

Uttar Pradesh Judicial Service Rules, 2001

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Uttar Pradesh Judicial Service Rules, 2001

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. 1696/II-4-2001-36(1)-85, dated June 7, 2001 : In exercise of the powers conferred by the Article 234 and the proviso to Article 309 of the Constitution of the India, the Governor in consultation with the Uttar Pradesh Public Service Commission and the High Court of Judicature at Allahabad; in supersession of the existing Rules is pleased to make the following rules, regulating the recruitment and appointment to the Uttar Pradesh Judicial Service and conditions of service of persons appointed thereto :-

PART 1 General

1. Short Title And Commencement :-

(i) These rules may be called the Uttar Pradesh Judicial Service Rules, 2001.

(ii) They shall be deemed to have come into force on July 1, 2000.

2. Status Of The Service :-

Uttar Pradesh Judicial Service, is a State Service comprising Group A and Group B posts.

3. Scope Of The Service :-

These rules shall apply to the members of Uttar

Pradesh Service comprising of -

- (a) Civil Judge (Junior Division) and
- (b) Civil Judge (Senior Division).

4. Definitions :-

In these rules unless the context otherwise requires -

- (a) "Appointing Authority" means the Governor of Uttar Pradesh;
- (b) "Chief Justice" means the Chief Justice of High Court of judicature at Allahabad;
- (c) "Citizen of India" means a person who is or is deemed to be citizen of India under Part II of the Constitution;
- (d) "Commission" means the Uttar Pradesh Public Service Commission;
- (e) "Constitution" means the Constitution of India.
- (f) "Court" means the High Court of Judicature at Allahabad.
- (g) "Director" means the Director of the Uttar Pradesh Judicial Training and Research Institute, Lucknow;
- (h) "Government" means the State Government of Uttar Pradesh;
- (i) "Governor" means the Governor of Uttar Pradesh;
- (j) "Institute" means the Judicial Training and Research Institute, Lucknow;
- (k) "Member of the Service" means a person appointed in substantive capacity under the provisions of these rules or the rules in force earlier to the introduction of these rules, to the post in the cadre of service;
- (l) "Officer" means an Officer of the Service.
- (m) "Year of recruitment" means a period of twelve months commencing from the first day of July of the calendar year in which the process of recruitment is initiated by the appointing authority;
- (n) "Civil Judge, Junior Division" means and includes Additional Civil Judge (Junior Division), Judicial Magistrate of the 1st Class, Metropolitan Magistrate and any other members of the service posted under any other nomenclature.
- (o) "Civil Judge Senior Division" means and includes Judge small cause, Additional Judge Small Cause, Additional Civil Judge (Senior Division), Additional Chief Metropolitan Magistrate Chief Judicial Magistrate, Special Chief Judicial Magistrate, Additional Chief Judicial Magistrate (Railway) and any member of the service posted under any other nomenclature.

5. Constitution Of Service :-

The service shall consists of -

- (a) Civil Judges (Junior Division),
- (b) Civil Judges (Senior Division),
- (c) such other special posts as may be existing or created in or added to the cadre from time to time by the Governor.

PART 2 Cadre

6. Strength Of Service :-

(1) The strength of the service and of each category of posts therein shall be such as may be determined by the Governor from time to time in consultation with the Court.

(2) Strength of service and each category of posts therein shall unless varied by order passed in this behalf under sub-rule (1) be as specified in Appendix I.

(3) The Governor may from time to time on consultation with the Court leave unfilled or hold in abeyance, any post without thereby entitling any person to compensation or may create from time to time additional posts, temporary or permanent as found necessary.

PART 3 Recruitment

7. Source Of Recruitment :-

Recruitment to the service shall be made on post of Civil Judge (Junior Division) by direct recruitment on the basis of competitive examination conducted by the Commission. Competitive examination shall be held in every year of recruitment, subject to availability of vacancies.

8. Reservation :-

Reservation to posts in the service for the members of scheduled castes, scheduled tribes and other categories shall be in accordance with the provisions of the law prescribing reservation for scheduled caste, scheduled tribes and other categories.

PART 4 Qualification

9. Nationality :-

A candidate for direct recruitment to the service must be :

- (a) a citizen of India, or
- (b) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya,

Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India. Provided that a candidate belonging to category (b) or (c) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government:

Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Intelligence Department (Headquarter), Lucknow, Uttar Pradesh:

Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year, and such a candidate may be retained in service after a period of one year, only if he has acquired Indian Citizenship.

Note- A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination of interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour subsequently.

10. Age :-

A candidate for direct recruitment to the service must have attained the age of more than 35 years on the first day of July next following the year in which the notification for holding the examination by the Commission inviting Applications, is published:

Provided that the upper age limit shall be higher by five years in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and such other categories or may be notified by the government from time to time: Provided further that where a candidate was eligible in age to appear at the examination in any year of recruitment in which no such examination was held, he shall be deemed to be eligible in age to appear in the next following examination:

Provided also that the maximum number of chances a candidate is permitted to take will be four.

11. Academic Qualifications :-

A candidate for direct recruitment to the service-

(a) must be a bachelor of laws of a University established by law in Uttar Pradesh or any other University of India recognised for this purpose by the Governor; or

(b) must be an advocate enrolled under the provisions of the Advocates Act, 1961 or a Barrister of England or Northern Ireland or a member Faculty of Advocates in Scotland and is entitled to practice in the court or courts subordinate there to;

(c) must possess a thorough knowledge of Hindi in Devnagri Script;

12. Character :-

The character of a candidate for recruitment to their service must be such as to render him suitable in opinion of the Governor in all respects for employment in the service. Persons dismissed from the service by the Union Government or a State Government or debarred from practice as an advocate by the Bar Council of India or a State or convicted and sentenced for

1 Rules 10 and 11 Subs. by Notification No. 933/II403-36(1) 85, dated 19 March, 2003. Published in U.P. Gazette dated 14 June, 2003, (w.e.f. 1932003).

2 Rules 10 and 11 Subs. by Notification No. 933/II403-36(1) 85, dated 19 March, 2003. Published in U.P. Gazette dated 14 June, 2003, (w.e.f. 1932003). imprisonment or any offence under the Indian Penal Code or any other law for the time being in force involving moral turpitude shall not be eligible for appointment to the service.

13. Marital Status :-

A male candidate, who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the service.

14. Physical Fitness :-

No candidate shall be appointed to a post in the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment shall be required to pass an examination by a medical board:

Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

PART 5 Procedure for Recruitment to the Service

15. Determination Of Vacancies :-

The Governor shall, in consultation with the Court, determine and intimate to the Commission the number of vacancies in the posts of Civil Judge (Junior Division) to be filled in during the year of recruitment as also the number of vacancies to be reserved for candidate belonging to Scheduled Caste, Scheduled Tribe and other categories.

16. Competitive Examination :-

The examination may be conducted at such time and on such dates

as may be notified by the Commission and shall consist of-

- (a) a written examination in such legal and allied subject including procedure, as may be included in the Syllabus prescribed under Rule 19, unless the same is otherwise modified by the Governor in consultation with the Court and the Commission;
- (b) an examination to test the knowledge of the candidates in Hindi, English and Urdu;
- (c) an interview for assessing merit of the candidate giving due regard to his ability, character, personality, physique and general suitability personality, physique and general suitability for appointment to the service.

17. Application Form :-

- (i) Application for permission to appear at the competitive examination shall be invited by the Commission in the prescribed pro forma published in the advertisement issued by a Commission.
- (ii) No candidate shall be admitted to the examination, unless he holds a certificate of admission issued by the Commission.

18. Fees :-

Candidates must pay to the Commission and to the President of Medical Board such fees as may from time to time be specified by the Government.

19. Syllabus :-

The Syllabus and the rules relating to the competitive examination shall be such as given in the Appendix II, provided that the Syllabus and rules may be amended by the Governor in consultation with the Commission and Court.

PART 6 Appointment, Probation and Confirmation

20. List Of Candidate Approved By The Commission :-

(1) After the result of written examination is prepared, the Commission shall call for interview such number of candidates, who in the opinion of the Commission have secured minimum marks as may be fixed by the Commission in this respect.

(2) Notwithstanding anything to the contrary contained in any rules or orders, the Commission shall invite a sitting Judge of the Court to be nominated by the Chief Justice to participate in the interview of the candidates called under sub-rule (1) and the opinion given by him with regard to the suitability of the candidates shall not be

disregarded by the Commission unless there are strong and cogent reasons for not accepting the opinion which reasons must be recorded in writing by the Commission.

(3) The Commission then shall prepare a final list of selected candidates in order of their proficiency as disclosed by aggregate of marks finally awarded to each candidate in the written examination and the interview:

Provided that if two or more candidates obtain equal marks in the aggregate, the name of the candidate being elder in age, shall be placed higher:

Provided further that if two or more candidates of equal age obtain equal marks in aggregate, the name of the candidate, who has obtained higher marks in the written examination, shall be placed higher.

21. Appointment To The Service :-

(1) Subject to the provisions of sub-rule

(2), the Governor shall, on receipt of the list of candidates submitted by the Commission under sub-rule (3) of Rule 20, make appointment on the post of Civil Judge (Junior Division) in the order in which their names are given in the list provided the Governor is satisfied that the Candidate is otherwise qualified and entitled for such appointment under these rules.

(2) The select list prepared under sub-rule (3) of Rule 20 shall lapse after all the vacancies advertised or varied after due notification, are filled up.

22. Training :-

(1) Every officer appointed to the service as Civil Judge (Junior Division) shall be required to undergo training during the period of probation at the Judicial Training and Research Institute, Lucknow or elsewhere for such period as may be prescribed by the Court from time to time.

(2) The Syllabus for the training shall be such as may from time to time be prescribed by the Director with the prior approval of the Committee constituted by Chief Justice.

(3) At the end of the period of training, the Director shall send his report to the Court about the conduct and performance of the probationer during the training. Where the Director is of the opinion that any officer has not successfully completed the training, he shall forward his opinion to the Court alongwith the relevant

material.

(4) On receipt of any report referred in sub-rule (3), the Court shall consider the same and may pass appropriate orders including for extension of period of training and probation.

23. Refresher Course :-

(1) The Court may require members of the service to undergo such refresher course for such duration and at such places as may be decided by the Chief Justice in consultation with the Director.

(2) After every course, the Director may send report about the conduct and performance of the officers during the course.

24. Probation :-

(1) All persons shall, on appointment to the serving in the substantive vacancies, be placed on probation. The period of probation shall, in each case, be two years.

(2) The Court may, in special cases, extend the period of probation upto a specified date.

(3) An order extending period of probation shall specify whether or not such extension shall count for increment in the time-scale.

(4) If, it appears, to the Court at any time during or at the end of period of probation or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, it may make recommendation to the appointing authority whereupon the probationers shall be discharged from the service by the appointing authority.

(5) A person, whose services are dispensed with under sub-rule (4) shall not be entitled to compensation and shall also not be eligible for reappointment to the service.

25. Confirmation :-

(1) A probationer may be confirmed in his appointment at the end of the period of probation or the extended period of probation by the Court. The Court while confirming shall take into consideration the following matters:

(a) The probationer has satisfactorily undergone the prescribed training;

(b) His work and conduct are reported to be satisfactory;

(c) His integrity is certified; and

- (d) The Court is satisfied that he is otherwise fit for confirmation.
- (2) A probationer shall continue as such till an order of confirmation in service is passed in his favour by the Court.

26. Seniority :-

- (1) The seniority of the officer, who are already members of the service under the provisions of Uttar Pradesh Nyayik Sewa Niyamawali, 1951 when these rules came into force, would be determined according to the said rules.
- (2) After coming into force of these rules, the inter se seniority of the officers appointed under these rules, shall be determined on the basis of the year of recruitment and position of merit as shown in the list prepared and forwarded for appointment under sub-rule (3) of Rule 20.
- (3) Candidate recruited to the service may lose his seniority if he fails to join the service without any valid reasons when a vacancy is offered to him within the prescribed time or the extended period, as the case may be. The decision of the appointing authority shall be final in this regard.

27. Promotion :-

- (1) Promotion to the cadre of Civil Judge (Senior Division) shall be made by the Court from amongst the members of the service in the cadre of Civil Judge (Junior Division), keeping in view the existing vacancies in that cadre.
- (2) The Chief Justice of the Court shall appoint a selection committee of three honourable sitting Judges of the Court to consider the officers/Civil Judge (Junior Division) eligible for promotion as Civil Judge (Senior Division).
- (3) The promotion to the post of Civil Judge (Senior Division) shall be made by selection on the basis of seniority-cum-merit.
- (4) The field of eligibility for promotion shall be confined to four times the number of vacancies to be filled in by promotion.
- (5) The selection committee shall after Examining the records of the officers included in the list referred to in sub-rule (4) prepare a list, who, in its opinion, are fit to be promoted in the cadre of Civil Judge (Senior Division). In Assessing the merit of the candidates, the selection committee shall have due regard to his service record, ability, character and seniority. The list shall contain the names of officers twice the number of vacancies required to be filled by promotion from the members of the Civil Judge (Junior Division).

(6) The selection committee shall forward the list prepared under sub-rule (4) of this rule to the Chief Justice alongwith the names of officers who, directly in the opinion of the committee, has been passed over by promotion to the service.

(7) The Court shall examine the recommendation of the selection committee and make a final selection for promotion and prepare a list in order of seniority of candidates, who are considered fit for promotion and the promotion shall be made in the vacancies strictly in accordance with the said list. The list shall remain operative till all the candidates are promoted and the list is exhausted.

PART 7 Pay

28. Scale Of Pay :-

(1) The scale of pay admissible to a person appointed to the service whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be fixed by the Government from time to time.

(2) The scales of pay at the time of the commencement of these rules are given in the Appendix I.

29. Criterion For Crossing The Efficiency Bar :-

No member of the service shall be allowed to cross the Efficiency Bar at any stage, which may be fixed in the time-scale of the pay, unless his work, conduct and integrity has been found satisfactory by the Court.

30. Appointment In Senior Scale And Selection Grade :-

The Court shall consider grant of senior scale of pay and selection grade of pay to a member of the service as and when he becomes eligible for such scale or grade on the recommendation of committee constituted by the Chief Justice.

31. Leave :-

The members of the service shall not be treated as belonging to vacation department and shall earn leave every kind at such rate as admissible to Government servants belonging to non-vacation department.

32. Deputation :-

No member shall be deputed or posted to a post not borne on the cadre of the service except with his consent and after approval of the Court or such term as may be fixed by the Court from time to time.

PART 8 Other Provisions

33. Canvassing :-

No recommendation either written or oral, other than that required under those rules, will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

34. Regulation Of Other Matters :-

In regard to matters not specifically covered by the rules or special orders, the members of the service shall be governed by the rules, regulations and orders applicable generally to Government servants serving in connection with the affairs of the State.

35. Relaxation From The Conditions Of Service :-

When the Governor is satisfied that the operation of any rule regulating the condition of service persons appointed to the service causes undue hardship in any particular case, he may, notwithstanding anything contained in these rules applicable to the case, by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner: Provided that the Court and the Commission shall be consulted before the requirements of a rule are dispensed with or relaxed.

36. Age Of Superannuation :-

Provisions of the Uttar Pradesh Judicial Officers (Retirement on Superannuation) Rules, 1992, as amended from time to time, shall apply to the members of the service for determining the age of their superannuation.

37. Option For Not Availing The Benefit Of Enhanced Superannuation Age :-

The officers who are not desirous of availing the benefit of enhanced superannuation age may give their option at least six months before they attain the age of 57 years. In the event of such option being given by the officer, he may be retired on his completion of 58 years of age.

38. Savings :-

Nothing in these rules shall affect any order passed under the Uttar Pradesh Nyayik Seva Niyamawali, 1951 or reservations and other concessions required to be provided for the candidate belonging to the scheduled castes, scheduled tribes and other special categories

of person in accordance with the orders of the Government issued from time to time in this regard.

39. Rescission :-

The Uttar Pradesh Nyayik Sewa Niyamawali,1951 is hereby rescinded.