

U.P. Judicial Officers' Service Rules, 1960

UTTAR PRADESH

India

U.P. Judicial Officers' Service Rules, 1960

Rule U-P-JUDICIAL-OFFICERS-SERVICE-RULES-1960 of 1960

- Published on 1 January 1960
- Commenced on 1 January 1960
- [This is the version of this document from 1 January 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

U.P. Judicial Officers' Service Rules, 1960 In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all existing orders on the subject the Governor of Uttar Pradesh makes the following rules regulating recruitment to posts in, and the conditions of service of person, appointed to the Uttar Pradesh Judicial Officer's Service:

Part I – General

1. Short title and commencement.

- These rules may be called the Uttar Pradesh Judicial Officers' Service Rules, 1960 and shall take effect from the date of this notification.

2. Status.

- The Uttar Pradesh Judicial Officers' Service is a State Service.

3. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context, -(a) "Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution; (b) "Commission" means the Uttar Pradesh Public Service Commission; (c) "Constitution" means the Constitution of India; (d) "Governor" means the Governor of Uttar Pradesh; (e) "Member of the Service" means a person appointed in a substantive capacity under the provisions of these rules or of any order in force previous to the introduction of these rules, to a post in the cadre of the Service; (f) "Service" means the Uttar Pradesh Judicial Officers' Service.

Part II – Strength

4. Strength of the Service.

(1)The strength of the Service shall be such as may be determined by the Governor from time to time.(2)The permanent strength of the Service shall, until orders varying the same have been passed under sub-rule (1) be 180 :Provided that the Governor may-(a)leave unfilled or hold in abeyance any vacant post without thereby entitling any person to compensation, or(b)create such additional temporary or permanent posts, from time to time, as may be found necessary.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the Service shall be made on the result of a competitive examination which shall be conducted by the Commission.

6. Reservation for Scheduled Castes.

- Reservation for Scheduled Castes shall be in accordance with the orders for reservation in force at the time of recruitment.(A copy of the orders in force at the time of promulgation of these rules will be found in Appendix A.)

7. Number of appointments to be made.

- The Governor shall decide the number of candidates to be recruited in any particular year.

Part IV – Qualifications

8. Nationality.

- A candidate for recruitment to the Service must be a citizen of India.

9. Age.

- A candidate for recruitment must have attained the age of twenty-two years and must not have attained the age of twenty-seven years on the first day of January next following the date of announcement of the examination by the Commission for recruitment to the Service :Provided that if a candidate would have been entitled in respect of his age to appear at such an examination in any year in which no such examination was held, he shall be deemed to be entitled in respect of his age to appear at the next following examination.Notes.-(i) The maximum age limit shall, in the case of candidates of the Scheduled Castes, be greater by five years.(ii)The Governor may, in consultation

with the Commission, relax the age-limit in favour of any candidate or class of candidates, if he considers this necessary in the interest of fair dealing or in the public interest.

10. Academic qualifications.

- A candidate must-(i) hold a degree in Law of a University established by law in Uttar Pradesh or any other University recognized for this purpose by the Governor; and (ii) possess a thorough knowledge of Hindi written in the Devanagari script.

11. 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 recruitment to the Service.

12. Character.

- The character of a candidate for recruitment to the Service must be such as may render him suitable in all respects for employment in the Service. The Governor shall satisfy himself on this point. Note.-Persons dismissed by the Union Government or a State Government will be deemed to be ineligible for appointment.

13. Bigamous marriage.

- A man who has more than one wife living, or a woman who has married a man already having a wife living, shall not be eligible for appointment to the Service :Provided that the Governor may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

14. Physical fitness.

- No person shall be appointed as a member of 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 as a member of the Service. Before a candidate is finally approved for appointment to the Service, he shall be required to pass an examination by a Medical Board, which will be conducted after he has passed the competitive examination. Regulations for the medical examination are given in Appendix B.

Part V – Procedure for Recruitment

15. Application for permission to attend the examination.

(1) Applications for permission to sit at the competitive examination shall be called for by the Commission, and shall be made in the prescribed form which may be obtained from the Secretary to the Commission. (2) Admission to the examination. - No candidate shall be admitted to the examination unless he holds a certificate of admission granted by the Commission.

16. Fees.

- Candidates for recruitment to the Service must pay to the Commission and to the President of the Medical Board such fees as may from time to time be prescribed by the Governor. No claim for refund of these fees will be entertained. Note.-The scale of fees at present prescribed is given in Appendix C.

17. Admission to the Viva Voce, etc.

- After the marks obtained by the candidates in the written test have been received, a consolidated list of the candidates shall be prepared in order of merit and laid before the Commission. The list shall show neither the roll numbers nor the names of the candidates, but shall only give the serial numbers in order of merit and the total marks obtained by each specifying such of them, if any, as belonging to the Scheduled Castes. The Commission shall call for interview as many candidates as have shown their suitability for appointment in the written test and shall award marks up to a maximum of 150. The marks so awarded shall be added to the marks obtained in the written examination.

18. Syllabus.

- The syllabus and the rules relating to the competitive examination will be prescribed from time to time by the Commission with the approval of the Governor. Note.-The subjects and the syllabus at present in force will be found in Appendix D.

Part VI – Appointment, Probation and Confirmation

19. Waiting List of Candidates.

(1) The Commission shall prepare a list of the candidates in order of merit as disclosed by the aggregate marks obtained by each candidate. If two or more candidates obtain equal marks in the aggregate, the Commission shall arrange them in order of merit on the basis of their general suitability for the Service. (2) Subject to the provisions of Rules 6 and 14, the Governor shall select the candidates who stand highest in order of merit in the list prepared by the Commission under clause (1) of this rule, provided that they are duly qualified in other respects under these rules.

20. Appointment.

(1)The Governor shall make appointments to the Service on the occurrence of substantive vacancies by taking candidates in the order in which they stand in the list, prepared under Rule 19 (2).(2)The Governor shall make appointments in temporary and officiating vacancies also from the list referred to above. But if no candidate is available in that list, he may make appointments in such vacancies from persons possessing the necessary qualifications prescribed under these rules.(3)All appointments made under this rule shall be notified in the Official Gazette.

21. Seniority.

- The seniority of candidates recruited in any year shall be determined in the Service inter se according to their position in the merit list drawn up under Rule 19 (1):Provided that in the case of those who are already in Service when these rules come into force, seniority will be in the order of preference, as arranged by the Commission:Provided further that in the case of those who are already in Service when these rules came into force and whose position in order of preference has not been determined by the Commission, seniority will be determined by the date of their appointment either as Revenue Officer as judicial Magistrate as the case may be, and if two or more candidates were appointed on the same date, their seniority inter se will be determined by the date of their birth.Note.-A candidate may lose his seniority if he does not join the Service without valid reasons, when a vacancy is offered to him.

22. Probation.

(1)Every candidate on appointment to the Service in or against a substantive vacancy shall be placed on probation for two years, provided that the Governor may extend the period of probation up to a specified date in individual cases.(2)If it appears at any time during or at the end of the period of probation or extended period of probation that an officer has not made sufficient use of his opportunities, or has otherwise failed to give satisfaction, he may be removed from Service without entitling him to any compensation.(3)Continuous Service rendered in an officiating or temporary capacity in a post included in the cadre of the Service may be taken into account in computing the period of probation.

23. Confirmation.

(1)A probationer shall be confirmed in his post at the end of his period of probation or extended period of probation if the Commission reports that he is fit for confirmation and that his integrity is certified, and the Governor is satisfied that he is otherwise fit for confirmation.(2)All confirmations under this rule shall be notified in the Official Gazette.

Part VII – Pay

24. Scale of pay.

- The scale of [pay] [See now Revised Pay Scale.] admissible to a person appointed to a post in the cadre of the Service whether in a substantive or officiating capacity or as a temporary measure shall be Rs. 250-25-400-30-490-E.B.-30-640-E.B.-30-700-50-850, with a starting pay of Rs. 300 per mensem.

25. Pay during probation.

- Notwithstanding any provisions in the Fundamental Rules to the contrary, a member of the Service shall draw during the period of probation increments as they accrue provided that his work is reported to be satisfactory. Provided further that if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the Governor directs otherwise.

26. Criteria for crossing efficiency bars.

(1) No member of the Service shall be allowed to cross the first efficiency bar unless he is found to have worked satisfactorily and unless his integrity is certified. (2) No member of the Service shall be allowed to cross the second efficiency bar unless he is found to have worked with distinct ability and his integrity is beyond question.

Part VIII – Other Provisions

27. Canvassing.

- No recommendation for recruitment, either written or oral, other than that required under these rules, shall be taken into consideration, and any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will make him liable to disqualification.

28. Regulation of pay, allowances, leave and other conditions of Service.

- Except as provided in these rules, the pay, allowances, pension, leave and other conditions of Service of the members of the Service shall be regulated by the rules made by the Governor under Article 309 of the Constitution and pending the issue of such rules by the rules made applicable by Notification No. A-5822/X-303, dated November 14, 1930, and No. G-698/X-534 (44), dated July 16, 1937, and by those made by the Governor under Section 241 (2) (b) of the Government of India Act, 1935, and continued in force by Article 313 of the Constitution.

29. Relaxation from the conditions of Service.

- Where the Governor is satisfied that the operation of any rule regarding the conditions of Service of the members of the Service causes under hardship in any particular case, he may, in consultation with the Commission, notwithstanding anything contained in the 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 they may consider necessary for dealing with the case in a just and equitable manner. Appendix A (See Rule 6) In pursuance of the provisions of clause (4) of Article 16 and of Article 335 of the Constitution, the Governor is pleased to order that, consistently with the maintenance of efficiency of administration-(i) the interest of the backward classes shall in general be borne in mind in making appointments; and (ii) there shall be a general reservation of 18 per cent of vacancies for members of the Scheduled Castes in making appointments to services and posts in connection with the affairs of the State of Uttar Pradesh : Provided that if in any one year candidates of the Scheduled Castes fail to be recruited to any Service or establishment to the extent of 18 per cent, the deficiency shall be made good in the recruitment to the Service or establishment concerned in the following year : Provided further that the reservation on account of the deficiency shall not be carried forward for more than two years. Appendix B (See Rule 14) Regulation for the Medical Examination of candidates for appointment to the Uttar Pradesh Judicial Officers' Services

1. To be passed as fit for an appointment under Government in Uttar Pradesh a candidate must be in good mental and bodily health, and free from any physical defect likely to interfere with the efficient performance of the duties of his appointment.

2. The following table of correlation of age, height and chest girth is to be used as guide, in the examination of candidates of European race. It is not applicable to candidates of Indian or mixed race.

Physical equivalents

| Age last birth day | Height without shoes | Girth when fully expanded | Chest range of expansion not less than |
|--------------------|------------------------|---------------------------|--|
| 16 | 62 and under 62 inches | 32 ½ | 2 |
| | 62 and under 65 inches | 33 ½ | 2 |
| | 65 and under 68 inches | 33 ½ | 2 |
| | 68 and under 72 inches | 34 | 2 |
| | 72 and upwards | 34 ½ | 2 |
| 17 | 62 and under 65 inches | 33 ½ | 2 |
| | 65 and under 68 inches | 34 | 2 |
| | 68 and under 72 inches | 34 ½ | 2 |
| | 72 and upwards | 35 | 2 |

| | | | |
|----------------|----------------------------|--------|----|
| 18 | 62 and under 65 inches | 34 | 2 |
| | 65 and under 68 inches | 34 1/2 | 2 |
| | 68 and under 72 inches | 35 | 2 |
| | 72 and upwards | 35 1/2 | 2 |
| 19 | 62 1/2 and under 65 inches | 34 1/2 | |
| | 65 and under 68 inches | 34 1/2 | 2 |
| | 68 and under 70 inches | 35 | 2 |
| | 70 and under 72 inches | 35 1/2 | 2 |
| | 72 and upwards | 36 1/2 | 2 |
| 20 | 62 1/2 and under 65 inches | 34 1/2 | 2 |
| | 65 and under 68 inches | 34 1/2 | 2 |
| | 68 and under 70 inches | 35 | 2 |
| | 70 and under 72 inches | 35 | 2 |
| | 72 and upwards | 35 1/2 | 2 |
| 21 and upwards | 62 1/2 and under 65 inches | 36 | 2 |
| | 65 and under 68 inches | 34 1/2 | 2 |
| | 68 and under 70 inches | 35 | 2 |
| | 70 and under 72 inches | 35 1/2 | 2 |
| | 72 and upwards | 36 1/2 | 22 |

3. The candidate's height will be measured as follows. He will remove his shoes and be places against the standard with his feet together and the weight thrown on the heels and not on the toes or outer sides of the feet. He will stand erect without rigidity and with the heels, calves buttocks and shoulder touching the standard, the chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in inches and parts of an inch to quarters. No fixed limit of height is however, enforced.

4. The candidates' chest will be measured as follows. He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blade behind, and its lower edge the upper parts of the nipples in front. The arms will then be lowered to hand loosely by the side, and care will be taken that the shoulders are not thrown upwards so or backwards as to displace the tape. The candidate will then be directed to

take a deep inspiration several times and the maximum expansion of the chest will be carefully noted.

The minimum and maximum will then be recorded in inches 33-35, 34-36-1/2 etc. In recording the measurements, fractions of less than half inch should not be noted.

5. The candidate will also be weighed and his weight recorded in pounds. Fractions of a pound should not be noted.

6. (a) The examination for determining the acuteness of vision includes; two tests; one for distance, the other for near vision. Snellen's test types will be used for the test for distance vision, without glasses at a distance of 20 feet and for the test for near vision, without glasses at any distance selected by the candidates. The standards of the minimum acuteness of vision which will be used for guidance in the examination of a candidate are as follows :

Standard I

| | |
|------------------------|-----------|
| Right eye | Left eye |
| Distant vision=6/6 | V=6/6 |
| Near vision-Reads: 0.6 | Reads 0.6 |

Standard II

| | |
|-----------------------|--|
| Better eye | Worse eye |
| Distant vision-V=6/6 | V, without glasses, not below 6/60 and after correction with glasses not below [6/24] [Temporarily lowered to.] |
| Near vision-Reads 0/6 | Reads 1. |

Standard III

| | |
|--|--|
| Better eye | Worse eye |
| Distant vision V, without glasses-not below 6/24 and after correction with glass-not below 6/6 | V, without glasses, not below 6/24 after correction with glasses-not below 6/12. |
| Near vision-Reads 0.8 | Reads 1 |

(b) Each eye must have a field of vision as tested by hand movement. (c) Squint or any morbid condition of the eyes or of the lids or of either eye liable to the risk of aggravation on recurrence will cause the rejection of the candidate. (d) Each eye will be examined separately and the lids must be kept wide open during the test. (e) Inability to distinguish the principal colours will not be regarded a cause for rejection, but the fact will be noted in the proceedings and the candidate will be informed. (f) The degree of acuteness of vision of all candidates for appointments will be entered in the proceedings in the following manner : V. R. =; with glasses =; Reads..... V. L. =: with glasses =; Reads..... (g) In cases of serious abnormality the opinion of

an ophthalmic specialist should be obtained.

7. The urine (passed in presence of the examiner) should be examined and the result recorded.

8. The following additional points should be observed.

That the candidate's hearing in each ear is good and that there is no sign of disease of the ear :A candidate who can hear a forced whisper at a distance of ten feet his back towards the examiner should be considered fit. Each of his ears should be tested separately, the other being plugged with oiled wool for the time being. When any defect is found it must be noted in the certificate and the medical examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated. Form of Declaration As To Health To Be Completed By Candidates Examined By Medical Board Medical Examinations by Medical Board Statement by candidate for appointment as.....The candidate must make the statement required below prior to his examination by a Medical Board, and must sign the declaration appended thereto in the presence of that Board :

- | | | |
|----|--|---|
| 1. | State your name in full (in BLOCK letters) | |
| 2. | State place of birth | |
| 3. | State your age and date of birth | |
| 4. | Furnish the following particulars concerning your family: | |
| | Mother's age, if living and state of health | Number of sisters living their ages and state of health |
| | Mother's age at death and cause of death | Number of sisters dead, their ages at death and cause of death |
| | Father's age, if living and state of health | Number of brothers living their ages and state of health |
| | Father's age at death and cause of death | Number of brothers dead, their ages at death and cause of death |
| 5. | Have any of your near relations suffered from tuberculosis (consumption, scrofula, cancer, asthma, fits, epilepsy, insanity or any other nervous disease)? | |
| 6. | Have you ever been abroad, where and for what period and how long since? | |
| 7. | Have you ever served in the Navy, Army, Air Force or in any Government Department? | |

- Have you ever been examined-(a) for Life Insurance or/and (b) by any Government Medical Officer of State Medical Board,
 8. Civil or Military? If so, state details and with what result?
9. Have you ever-
 (a) had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, inflammation of lungs, pleurisy, heart disease, fainting attacks,
 rheumatism, appendicitis, epilepsy,
 insanity, or other disease, nervous disease, discharge from or other disease; of the ear, syphilis, gonorrhoea; or
 (b) had any other disease or injury which required confinement to bed or medical or
 surgical treatment; or
 (c) undergone any surgical operation; or
 (d) suffered from any illness, wound or injury sustained while on active service with His Majesty's Forces during the war which began
 in 1914?
10. Have you ruptured?
11. Have you varicocele, veins, or piles?
12. Is your vision in each eye good? Candidates who wear spectacles are requested to bring the
 prescription of their glasses with them.
13. Is your hearing in each ear good?
14. Have you any congenital or acquired malformation, defect or deformity?
15. When were you last vaccinated?
16. Is there any further matter concerning your health not covered by the above questions which should be communicated to the Medical Board?

Declaration of Candidate (To be signed in presence of Medical Board) I declare all the above answers to be to the best of my belief, true and correct. I willfully reveal to the Medical Board all circumstances within my knowledge that concern my health and fitness for the appointment for which I am a candidate. I am fully aware that by wilfully suppressing any information I shall incur the risk of not obtaining the appointment or of losing it, if granted.

.....

Signed in presence of- Candidate's signature

Date.....

Chairman of Medical /Board

Report of Medical Board

| Questions | Answers | Remarks |
|---|---------|---------|
| 1. Has the declaration above been signed by the candidates? | | |
| 2. Are there any evidences of malformation congenital oracquired? | | |
| 3. Is he free from scars and has he the full use of all hislimbs? | | |
| 4. Are there any indications of decided eachectic or diatheticstate of constitution? | | |
| 5. Has the candidate been satisfactorily vaccinated within thelast seven years? | | |
| 6. Are there any signs of disease of the nervous system? | | |
| 7. Is the hearing good? | | |
| 8. Is the sight good? | | |
| 9. Is the speech good as regards articulation? | | |
| 10. Are there any signs of diseases of the bones, joints or partsconnected therewith? | | |
| 11. Is there any important affection of the skin? | | |
| 12. Are the heart and arteries healthy? | | |
| 13. Has the candidate haemorrhoids, varicocele or otheraffections of veins? | | |
| 14. Is there any evidence of disease of the respiratory organs? | | |
| 15. Are there any signs of disease of the digestive organs? Arethe teeth seriously decayed or otherwise defective? | | |
| 16. Is the candidate free from rupture? | | |
| 17. Is there any indication of disease of the genital organs? | | |
| 18. Is the urine free from (1) albumen. (2) sugar? Is the urineotherwise normal? | | |
| 19. Is there anything in the health of the candidate likely torender him unfit for the efficient discharge ,of the duties of? | | |
| 20. Do you consider the candidate in all respects qualified forthe efficient and continuous discharge of the duties of? | | |

Date.....Signature of Chairman of Medical BoardAppendix C(See Rule 16)Scale of fees to be paid by the candidates for recruitment to the Uttar Pradesh Judicial Officers Service by combined competitive examination for recruitment to the U.P. Judicial Officers' Service and the U.P. Civil Service (Judicial Branch)Candidates must pay the following feesA-To the Commission-

Application fee- (i) Rs. 2 with the requisition for application form,

(ii) Rs. 5 with the application form.

Rs. 52 if the candidate wants to be considered for one service only, and another Rs. 15, if he wants to be considered for both the services. The fee payable by the Examination fee- Scheduled Castes candidates would be Rs. 32 for one service and Rs. 42 for both the services.

B - To the President of the Medical Board. - (Only in the case of candidates who are asked to appear before the Board) Rs. 16 before examination by the Medical Board. Appendix D (See Rule 18) Syllabus for competitive examination for recruitment to the Uttar Pradesh Judicial Officers Service The examination will include the following subjects, each subject will carry the number of marks, shown against it:

| Subject | Marks |
|-----------------------------------|-------|
| 1. Present Day | 150 |
| 2. Language | 100 |
| 3. Law I (Procedure and Evidence) | 300 |
| 4. Law II (Rent and Revenue Law) | 150 |
| 5. Law III (Indian Penal Code) | 150 |
| 6. Personality Test | 150 |

(1) Present Day.-This paper is designed to test the candidate's knowledge of what is happening in India and the World generally at the present day, particularly in legal sphere. Question, the answers to which should be in essay form, will relate mainly to Jurisprudence. International Law, Neutrality, Recent Legislation, particularly Indian Constitution Law and Developments, especially on their legal aspect and so on, but will not be confined to them. Credit will be given both for substance and expression, conversely deduction will be made for bad expression, including faults of grammar, misuse of words etc. (2) Language.-There will be one paper in two parts. The first will contain a passage in English, which will be required to be translated into the ordinary language spoken in courts using the Devanagari script, and some other questions, in order to test knowledge of Hindi. In the second part, two passages; one in Hindi in Devanagari script and another in Urdu in Persian script, will be chosen or prepared by the Commission and will be lithographed. The candidate will be required to transliterate one of the two passages he may choose as original into the script of the two other passage; time will be restricted in order to test fluency. Out of the 100 marks allotted for the paper on language, 60 will be allotted to the first part and 40 to the second. (3) Law-Procedure and Evidence.-The field will be that covered by the Law of Evidence, the Criminal Procedure Code and the Code of Civil Procedure, including the Principles of Pleading. The question set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgements and the conduct of cases generally but will not be restricted to them. (4) Law-Rent and Revenue Law.-Questions will be set on the U.P. Land Revenue Act and the U.P. Zamindari Abolition and Land Reforms Act. (5) Law-Indian Penal Code.-No syllabus has been prescribed but the standard of knowledge required of candidates will be that which Law graduates usually possess. Notes.- (i) The candidates will be expected to be acquainted with the latest ruling on important matters in answering all the question papers on Law. (ii) Papers (1), (3), (4) and (5) may be answered in English or in Hindi in the Devanagari script. (6) Personality Test.-The suitability of a candidate for employment as Judicial Officer will be treated with reference to his record at school, college and University and his personality, address and physique. The questions

which may be put to him may be of a general nature and will not necessarily be of an academic or legal nature. Notes.-(i) The marks obtained in the Personality Test will be added to the marks obtained in the written papers and the order of merit will depend on the aggregate of both (ii) The Commission reserve the right to refuse to call for Personality Test any candidate who has not attained such marks in the three Law papers as to justify such a call or who does not possess a thorough knowledge of Hindi written in Devanagari script.