

Bihar Civil Court Staff (Class III and Class IV) Rules, 1998

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Rule

BIHAR-CIVIL-COURT-STAFF-CLASS-III-AND-CLASS-IV-RULES-1998 of 1998

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Bihar Civil Court Staff (Class III and Class IV) Rules, 1998Published vide Notification No. S.O. 184, dated 3rd November, 1998, dated 6th November, 1998S.O. 184, dated 6th November, 1998. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Bihar is pleased to make the following Rules regulating the methods of recruitment and conditions of service of Class III and Class IV employees appointed to Civil Courts of Bihar, namely :-

1. Short title, extent and commencement.

(1)These Rules may be called the Bihar Civil Courts Staff (Class III and Class IV) Rules, 1998;(2)It shall extend to the whole State of Bihar;(3)It shall come into force at once.

2. Definitions.

(a)"Appointment Committee" means the Committee constituted under Rule 6(16)(i) of these Rules;(b)"Co-ordination Committee" means a Committee constituted under Rule 6 (3) of these Rules;(c)"District Judge" means the District Judge in charge of the Judgeship whether comprising of one or more districts including the Judicial Commissioner, Ranchi;(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 6 (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 I 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) Shirestadar 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) Shirestadar of the Permanent Subordinate Judge. (g) Shirestadar of the Chief Judicial Magistrate, Additional Chief Judicial Magistrate (as the case may be). (h) Shirestadar of the other Subordinate and other Judges posted in the District/Sub-division including Additional Subordinate Judges. (i) Shirestadar 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) Sessions 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 (d) Basic Grade. Category 6(a) Driver of Staff Cars. Class IV Employees (a) Orderly Peons/Office Peons (b) Malis (c) Waterman (d) Sweeper (e) Night-Guard (f) Daftary

5. Mode of recruitment of Class IV employees.

(1) The District Judge shall notify the vacancies of Class IV employees in the local Employment Exchange and shall notify the same also in the General Notice Boards of the District Headquarters as also Sub-divisional Headquarters, if any. (2) Such vacancies shall also be advertised in two daily newspapers having wide circulation in the concerned district, one of which must be in Hindi.

6. Mode of Recruitment of Class III Employees.

(1) In order to conduct centralised written examination and oral interview for the selection of the candidates for appointment to Class III posts, the State shall be divided into five zones, namely (a) Patna, (b) Muzaffarpur, (c) Bhagalpur, (d) Ranchi and (e) Saharsa, each of the aforesaid zones shall consist of the following Districts :-

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|----------------------|---|
| (1) Patna Zone | ... Patna, Bhoipur, Gaya, Rohtas, Aurangabad, Nalanda, Nawadah. |
| (2) Muzaffarpur Zone | Muzaffarpur, Vaishali, Chapra, Siwan, Gopalganj, Sitamarhi, Motihari, Bettiah (West Champaran). |
| (3) Bhagalpur Zone | ... Bhagalpur, Munger, Begusarai, Khagaria, Dumka, Godda, Deoghar. |
| (4) Ranchi Zone* | Ranchi, Palamau, Gumla, Chaibasa, Jamshedpur, Dhanbad, Giridih, Hazaribagh. |
| (5) Saharsa Zone | ... Saharsa, Madhepura, Purnea, Katihar, Darbhanga, Madhubani, Samastipur. |

* Now, part of Jharkhand State. 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 five zones, a Selection Committee shall be constituted consisting of all the District and Sessions 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 of the Zonal Selection Committees, the District Judge, Patna shall be its Convenor.(4)The members of the Co-ordination Committee, regard being had to the number of vacancies available and likely to be available in near future, and such other relevant consideration, may fix criteria for appointment and the Syllabus for holding written examination.(5)All the vacant posts 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 must be in Hindi.(6)In the advertisement it shall be mentioned that a candidate should give three options relating to the place of his posting in the event of his selection. However, any candidate may be posted at any place other than the places opted for by him.(7)For the purpose of selection of candidates, a written examination shall be conducted on the basis of the objective questions, framed by any reputed professional management group who normally undertakes the conduct of such examinations for selection/appointment of candidates in public or private sector/organisations.(8)The selection examination shall be conducted at the headquarters of each of the aforesaid five zones 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 distributed and examination at each zone conducted, and shall also take decisions 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 sent for evaluation to the professional management group to whom the conduct of the examination had been entrusted.(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. Interview shall be held by the Selection Committee in each Zone on the date to be specified for that purpose by the Co-ordination Committee. The ratio in which the candidates would be called for interview would be 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 Judgeships in the State of Bihar.(13)The aforesaid panel shall remain valid for a period of two years.(14)The existing vacancies as also any future vacancies occurring within the aforementioned period shall 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 and (iii) Typist etc.(16)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 in the following manner :-(i)In each districts, there shall be an Appointment Committee comprising of the District Judge and two Senior-most Additional District Judges in the Judgeship. In case however it comes to the knowledge that any one of the candidates is a relation of any one 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 Appointment Committee.(ii)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.(iii)The entire process of recruitment from the stage of advertisement upto preparation of the panel shall be completed under the supervision and control of the Appointment Committee.(iv)The Appointment Committee may lay down the criteria regarding physical fitness of the candidates.(v)The selection of the candidates shall be made by the Appointment Committee on the basis of total marks obtained in written examination and in interview also.(vi)The Appointment Committee shall advertise all vacancies in relation to Class III staff in the Judgeship in two daily newspapers having wide circulation in the State of Bihar, one of which must be in Hindi and also in a local daily newspaper published from the concerned District Headquarter if any.In the advertisement, the number of vacant posts in each category as for example Clerks, Typists, Stenographers etc. shall clearly be specified.(vii)All appointments shall be made from the merit list prepared on the basis of the written examination and the oral interviews. Only those candidates shall be called for interview who secures the qualifying marks in the written examination as prescribed by the Appointment Committee.(viii)The Appointment Committee shall get the written examination conducted, including evaluation of answer papers done by any reputed professional management group or agency, who hold normally recruitment tests for public or private sector organisation.

7. 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 per cent 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 hold a separate examination of the eligible candidates and call for interview only such candidates who obtain the qualifying marks in the written examination.

8. General Rules for Appointment.

(1)All candidates shall fill up the applications for appointment for the posts for which they are eligible in their own hand and shall furnish such particulars as may be specified in the advertisement.(2)Each candidate for Class III posts excepting candidates belonging to Scheduled Castes and Scheduled Tribes shall enclose alongwith his application a postal order for a sum of Rs. 25 payable to the-Registrar of the High Court at Patna.(3)The candidates shall affix their latest photographs in passport size alongwith their applications which must be attested by a Gazetted Officer.(4)Recruitment of candidates shall be subject to the general rules for appointment contained in these Rules.(5)All appointments would be subject to such directions as may be issued by the High Court from time to time.

9. 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 recognised University.In addition for Clerk Grade III, knowledge in Shorthand/Type writing shall be an additional

qualification. For the post of Stenographer Grade III, a certificate in Stenography from an institution recognised by the State of Bihar shall be an additional qualification.

10. 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 languages. The candidates must also be physically fit so as to undertake strenuous work and must know to ride a bicycle.

11. 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.

12. 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.

13. 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 determined on the expiry of such period or even during the pendency of probation period without assigning any reason, if in the opinion of the District Judge his performance is not satisfactory.

14. Test.

(1) A person appointed in any of the categories (i) and (ii) above for promotion to Junior Selection Grade and Supertime 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 of Civil and Criminal Court Rules and Hindi Noting and Drafting during the period of probation if he has not already passed the said tests.

15. 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 Selection Grade post and the post of Stenographer of the District Judge, if necessary. (3) If a Clerk, who had held 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 assignment 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.

16. Reservation.

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

17. Transfer.

(1) Transfer of the employees (inter District or intra District) shall be made in the following manner:-(i) In administrative exigencies and/or in public interest, on the recommendation of the District Judge concerned or otherwise, the Standing Committee may transfer any employee from one District to another. The employees at his own request may be transferred to another Judgeship by the Standing Committee provided, however, that in such a case, his position shall be last in the concerned gradation list of categories of such employees in the transferred Judgeship. The Standing Committee of the High Court may in consultation with the District Judge concerned, fill up any post by transfer of a person holding a post in another Judgeship corresponding to a post in the cadre concerned. The District Judge may effect transfer within his own jurisdiction including the transfer of office bearers of any Association or Union. The appointing authority may, on the application of a holder of post of Junior Selection Grade i.e. Junior Selection Grade Clerk, Typist and Stenographer, transfer him to another unit.

18. 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 charges 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 and Orissa Subordinate Service (Discipline and Appeal) Rules, 1935.

19. Appeal.

(1) Any employee aggrieved by imposition of any minor/major punishments 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 a 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 a 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.

20. 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 records of such employee to the Registrar of the 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, 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 the person who has superannuated if the same is necessary for administrative exigencies. The request of the District Judge may be disposed of expeditiously.

21. Promotion.

(1)A candidate shall not be promoted to the Junior Selection Grade or to a Supertime 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 Junior Selection Grade 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 V2 words per hundred words shall only be allowed. Before a typist can be promoted to a Supertime Scale, he will have to pass an examination in practice and procedures and on such other papers as may be prescribed by the High Court from time to time.(4)Before a Stenographer is promoted to the Junior Selection Grade, he will have to pass the test of Stenography at the rate of 100 words per minutes in English and 80 words per minute in Hindi and only 5% mistakes shall be allowed.Before a Stenographer is promoted to the Supertime Scale he will have to pass the examination of practice and procedure and such other papers which may be specified by the High Court from time to time.(5)Before a Clerk is promoted to the Junior Selection Grade, 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 sheets, and(iv)Practice and procedure.(6)A Clerk before his promotion to Supertime Scale shall have to pass

an examination on procedure (Civil and Criminal), Stamp Act, Court-fee Acts, Suits Valuation Act, Correspondence and Noting and Drafting. Junior Selection Grade Typist/Stenographers may be transferred to the post of Clerks if they pass the necessary examination as mentioned hereinbefore.(7)If suitable persons are not available for promotion to the Supertime Scale of Clerk, it would be open to the appointing authority to fill up the said post by direct recruitment subject to the prior concurrence of the High Court. The Qualification for direct recruitment in the post of Supertime Scale shall be B.A., B.Sc. and B.Com. or an equivalent degree from the recognised University and also degree in Bachelor of Law.

22. 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)Shirestadar of District Judge;(ii)Head Clerk of the District Judge;(iii)Shirestadar of any other Court and Accountant.(2)A candidate for the direct recruitment in the post of Supertime Scale of Clerk as Shirestadar and 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.

23. 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.

24. 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.

25. Relaxation.

- The Standing Committee of the High Court may be 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.

26. Other conditions of service.

- The conditions 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.

27. Savings.

- Notwithstanding any order in consonance with the working of the Civil Court made in exigency of administration including appointment, transfer, posting, disciplinary action and any other order, ancillary or consequential thereto in accordance with the existing circular, rules, order or direction and passed by any authority defined in rule 2 of the these Rules, the same shall be deemed to have been made under these Rules and to that extent action taken thereof are saved and, accordingly, any order issued under any such powers of the authority defined in rule 2 of these Rules and in force immediately before the commencement of these Rules shall continue in force until and unless they are superseded under these Rules by order passed by the authority defined in rule 2 of these Rules.

28. 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.