

The Bihar Civil Court Staff (Class III and Class IV) Rules, 2009

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Rule

THE-BIHAR-CIVIL-COURT-STAFF-CLASS-III-AND-CLASS-IV-RULES-2009 of 2009

- Published on 12 November 2009
- Commenced on 12 November 2009
- [This is the version of this document from 12 November 2009.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bihar Civil Court Staff (Class III and Class IV) Rules, 2009Published vide Notification Bihar Gazette (Extraordinary) No. 569, dated 12.11.2009

1. Short Title, Extent and Commencement.

(1)These Rules may be called the [Bihar Civil Court Staff (Class III and Class IV) Rules, 2009.] [For 1992 & 1998 Rules even named see Volume II Pages 201 & 212 respectively.](2)It shall extend to the whole State of Bihar.(3)It shall come into force at once.

2. Definition.

(a)'Appointment Committee' means the Committee constituted under Rule 6(ii) of these Rules.(b)'Coordination Committee' means a Committee constituted under Rule 7(3) of these Rules.(c)'District Judge' means the District Judge in charge of the Judgeship whether comprising of one or more districts.(d)'Employee' means an employee of Class III or Class IV as specified in Rule 4 hereinafter.(e)'High Court' means the High Court of Judicature at Patna.(f)'Selection Committee' means the Committee constituted under Rule 7(2) of these Rules.(g)'Services' means Class III and Class IV employees of the Sub-ordinate Courts.(h)'Standing Committee' means the Standing Committee of the High Court constituted under Chapter 1 of the Patna High Court Rules.

3. Application of Rules.

- These Rules shall apply to all persons holding any post in the Services, whether temporary or

permanent.

4. Class and Categories of Employees.

- The Services shall consist of the following Classes and categories of employees in the Civil Courts in the State of Bihar. Class III Employees Category-1(a) Shirestedar of the District Judge Category-2(a) Head Clerk of the District Judge (b) Accountant (c) Head Comparing Clerk (d) Record Keeper (e) Nazir (f) Shirestedar of the permanent Subordinate Judge (g) Shirestedar of the Chief Judicial Magistrate, Additional Chief Judicial Magistrate (as the case may be) (h) Shirestedar of the other Subordinate and other Judge posted in the District/Sub-division including Additional Subordinate Judges. (i) Shrestedar of Permanent Munsif. Category-3(a) Bench Clerk (b) Office Clerk (c) Naib Nazir (d) Cashier (e) Comparing Clerk (f) Bill Clerk (g) Assistant Accountant (h) Session Clerk Category-4(a) Typist Grade I (b) Typist Grade II (c) Typist Grade III (d) Basic Grade Category-5(a) Stenographer Grade I (b) Stenographer Grade II (c) Stenographer Grade III Class IV Employees (a) Driver of Staff Car (b) Orderly Peons/Officer Peons (c) Malis (d) Waterman (e) Sweeper (f) Night-Guard (g) Daftary

5. Appointing Authority.

- The District and Session Judge shall be the Appointing Authority of Class III and Class IV posts in the Civil Courts.

6. Mode of Recruitment of Class IV Employees.

- (i) In the month of January of every alternate year, the District and Session Judge will determine the existing vacancies as well as the anticipated vacancies, likely to occur by December of that year and will take steps for filling up such posts in the same month itself. If the vacancies are up to ten, the same should be filled up by an advertisement published in the local newspaper. If the vacancies are more than ten, it should be advertised in a Hindi Newspaper of the wide circulation, being published from Patna. In addition to this, in both the situation, the vacancies shall be notified in the Employment Exchange as well as on the General Notice Board of the Sub divisional Headquarters and District Headquarters. (ii) Constitution of Appointment Committee.-In each district, there shall be an Appointment Committee, comprising of the District Judge and two senior-most Additional District Judges in the Judgeships. In case, however, it comes to the knowledge that any one of the candidates is a relation of any of the members of such committee and/or for any other reason, if any of the Members of the Committee, is unable to participate, in that event the next senior most Judicial Officer available in the Judgeship shall be included in the Committee. It is, however, made clear that irregularity in the constitution of such committee shall not invalidate any appointment or any other action taken by such Committee on that ground alone.

7. Mode of Recruitment of Class III Employees.

(1) In order to conduct centralized examination and oral interview for the selection of the candidates

for appointment to class III posts, the State shall be divided into seven zones, namely-(i)Patna(ii)Muzaffarpur(iii)Bhagalpur(iv)Gaya(v)Darbhanga(vi)Purnea(vii)Saran at ChapraEach zone shall consist the following Judgeship:- (i)Patna zone - Patna, Nalanda, Bhojpur, Rohtas, Kaimur, Buxar(ii)Muzaffarpur - Muzaffarpur, Vaishali, Sitamarhi, East Champaran, West Champaran(iii)Bhagalpur zone - Bhagalpur, Munger, Jamui, Khagaria(iv)Gaya zone - Gaya, Aurangabad, Jehanabad, Nawada(v)Darbhanga zone - Darbhanga, Madhubani, Samastipur, Begusarai(vi)Purnea zone - Purnea, Katihar, Saharsa, Madhepura(vii)Saran at Chapra zone - Saran at Chapra, Siwan, Gopalganj.Explanation.-Any Judgeship carved out of any of the existing Judgeship shall continue to remain in the same zone.(2)In each of the aforesaid Zones, a selection Committee shall be constituted consisting of all District & Session Judges of all the Judgeships of that particular Zone. The Senior-most district Judge of each Zone shall be the Chairman of the respective Zonal Selection Committee.(3)At the level of the State, a Co-ordination Committee shall be constituted which shall consist of the Chairman of each the Zonal Selection Committees, the District Judge, Patna shall be its Convener.(4)In the month of January of every alternate year, the District Judge will determine the existing vacancies as well as the anticipated vacancies, likely to occur by December of the next year and will send the same to the Co-ordination Committee and after receiving information from all the Judgeships, all the vacant posts available for direct recruitment shall be advertised by the Co-ordination Committee at least in two daily newspapers having wide circulation in the State of Bihar, one of such Newspapers shall be in Hindi.(5)In the advertisement it shall be mentioned that a candidate should give three options relating to the place of his appointment in the event of his selection. However, any candidate may be appointed at any place other than the places opted for by him.(6)For the purpose of selection of candidates, written examination shall be followed by viva-voce of the candidates qualified in the written tests.-In order to limit the number of candidates, if the number of candidates is found to be too large in relation to number of vacancies to be filled up, the Co-ordination Committee may hold first a Preliminary Test on the basis of Objective type Question and then invite a limited number of candidates on merit for final written tests.(7)Final Written Tests shall be of 90 marks, consisting of objective cum subjective type question, comprising of four following papers.(a)English language - consisting of-letter writing, essay, precis, comprehension and vocabulary (20 marks).(b)Hindi language - consisting of letter writing, essay, precis, comprehension and vocabulary (20 marks).(c)Mathematics of matriculation standards (25 marks).(d)General knowledge and current affairs (25 marks).Explanation.-The Co-ordination Committee may consider the pattern of subjective cum objective test of the final written examination, considering the number of vacancies as well as the number of candidates, as well as consider the feasibility as to whether the Preliminary and Final Tests can be entrusted to a professional management group, which normally undertakes conduct of such examination for selection/appointment of candidates in Public/Private Sector/large Organization.(8)The examinations both preliminary and Final shall be conducted at the headquarter of each of the aforesaid seven Zone as on the same date and at the same time.(9)The Co-ordination Committee shall determine the manner in which the question papers are to be confidentially settled, printed, stored and distributed and also the manner in which examination at each Zone shall be conducted. They shall also take decision on all matters incidental to the conduct of the examination.(10)As soon as the examination is over, the answer books of the candidates shall be sealed and in order to maintain absolute confidentiality regarding evaluation the office of the Co-ordination Committee before sending the answer books to Examiners or the professional management group to whom the

conduct of examination has been entrusted, use the process of coding the answer books of the candidates as directed in the Circulars issued by the High Court in the past or as may be directed by the High Court in future.(11)The written test/tests in typing and short-hand shall consist of 90 Marks, 10 Marks shall be allotted for personality test and interview. For the written test normally the qualifying marks will be 45, but in case of female candidates and candidates from the reserved categories, the Appointment Committee/Co-ordination Committee may make suitable relaxation in the qualifying marks. Interview shall be held by the Selection Committee in each zone on the date to be specified for the purpose by the Coordination Committee. The ration in which the candidates would be called for final written examination would normally not be less than 9 times of the number of vacancies and for interview not less than three times the number of vacancies available and likely to be available in near future.(12)A panel of successful candidates shall be prepared on the basis of total marks obtained in written examination as also in the interview. After the selection tests (both written and oral) are over, a common panel shall be prepared by the Coordination Committee in order of merit for all the Judgeship in the State of Bihar.(13)The aforesaid panel shall remain valid for a period of two years.(14)The existing vacancies as also the anticipated vacancies occurring within the aforementioned period may be filled up from amongst the candidates in the said panel in order of merit.(15)The Co-ordination Committee may form different panels for different types of posts, namely (i) Clerk (ii) Stenographer (iii) Typist etc.(16)From the panel of successful candidates as prepared under Rule 12 or 14, the names shall be recommended to each District Judge for appointment on the post of Class III.(17)(i)Notwithstanding anything to the contrary, the High Court may on its own motion or on the recommendation of the Standing Committee, by a special or General Order, direct that Class III posts in any of the judgeship may be filled up at the Judgeship level itself without any role of the Co-ordination Committee for that Judgeship but with the help of the Appointment Committee, constituted under Rule 6(ii) of the Rules.(ii)The entire process of recruitment from the stage of advertisement up to preparation of the panel shall be completed under the supervision and control of the Appointment Committee.(iii)The provision of Rule 7 shall apply mutatis mutandis to such process also.

8. Appointment by Promotion.

(1)The appointments to Class III posts by promotion from Class IV posts shall also be made by the Appointment Committee on merit-cum-seniority basis.(2)Twenty percent of vacant class III posts shall be reserved for promotion from class IV employees who possess the minimum educational qualification and have three years experience in the post held by them.(3)For promotion in terms of the preceding Rule, the Appointment Committee shall held a separate examination of the eligible candidates and call for interview only such candidates who obtain the qualifying marks in the written examination.

9. General Rules For Appointment.

(1)All candidates shall fill up the application for appointment for the posts for which they are eligible in their own handwriting and shall furnish such particulars as may be specified in the advertisement.(2)Each candidate for Class III posts excepting candidates belonging to Scheduled Caste and Scheduled Tribe shall enclose herewith his application a postal order for a sum of "Rupees

60 or more" as considered appropriate by the Coordination Committee/Appointment Committee, as the case may be, payable "to the District and Sessions Judge, Patna cum Convener, Coordination Committee and in case of appointment made under sub-rule 17(i) of Rule 7 of the Rules, "to the District and Sessions Judge" of the District concerned.(3)The candidates shall affix their latest photographs in passport size along with their application which must be attested by a Gazetted Officer.(4)Selection and appointment shall be subject to requirement of affidavit in proof of good character and physical fitness certificate from a M.B.B.S. Doctor in Government Service.(5)Recruitment of candidates shall be subject to the general Rules for appointment as contained in these Rules.(6)All appointment would be subject to such directions as may be issued by the High Court from time to time.

10. Educational Qualification.

- For appointment to the posts of Clerk Grade III, Stenographer Grade III and Typist Grade III, the minimum qualification shall be B.A./B.Sc./B.Com or equivalent degree of recognized University. In addition, since knowledge of computer application is valuable for almost all employees, hence for all Clerks and Stenographers, computer proficiency shall count as an additional but not indispensable qualification. It shall carry weightage of 10 marks, which shall be decided by suitable test. Further for the post of Stenographer, a certificate in Stenography, issued by an institution, recognized by the Central/State Government is essential.

11. Qualification for Recruitment of Class IV Staff.

- The candidates must be literate and must have working knowledge of both Hindi and English languages, including reading and writing in the said language. Selection of candidates will be made on the basis of the interview only to be conducted by the Appointment Committee and thereafter the appointment shall be made by the Appointing Authority. In case of Staff Car Driver, a test may be prescribed by the Appointment Committee. The candidates must also be physically fit, so as to undertake strenuous work and must know to ride a bicycle. In case of staff car driver, apart from the above qualification, candidate must have valid driving license and possessing qualification as prescribed in the law.

12. Security.

- All Officers having any dealing with public money or holding posts of particular trust shall on appointment furnish such security as the High Court may from time to time prescribe.

13. Age Limit.

- Lower and Upper age limits for appointment by direct recruitment to any of the posts in the services shall be the same as prescribed by the State Government for similar posts. In case of departmental candidates, however, the maximum age bar shall be relaxed by the number of years he had been in actual service as an employee of the State Government. However, in a suitable case the

High Court shall have the power to relax the upper age limit.

14. Probation.

(1) All persons appointed to any category shall from the date on which he joins duty shall be on probation for the period as follows:-(i) If recruited directly for a total period of two years duty within a continuous period of three years. (ii) If appointed from other service for a total period of one year on duty within a continuous period of two years: Provided that the period of probation shall be deemed to have been extended unless his services are expressly confirmed: Provided further that the decision regarding the said confirmation shall ordinarily be taken within a period of three years from the date of his initial joining of the post. (2) The services of candidates may be terminated on the expiry of such period of even during the pendency of probation period without assigning any reason, if in the opinion of the District Judge his performance is not satisfactory.

15. Test.

(1) A person appointed in any of the basic grade, for promotion to Category 2 and Category 1 and in higher scale shall have to pass such departmental examination that may be prescribed by the High Court from time to time. (2) The District judge shall hold such tests as may be directed by the High Court from time to time. (3) Any person appointed to the categories of Clerk, Typist and Stenographers shall have to pass an examination in Civil and Criminal Court Rules and Hindi Noting and Drafting during the period of probation if he has not already passed the said tests.

16. Posting of Class III Staff.

(1) No Clerk should be appointed as a bench clerk unless he has completed five years of services. (2) No Clerk should be posted to one post for more than three years except to the post of Stenographer of the District Judge, if necessary. (3) If a Clerk, who had hold the post of Bench Clerk earlier is required to be given that post again, there must be an interval of at least two years between the earlier assignments and the new assignment: Provided however, the District Judge in Special circumstances may relax the above condition. (4) Ordinarily, no one should be employed in the Copying Department as Comparing Clerk for more than three years.

17. Reservation.

- Such number of vacancies shall be reserved for the members of the Scheduled Castes and Scheduled Tribes and Backward Classes, Other Backward Classes and Physically Handicapped as per the policy decision of the State of Bihar.

18. Transfer.

(1) Transfer of the employees (Inter District or intra District) shall be made in the following manner:-(i) The Standing Committee on the recommendation of District Judge or otherwise may

transfer class III and class IV employees from one Judgeship to another Judgeship on administrative ground or in public interest.(ii)In case of transfer of employees on request or in a case of mutual transfer, the transferee shall be placed at the bottom of the category to which he belongs at the transferred place.(iii)In case of transfer on administrative ground or in public interest, the transferee shall carry his seniority to the transferred place.(iv)The District Judge may transfer Class III and Class IV employees, including the office bearers of the Association or Union within his jurisdiction.(v)In order to make the above Rules, regarding transfer more effective or to clarify or supplement them, the High Court may issue guidelines or general direction from time to time.

19. Disciplinary Action.

- The District Judge shall be the disciplinary authority of Class III and IV employees. The District Judge may suspend, initiate any disciplinary proceeding, issue a charge sheet, enquire into the charge against the delinquent employees himself or cause the same to be done by any other Judicial Officer and impose any of the penalties specified in Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

20. Appeal.

(1)Any employee aggrieved by imposition of any minor/major punishment upon him by the disciplinary authority may prefer an appeal to the High Court within a period of 30 days from the date of receipt of copy of the said order and/or from the date of communication of the said order upon the concerned employee.(2)Such memorandum of appeal shall be forwarded by the District Judge concerned to the Registrar of the High Court together with his comments thereon, if any, within two weeks from the date of receipt of such memorandum of appeal.(3)The Standing Committee of the High Court shall, dispose of such appeal as expeditiously as possible and preferably within a period of three months from the date of receipt of the memorandum of appeal, if the same has been preferred against an order imposing a major penalty and by the Judge Administrative Department No. 1 in case of minor penalty.(4)All procedures for holding Departmental proceeding, imposition of penalty, disposal of appeal etc, shall be governed by such statutory Rules as are applicable for the employees concerned.

21. Extension Of Service.

- If the District Judge is of the opinion that services of an employee upon his superannuation is essentially required for administrative exigencies, he shall send the record of such employees to the Registrar of High Court with his recommendation which shall be considered by the Standing Committee of the High Court on its own merits. Ordinarily extension of service for a period of more than two years shall not be granted except in very exceptional cases and on public interests. In case of such extension for a period of one year or more than the same shall be effective only on his vacating the official quarters.(2)The District Judge may subject to prior concurrence of the Standing Committee of the High court re-employ any person who has superannuated if same is necessary for administrative exigencies. The request of the District Judge may be disposed of expeditiously.

22. Promotion.

(1)A candidate shall not be promoted to the higher scale in service unless he qualifies in the examination as prescribed by the High Court.(2)Appointment to the higher grade of the ministerial establishment should ordinarily be made by seniority from lower grade provided they possess the prescribed educational and other qualification as laid down in these Rules or any other existing law that may be applicable and are otherwise fit to perform the duties attached thereto and pass the test, if any, prescribed under these Rules.(3)Typist before his promotion to the higher scale must pass another test of typing; the minimum speed of typing would be 50 words per minute in English or 35 words per minute in Hindi. Mistakes at the rate of 1½ words per hundred words shall only be allowed and he will have to pass an examination in practice and procedure and in such other paper for next promotion in higher scale as may be prescribed by the High Court from time to time.(4)Before a Stenographer is promoted to the higher scale he will have to pass the test of stenography at the rate of 120 words per minute in English and 80 words per minute [in Hindi sic ?] and only 5% mistakes shall be allowed and he will also have to pass the examination of practice and procedure and such other papers for next promotion in higher scale, which may be specified by the High Court from time to time.(5)Before a clerk is promoted to the category 2 or he gets financial progression in the same scale by any other reason he will have to pass an examination in:-(i)Civil Court and Criminal Court Rules framed by the High Court.(ii)Accountancy.(iii)Knowledge of drafting of correspondence and order sheet and(iv)Practice and Procedure.(6)A Clerk before his promotion in Category 1 or he gets financial progression in next higher scale by any other reason shall have to pass an examination on procedure (Civil and Criminal) Stamp Act, Court-fees Act, Suits Valuation Act, Correspondence and Noting and Drafting. Typists/Stenographers may be transferred to the post of Clerks on completion of period of 10 years, if they pass the necessary examination as mentioned hereinbefore.(7)If suitable persons are not available for promotion to the Category 1 of Clerk, it would be open to an Appointing Authority to fill up the said posts by direct recruitment, subject to the prior concurrence of the High Court. The qualification for direct recruitment in the posts of Supertime Scale shall be B.A., B.Sc. and B.Com. or an equivalent degree from the recognized University and also degree in Bachelor of Law.

23. Special Qualification.

(1)No person shall be eligible for promotion to the posts specified hereto below unless he possess the qualifications that may be prescribed by the High court from time to time as herein below-(i)Shirestedar of District Judge(ii)Head Clerk of the District Judge(iii)Shirestedar of any other court and Accountant.(2)A Candidate for the direct recruitment in the post of category 1 of Clerk as Sheristedar and Category 2 of clerk as Head Clerk of the District Judge shall have to pass such examination(s) as may be prescribed by the High court and such appointment shall be subject to the other Rules as provided for hereinbefore.

24. Revision of Orders of Promotion.

- An order of promotion made by the District Judge may be revised by the High court, such revision may be made either suo motu and/or on a petition submitted by the aggrieved member within six

weeks from the date of passing of the said order: Provided that the said period of six weeks may be extended by the High Court if sufficient cause is shown for the delay in submission of the petition.

25. General Orders Regarding Discipline.

- Whenever any employee is personally interested in a case to be heard by the Court to which he is attached he must bring the fact to the notice of the Presiding Officer.

26. Relaxation.

- The Standing Committee of the High Court may by order dispense with or relax the requirements of any Rule to such extent and subject to such conditions as it may consider necessary in any particular case.

27. Other Conditions of Service.

- The condition of service in regard to matters not covered by these Rules shall be the same as are or as may from time to time be prescribed by the State Government.

28. Saving and Repeal.

- (i) Bihar Civil Courts Staff (Class III and Class IV) Rules, 1998 and Bihar Civil Courts Staff (Class III and Class IV) (Amendment) Rules, 2001 are hereby repealed. (ii) Notwithstanding such repeal, anything done or any action taken are purported to have taken under the provision of the 1998 Rules and 2001 Amendment Rules, shall be deemed to have been done or taken in pursuance of or under corresponding provisions of this Rules.

29. Interpretation.

- If any question arises relating to the interpretation of these Rules, it shall be referred to the State Government whose decision thereon after consultation with the High Court shall be final.