

# Patna High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1997

BIHAR

India

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### Rule

### PATNA-HIGH-COURT-OFFICERS-AND-STAFF-CONDITIONS-OF-SERVICE-AND-CONDUCT-RULES-1997

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Patna High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1997Published vide Notification No. 526 (Rule), dated 09.12.1997Last Updated 26th December, 2019Notification No. 526 (Rule), dated 09.12.1997. - In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India, the Chief Justice of the High Court of Judicature at Patna makes the following Rules with respect to the conditions of service of persons serving on the establishment attached to the High Court of Judicature at Patna.

### 1. Short title and Commencement.

(1)These Rules may be called the Patna High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1997.(2)They shall apply to all officers and other members of the establishment of the High Court.(3)They shall come into force with effect from the date of publication in the Official Gazette.

### 2. Definitions.

- In these Rules unless the context otherwise requires: -(a)'Board' means any recognised institution, conducting examinations up to intermediate standards or awarding diplomas as may be declared by the Chief Justice to be so recognised for the purpose of these Rules.(b)'Chief Justice' means the Chief Justice of High Court of Judicature at Patna.(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 Bihar Public Service Commission.(e)'Constitution' means the Constitution of India.(f)'Establishment'

means the establishment of the office of the High Court of Judicature at Patna main seat and its Bench at Ranchi.(g)'Government' means the Central Government or State Government, as the case may be.(h)'Governor' means the Governor of the State of Bihar.(i)'Court' means the High Court of Judicature at Patna.(j)'Member of the Establishment' means a person appointed in accordance with these Rules or of Rules or orders in force prior to the commencement of these Rules.(k)'Officer' means officer appointed from the staff of the Court and includes officers on deputation.(l)'Staff' means employees of Class III and Class IV.(m)'Registrar General' means the Registrar General of the Court.(n)'Registrar (Inspection)'means the Registrar (Inspection) of the Court.(o)'Registrar(Establishment)'means the Registrar (Establishment) of the Court.(p)'Joint Registrar' means the Joint Registrar of the Court.(q)'Deputy Registrar' means the Deputy Registrar of the Court.(r)'University' means any University incorporated by law in India or any other University/Institution which is declared by the Chief Justice to be a University for the purpose of these Rules.(s)'Year of Recruitment' means the calendar year.

## **Part II – Cadre**

### **3. Strength of the establishment.**

- (i) The number of permanent posts of the various categories in Classes I, II and Non-Gazetted (Class III & IV), respectively, in the establishment of the Court shall be such as may be determined by the Chief Justice from time to time with the approval of the Governor.(ii)The Chief Justice may, from time to time, create such temporary posts as may be considered necessary with the approval of the Governor.(iii)The Chief Justice may leave unfilled or may hold in abeyance any vacant post without thereby entitling any person to compensation.(iv)There shall be separate cadre for each category of posts.(v)The Chief Justice may appoint such number of employees as may be necessary for the proper working of the Court within the budgetary provision.

### **4. Appointing Authority.**

(1)The Chief Justice shall be the Appointing Authority for all Class I, Class II and other Gazetted posts of the establishment.(2)The Registrar General shall be the Appointing Authority for appointments of all non-Gazetted (Class III and IV) posts including of daily wage employees. He will, however, make such appointment with prior approval of the Chief Justice.

## **Part III – Sources, qualification and method of recruitment to class I posts**

### **5. Sources of Recruitment to Class I posts.**

- The sources of recruitment to the various class I posts in the establishment shall be as follows:-

Sl.No.	(161) Mode of appointment
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Category/Designation of posts	Minimum qualification prescribed for appointment to the post.
1. Registrar General and Registrar (Inspection)	<p>Class I (Gazetted)</p> <p>By way of deputation of officers of the Bihar Superior Judicial Service of the rank of District and Sessions Judge.</p>
2. Registrar (Establishment)	<p>By promotion from promotee Joint Registrars in the establishment of the Court and in case of non-availability of such officer, by way of deputation of officer of the rank of District and Sessions Judge.</p>
3. Joint Registrar.	<p>By way of deputation of officer of the Bihar Superior Judicial Service of the rank of Additional District and Sessions Judge, or By selection from the Deputy Registrars/Deputy Registrar-cum-Principal Private Secretary to the Chief Justice/Senior Secretary in the same scale as Deputy Registrar.</p>
4. Deputy Registrar...	<p>By selection from the Assistant Registrar and Assistant Registrar-cum Secretary to the Hon'ble Chief Justice.</p>
5. Deputy Registrar-cum-Principal Private Secretary to Chief Justice.	<p>By selection from Senior Secretaries/Secretaries to Puisne Judges.</p>
6. Senior Secretary	<p>By selection from Secretaries to Puisne Judges.</p>
7. Assistant Registrar	<p>By selection from Administrative Officers/Commissioner for oath and affidavits/Stamp Reporters/ Deputy Director (Translation)/ Selection Grade Court Masters (Bench Secretaries)/ Super time Selection Grade RAs./Senior P.As., taking into account both merit and length of service.</p>
8. Assistant Registrar-cum-Secretary to Chief Justice.	<p>By selection from the Administrative Officers/Commissioner for oath and affidavits/Stamp Reporters/ Deputy Directors (Translation)/ Super time Selection Grade P.As. Section Officers/ Translation</p>

Officers/Senior P.As.

By selection from Supertime Selection  
Grade P.As./Senior P.As. on the basis of

9. Secretary to puisne 'Judge. merit-cum-seniority or on the basis of such test as may be prescribed by the Chief Justice.

## Part IV – Sources, qualification and method of recruitment to Class II posts.

### 6. Sources of recruitment to class II posts.

- The sources of recruitment to the various Class II posts in the establishment shall be as follows: -

Class II (Gazetted)	
1. Administrative Officer, Stamp Reporter.	By promotion from Section Officers on the basis of seniority-cum-merit.
2. Commissioner for Oaths and Affidavits.	By promotion from Section Officers/Translation Officers on the basis of seniority cum-merit.
3. Deputy Director of Translation.	By promotion from Translation Officers on the basis of seniority cum-merit.
4. Supertime Selection Grade PA.	By promotion from Senior P.As. on the basis of seniority-cum-merit and/or on the basis of such test as may be prescribed by the Chief Justice.
5. Section Officer	By promotion from Senior Selection Grade Assistants on the basis of Seniority-cum-merit.
6. Translation Officer	By Promotion from Translators on the basis of seniority-cum-merit.
7. Senior Personal Assistant.	By promotion from Senior Selection Grade PAs. on the basis of seniority-cum-merit and/or on the basis of such test as may be prescribed.

## Part V – Sources, qualification and method of recruitment to Non-Gazetted (Class III & IV) posts.

### 7. Sources of recruitment to Non-Gazetted (Class III & IV) posts.

- The sources of recruitment to the various Non-Gazetted (Class III & IV) posts in the establishment shall be as follows: -

SI. No.	Category/Designation of posts.	(163) Mode of appointment	Minimum qualification prescribed for
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appointment to the post.

- |    |                                   |   |                             |
|----|-----------------------------------|---|-----------------------------|
|    |                                   | Non-Gazetted (Class III & IV) posts   |                             |
|    |                                   | By selection from the cadre of Assistants having 5 years of continuous satisfactory service on the basis of limited competitive test and interview as may be prescribed by the Chief Justice.   |                             |
| 1. | Court Master (Bench Secretary).   |   |                             |
| 2. | Senior Selection Grade Assistant. | By promotion from Junior Selection Grade Assistants on the basis of seniority-cum-merit.  |                             |
| 3. | Junior Selection Grade Assistant. | By promotion from Assistants on the basis of seniority-cum-merit.   |                             |
| 4. | Assistants.                       | (i) 50% vacancies in a calendar year by direct recruitment. (ii) 25% vacancies in a calendar year by promotion from Cashier, Assistant Cashier, Court Officer, Assistant Court Officer, Typists, Junior Selection Grade Typists (both General Department and Copying Department), Ex-cadre Assistants, Pass Distributor, Junior Selection Grade Record Supplier, Record Supplier, Treasury Sarkar, Data Operators and PBX Operators and other employees holding other Class III posts with higher scale of pay if they forgo the claim of higher scale on appointment to the post of Assistant; on the basis of seniority and/or limited competitive test as may be prescribed. Provided that the candidates shall be eligible for appointment after completing three years of continuous satisfactory service. (iii) 25 per cent of the vacancies in a Calendar year by absorption from daily wage employees after completing three years of | Graduate from a University. |

		continuous satisfactory service on the basis of seniority and/or limited competitive test, as may be prescribed, "There will be no further appointment as Literate Mazdoors".	
5.	Translator	By promotion from Junior Translator on the basis of seniority-cum-merit.	
6.	Junior Translator	By direct recruitment	Graduate from a University.
7.	Senior Selection Grade P.A.	By promotion from Junior selection Grade P.As. on the basis of seniority-cum-merit.	
8.	Junior Selection Grade P.A.	By promotion from Personal Assistant/Stenographers on the basis of seniority-cum-merit, subject to passing the test as may be prescribed by the Chief Justice.	
9.	P.A./Stenographer	By direct recruitment on the basis of shorthand and typewriting test with minimum per minute speed of 100 words and 40 words respectively. Preference shall be given to Law Graduates/candidates having English medium education.	Graduate from a University.
10.	Librarian	Ex-cadre/Isolated Posts. By selection from Assistant Librarian and in case suitable candidate is not available, by direct recruitment.	Graduate and Degree in Library Science from a University.
11.	Assistant Librarian	By direct recruitment	....Ditto
12.	Telex Operator	By direct recruitment	Graduate from a University with experience in Telex Operating.
13.	Cashier...	By selection from Assistant Cashier and in case suitable candidate is not available by direct recruitment.	Graduate from a University.
14.	Assistant Cashier	By direct recruitment	

			Graduate from a University.
15.	Court Officer...	(i) By selection from Assistant Court Officers/Ex-cadre Assistants. (ii) If suitable candidates of category (i) is not available by direct recruitment.	Graduate from a University.
16.	Assistant Court Officer/Ex-Cadre Assistant/Pass Distributor/ABX Operator	By direct recruitment from the Daily Wage Employees after completion of two years continuous satisfactory service.	Intermediate from a Board/University.
17.	Typist (both General and Copying section.)	(i) 50 per cent by direct recruitment. (ii) 50 per cent by direct recruitment from eligible daily wage employees on the basis of seniority.	Intermediate from a Board/University Typing speed 40 words per minute in English and 30 words per minute in Hindi.
18.	Treasury Sarkar	By promotion from regular Class IV employees holding post in the lower scale of pay or from daily wage employees on completion of 5 years of continuous satisfactory service with due regard to seniority.	Intermediate from a Board/University.
19.	Data Operator...	(i) By absorption from daily wage employees who Graduate from a University. or (ii) By direct recruitment with proficiency in Data Operating.	
20.	Record Supplier	By promotion from regular Class IV employees holding post in the lower scale of pay or from daily wage employees on completion of 5 years of continuous satisfactory service with due regard to seniority.	Intermediate from a Board/University.
21.	Daftary...	Knowledge of pasting and binding... (a) By absorption from daily wage employees on completing minimum two years' satisfactory service having due	Ability of reading and writing in English and Hindi.

		regard to seniority. (b) In absence of daily wage employees by direct recruitment.	
22.	Staff Car Driver	1. (a) By absorption from daily wage employees having experience of 5 years of driving and possessing valid license (b) In absence of daily wage employees by direct recruitment 2. On passing a test as may be prescribed by the Chief Justice.	Having valid driving license and possessing qualifications prescribed under any law.
23.	Duplicating Machine Operator/Photocopier Machine operator.	(a) By absorption from daily wage employees on completing minimum two years satisfactory service having due regard to seniority. (b) In absence of daily wage employees by direct recruitment.	Intermediate from a Board/University with knowledge of handling Duplicating, Fax and Photo copy Machines.
24.	Generator Operator	(a) By absorption from daily wage employees on completing minimum two years satisfactory service, having due regard to seniority. (b) In absence of daily wage employee by direct recruitment.	Ability to operate Generator efficiently
25.	Mail	By absorption from daily wage employee on completing Minimum two years' service having due regard to seniority.	Proficiency in Gardening. Literate having knowledge of cycling.
26.27.28.29.30.	PeonChaukidarWater SupplierFarashSweeper	By absorption from daily wage employees on competing minimum two years' service having due regard to seniority.	Literate having knowledge of Cycling.

Note. - Cycling is not necessary for female candidates.

## Part VI – Mode for Appointment

### 8. Mode for appointment.

- (i) In the case of direct recruitment the following procedure shall be followed. - (a) Applications shall be called for after issuance of advertisement and or calling for names from the employment exchange or such other procedures as may be prescribed by the Chief Justice. (b) The procedure and



syllabus relating to the competitive examination shall be such as may be prescribed by the Chief Justice from time to time.(c)A select list/panel shall be prepared after consideration of cases of all eligible candidates and if the number of candidates be highly excessive such number shall be shortlisted and thereafter selection will be made on the basis of a test and interview or on the basis of marks obtained by the candidates at qualifying examination and interview and/or any other method as may be decided by the Chief Justice. If two or more candidates secure equal marks, the candidate securing higher marks in the test will be placed above.(i)Such panel shall remain valid for a period of one year from the date of approval of such panel by the Chief Justice and may be extended for another one year in exigency.(ii)Posts falling vacant during the currency of the panel, may be filled up from the same panel.(2)In case of promotion, the mode as shown against the posts shall be followed. Selection for Class I, Class II and other Gazetted posts may be made by the Chief Justice on his own or on the recommendation of any Selection Committee as may be constituted by the Chief Justice.(a)With respect to Class III employees, the mode as prescribed against the respective posts shall be followed, Such promotion may be made by the Registrar General subject to approval of the Chief Justice.(b)Appointment to Class IV posts shall be made by the Registrar General unless the Chief Justice otherwise directs, in the following manner -(i)by recruitment in the manner as prescribed against the respective posts.(ii)By deputation of a person serving in any other High Court or Court Sub-ordinate to Court.Provided that appointment to any other class IV posts shall be made by way of direct recruitment. The Chief Justice shall decide as to whether the selection for appointment is to be made by a selection committee and/or by himself and/or by an individual officer of the Court.(3)Appointment to the post of Deputy Registrar cum Principal Private Secretary to the Chief Justice and Assistant Registrars cum Secretary to the Chief Justice shall not be made substantively or on probation, any person appointed, on these posts shall work on the said post on a purely temporary and adhoc basis for so long as his services may be required in that capacity by the Chief Justice.

## **Part VII – Reservation and Qualification**

### **9. Reservation for Scheduled Castes etc.**

- Reservation for direct recruitment to the various categories of posts in the 'Establishment' in favour of the Scheduled Castes and Scheduled Tribes and women candidates shall be in accordance with the orders issued by the Chief Justice from time to time having due regard to the orders issued by the Governor from time to time on the subject:Provided that in the event of non-availability of suitable candidates in a particular category, the Chief Justice may order to fill up the vacancies from any other reserved category.

### **10. Reservation for Sportsmen.**

- One percent of vacancies in all Class III posts in the establishment of the Court shall be reserved at the stage of direct recruitment for such skilled players and sportsmen as have represented in National or International games on behalf of any State in India or India as whole at least for two years and in International competitions for one year or who have represented their Universities at

least for three years in Inter Universities Tournament organised by the Inter Universities Sports Board or who have represented their Schools in International Sports Meets organised by the All India Schools Sports Board in Badminton, Basket Ball, Cricket, Football, Hockey, Table Tennis, Volley Ball, Tennis, Weight Lifting, Wrestling, Boxing, Judo and Rifle Shooting.

## **11. Nationality.**

- A candidate for recruitment to the establishment must be -(a)A citizen of India, or(b)A Tibetan refugee who came over to India before the 1st January 1972 with the intention of permanently settling in India, or(c)a person of Indian origin who has migrated from Pakistan, Burma, Srilanka and East African countries of Tanzania (formerly Tanganyika) and Zambia with the intention of permanently settling in India:Provided that a candidate belonging to category ^b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government: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 can 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 or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

## **12. Appointment in deputation.**

- The Chief Justice may in exigency of service appoint any officer or employee in the establishment on deputation from persons serving outside the Court for such period as may be considered appropriate.

## **13. Appointment on compassionate ground.**

- The Chief Justice may appoint on compassionate ground any person having requisite qualification against any Class III post, except that of Assistant or above, or Class IV posts subject to availability of posts.

## **14. Age.**

- A candidate for direct recruitment must not be below 18 years of age and over 35 years of age on the 1st day of January of the year in which the process of recruitment is initiated:Provided that upper age limit from members of Scheduled Caste/Scheduled Tribe and those in the employment of Government shall be relaxable by 5 years:Provided also that age limit shall not apply to a person already serving in the establishment of the Court including daily wage employees or those working in the Courts subordinate to the Court or placed on deputation:Provided also that no candidate shall by virtue of relaxation on age under this Rule, have more than three opportunities to appear at the competitive examination or selection.

## **15. Preferential qualifications.**

- A candidate (i) who has served in the Territorial Army for a minimum period of two years or (ii) who has obtained a 'B' certificate of the National Cadet Corps shall, other things being equal, be given preference in the matter of direct recruitment to the establishment.

## **16. Character.**

- The character of person for direct recruitment to the service must be such as to render suitable in all respect for appointment to the service. It will be the duty of the appointing authority to satisfy himself on this score. Note. - Persons dismissed by the Government or by a Local Authority or a Corporation owned or controlled by the Government will be deemed to be ineligible for the appointment under these Rules.

## **17. Marital status.**

- A male candidate who has more than one wife living or a female candidate who has married a person already having a wife living shall not be eligible for recruitment to the establishment: Provided that the Chief Justice may, if satisfied that there are any special grounds for doing so, exempt any person from the operation of this Rule.

## **18. Physical fitness.**

- No person shall be recruited to the establishment unless he/she be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his official duties. Before a candidate recruited directly is appointed to the establishment he shall be required to produce a medical certificate of physical fitness.

# **Part VIII – Appointment, Probation and Confirmation**

## **19. Appointment.**

(1) On the occurrence of substantive vacancies, the appointing authority shall make appointments to the various categories of posts in the establishment from the respective list of persons duly selected under these Rules. Where a select list has been prepared, appointments shall be made in the same order in which the names appear in the list. (2) Appointments against temporary and officiating vacancies shall also be made in the manner provided in sub-rule (1).

## **20. Existing Members of establishment.**

(1) Persons appointed to the various categories of posts in the establishment in substantive capacity prior to the commencement of these Rules shall be members of the establishment as if appointed in such capacity under these Rules. (2) Persons appointed to the various categories of posts in the

establishment in temporary or officiating capacity prior to the commencement of these Rules shall continue as if appointed in temporary or officiating capacity under these Rules.

## **21. Probation.**

(1) A person on initial appointment to a post in the establishment in substantive capacity shall be placed on probation for a period of one year. (2) The appointing authority may allow continuous service rendered in an officiating capacity or in temporary capacity on the post, or on a higher post, to be taken into account for the purpose of computing the period of probation. (3) Appointing authority may, for reasons to be recorded in writing, extend the period of a probation in individual cases specifying the date upto which the extension is granted. Provided that in no case the period of probation will be extended by more than three years. (4) If it appears to the appointing authority at any time during or at the end of the 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, he may be reverted to his substantive post, if any, or if he does not hold a lien on any post, his services will be dispensed with. (5) A person whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

## **22. Confirmation.**

- A probationer shall be confirmed in his appointment at the end of his period of probation or extended period of probation, as the case may be if - (a) his work and conduct during the probationary period have been found to be satisfactory. (b) he is considered fit for confirmation, and (c) his integrity is certified.

## **23. Seniority.**

- Except as provided in Rule 24 seniority in each category of post in the establishment shall be determined by the date of the order of appointment in a substantive capacity and where more than one person are appointed together, by the order in which their names are arranged in the said order.

## **24. Seniority of persons already in services.**

- Seniority of the persons appointed to a post in the establishment prior to the commencement of these Rules shall be such as was on the date of commencement of these Rules.

# **Part IX – Pay and Allowances**

## **25. Pay and Allowances.**

- The scales of pay and other allowances admissible to person appointed to the various categories or posts in the establishment, whether in a substantive or officiating capacity or in temporary capacity shall be such as may be determined by the Chief Justice from time to time with the approval of the

Governor of Bihar.

## **26. Pay and allowances during probation.**

- Notwithstanding any provision in the Fundamental Rules to the contrary a person on probation, if he is not already in permanent Government service, shall draw during the period of probation, increments as they accrue on the condition that his work and conduct are reported to be satisfactory: Provided that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the Chief Justice directs otherwise. (2) The pay during probation of a person already in permanent Government service shall be regulated by the relevant Rules referred to in Rule 28(2).

## **Part X – Other Provisions**

### **27. Canvassing.**

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

### **28. Regulation of other matters.**

(1) All officers and employees of the Court shall be subject to the superintendence and control of the Chief Justice. (2) In respect of all matters (not provided for in these Rules) regarding the conditions of service of officers and employees of the Court including matters relating to their conduct, control and discipline, the Rules and orders for the time being in force and applicable to Government servants holding corresponding posts in the Government of Bihar shall apply to the Officers and employees of the Court subject to such modifications, variations, and exceptions if any as the Chief Justice may, from time to time, specify: Provided that no order containing modifications, variations or exceptions in Rules or orders relating to salaries, allowances, leave or pensions shall be made by the Chief Justice except with the approval of the Governor: Provided further that the said powers exercisable under Rules and orders of Government of Bihar by the Governor shall be exercised by the Chief Justice or by such officer as he may, by general or special order, direct. (3) If any doubt arises in regard to a particular post in the establishment being corresponding to a post in the State Government the matter will be decided by the Chief Justice.

### **29. Appointment by absorption.**

- Notwithstanding anything contained in these Rules the Chief Justice may frame scheme for appointment by absorption of persons working on daily wages on the date of commencement of these Rules in the vacancies of class III/IV posts and any appointment so made in pursuance of the scheme shall be against the posts of direct recruitment.

### **30. Residuary powers.**

- Nothing in these Rules shall be deemed to affect the power of the Chief Justice to make such orders, from time to time, as he may deem fit in regard to all matters incidental or ancillary to these Rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for: Provided that if any such order relates to salaries, allowances, leave or pension, the same shall be made with the approval of the Governor of Bihar.

### **31. Interpretation.**

- All question relating to the interpretation of these Rules shall be referred to the Chief Justice, whose decision thereon shall be final.

### **32. Repeal and savings.**

- The Patna High Court Establishment (Appointment) Rules, 1997 are hereby repealed: Provided further that any action taken or proceedings under the repealed Rules and pending at the commencement of these Rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these Rules.

### **33. General Rules.**

(1) All notifications issued, orders passed, appointments made or powers exercised by the Chief Justice or the Registrar General prior to the commencement of these Rules shall be deemed to have been issued, passed, made and exercised respectively under the provisions of these Rules. (2) Notwithstanding anything contained in these Rules, the Chief Justice shall have the power to make such orders, as he may consider fit, in respect of recruitment, promotion, confirmation or any other matter. (N.B. - In case of any difficulty or doubt in construing any of the provisions of the Hindi version of the Rules, the English version shall be treated to be version.)