects to the objectives contained herein.

<P11M>APPENDIX-XI

## **JHARKHAND JUDICIAL SERVICE (RECRUITMENT) RULES, 2004**

**Noti. No. 6/Bibidh/808/2002/977 dated the 31st March, 2005— Published in Jharkhand**