

Bihar Civil Court Staff (Class III and Class IV) Rules, 1992

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Rule

BIHAR-CIVIL-COURT-STAFF-CLASS-III-AND-CLASS-IV-RULES-1992 of 1992

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Bihar Civil Court Staff (Class III and Class IV) Rules, 1992Published vide Notification No. 292 Misc. dated 30-10-1992 framed by the High Court of Judicature at Patna Published in Bihar Gazette (Extraordinary) dated 17-10-1992In exercise of the powers conferred upon it under Article 235 of the Constitution of India, the High Court has been pleased to frame the following rules, namely, the Bihar Civil Court Staff (Class III and Class IV) Rules.

1. Short title.

- These Rules may be called, "the Bihar Civil Court Staff (Class III and Class IV) Rules, 1992".

2.

These Rules shall come into force on and from the date to be notified by the High Court.

3. Definition.

(a)'Appointment Committee' means the Committee constituted under Rule 26 of these Rules;(b)'Co-ordination Committee' means a Committee constituted under Rule 11 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 6 hereinafter;(e)'High Court' means the High Court of Judicature at Patna;(f)'Selection Committee' means the Committee constituted under Rule 10 of these Rules;(g)'Services' means Class III and Class IV employees of the Subordinate

Courts;(h)'Standing Committee' means the Standing Committee of the High Court constituted under Chapter I of the Patna High Court Rules.

4.

These Rules shall be supplemental and in addition to the existing Rules and/or orders, governing the conditions of service of Class III and Class IV employees employed in the Civil Courts in the State of Bihar.

5.

These Rules shall apply to all persons holding any post in the Service, whether temporary or permanent.

6.

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 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 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/Subdivision 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 Class IV Employees (a) Orderly Peons/Office Peons (b) Malis (c) Waterman (d) Sweeper (e) Night-guard (f) Driver of the staff car (g) Daftary. Mode of Recruitment of Class IV Employees

7.

(a) 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 Head quarters as also Sub-divisional Head quarters, if any. (b) Such vacancies shall also be advertised in two daily newspapers having wide circulation in the concerned district, one of which must be in Hindi. Mode of Recruitment of Class III Staff

8.

All Class III posts shall generally be filled up in the following manner: -

9.

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 -

- (1) Patna Zone ... Patna, Bhojpur, 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.

10.

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 seniormost District Judges of each Zone shall be the Chairman of the respective Zonal Selection Committee.

11.

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 senior-most District Judge among the members of the Co-ordination Committee shall be its Convenor.

12.

The members of the Co-ordination Committee, may 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 examinations.

13.

All the vacant posts shall be advertised by the Co-ordination Committee at least in two daily news papers having wide circulation in the State of Bihar. One of such news papers must be in Hindi.

14.

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 place(s) opted for by him.

15.

The Co-ordination Committee, if necessary, may screen candidates on the basis of marks obtained by them in the Board/University examination and after such screening only a limited number of candidates may be called to take the written examination.

16.

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 undertake the conduct of such examinations for selection/appointment of candidates in public or private sector/organisations.

17.

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.

18.

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 examination.

19.

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 has been entrusted.

20.

The written test/tests in typing and shorthand 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.

21.

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.

22.

The aforesaid panel shall remain valid for a period of two years.

23.

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.

24.

The Co-ordination Committee may form different panels for different types of posts, namely, (1) Assistant, (2) Stenographer and (3) Typist etc.

25.

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.

26.

In each district, there shall be an Appointment Committee comprising of the District Judge and two senior most Additional Judges in that 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 one 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 i the Appointment 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.

27.

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.

28.

The Appointment Committee may lay down the criteria regarding physical fitness of the candidates.

29.

The selection of the candidates shall be made on the basis of an interview to be held by the Appointment Committee.

30.

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 newspapers published from the concerned District Headquarters, if any. In the advertisement the number of vacant posts in each category as for example, Clerks, Typists, Stenographers, etc. shall clearly be specified.

31.

All appointments shall be made from the merit list prepared on the basis of the written examination and the oral interview. Only those candidates shall be called for interview who secure the qualifying marks in the written examination as prescribed by the Appointment Committee.

32.

All candidates must pass the written examination as also the interview held for the purpose of selection.

33.

The Appointment Committee shall get the written examination conducted including evaluation of answer papers done by any reputed professional management group or agency, who normally hold recruitment tests for public or private sector organisation. Appointment by promotion

34.

The appointment to Class III posts by promotion from Class IV posts shall also be made by the Appointment Committee on merit-cum-seniority basis.

35.

Twenty per cent of 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.

36.

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. General Rules for Appointment

37.

All candidates shall fill up the application for appointment for the posts for which they are eligible in their own hand and shall furnish particulars as may be specified in the advertisement.

38.

Each candidate shall enclose along with his application a postal order for a sum of Rs. 25 payable to the Registrar of the High Court at Patna.

39.

The candidates shall affix their latest photographs in passport size along with their applications which must be attested by a Gazetted Officer.

40.

Recruitment of candidates shall be subject to the general rules for a appointment as contained in these rules.

41.

All appointments would be subject to such directions as may be issued by the High Court from time to time. Educational Qualification

42.

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 a 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. Qualification for recruitment of Class IV staff

43.

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. Security

44.

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. Age-Qualification

45.

No person shall be eligible for appointment by direct recruitment to any of the posts in the services unless he has completed minimum 18 years of age and has not completed 30 years of age, on the date of the advertisement, or any other age as may be 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. In case of candidates belonging to Scheduled Castes and Scheduled Tribes, the upper age limit, as on the date of advertisement, shall be 35 years. Probation

46.

All persons appointed to any category shall from the date on which he joins duty shall be on probation for the period as follows :-(a) If recruited directly for a total period of two years duty within a continuous period of three years. (b) 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.

47.

The services of candidates may be terminated 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. Test

48.

A person appointed in any of the categories 1 and 2 above, for promotion to Junior Selection Grade and Super time scale, shall have to pass such departmental examination as may be specified by the

High Court from time to time.

49.

The District Judge shall hold such tests as may be directed by the High Court from time to time.

50.

Posting of Class III Staff -(i)No Assistant should be appointed as a Bench Clerk unless he has completed five years of service.(ii)No Assistant 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.(iii)If an Assistant, 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.(iv)Ordinarily, no one should be employed in the Copying Departments as Comparing Clerk for more than three years.

51.

A candidate shall not be allowed to cross the efficiency bar or promoted to the Junior Selection Grade or to a Supertime Scale in service unless he qualifies in the examination as may be prescribed by the High Court.Reservation

52.

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 but such policy of reservation shall not be followed in the case of appointment by promotion or by transfer.Transfer

53.

Transfer of the employees (inter district or intra district) shall be made in the following manner :- (a)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.(b)Employees at his own request may be transferred to another judgeship, provided however, that in such a case, his position shall be last in the concerned gradation list of categories of such employee in the transferred judgeship.(c)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.(d)The District Judge may effect transfer within his own jurisdiction including the transfer of officer bearers of any Association or Union.Disciplinary Action

54.

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 Services (Discipline and Appeal) Rules, 1935. Appeal

55.

(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. I in case of a minor penalty.

56.

All procedures for holding departmental proceeding, imposition of penalty, disposal of appeal, etc., shall be governed by such statutory rules as are applicable to the employee concerned. Extension of Service

57.

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 recommendations 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 in 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.

58.

The District Judge may subject to prior concurrence of the Standing Committee of the High Court re-employ any person who has superannuated if the same is necessary for administrative exigencies. The request of the District Judge may be disposed of expeditiously. Promotion

59.

Appointment to the higher grade of the ministerial establishment should ordinarily be made by seniority from lower grade provided they possess the prescribed education and other qualifications as laid down in these Rules and are otherwise fit to perform the duties attached thereto and pass the tests, if any, prescribed under these Rules.

60.

A 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 1 ½ 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 procedure and on such other papers as may be prescribed by the High Court from time to time.

61.

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 minute 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.

62.

Before a Clerk is promoted to the Junior Selection Grade he will have to pass an examination in -(a) Civil Court and Criminal Court rules framed by the High Court; (b) Accountancy; (c) Knowledge of drafting of correspondence and order-sheets; and (d) Practice and procedure.

63.

A clerk before his promotion to Supertime scale shall have to pass an examination on procedure (Civil and Criminal), Stamp Act, Court-fees Act, Suit, Valuation Act, correspondence and noting and drafting. Junior Selection Grade Typist/Stenographers may be transferred to the posts of Clerks if they pass the necessary examinations as mentioned hereinbefore.

64.

If suitable persons are not available for promotion to the Super time scale of clerk it would be open to the 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 recognised University and also degree in Bachelor of Law. Special Qualification

65.

No person shall be eligible for promotion to the posts specified hereto below unless he possesses the qualifications prescribed hereinbelow -(i) Sheristadar of the District Judge must pass a Sheristadar's test as prescribed by the High Court; (ii) Head Clerk of the District Judge must pass a Sheristadar's test as prescribed by the High Court; (iii) Sheristadar of any other Court and Accountant must pass the tests prescribed therefor by the High Court.

66.

A candidate for the direct recruitment in the post of Supertime scale of clerk as Sheristadar and Head clerk of the District Court 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. Revision of orders of promotion

67.

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.

68.

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.

69.

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. General orders regarding discipline

70.

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. Relaxation

71.

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. Residuary clause

72.

Nothing in these Rules shall be deemed to affect power of the High Court to make such order from time to time, as it may deem 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. [General letter No. 1 of 1997, dated 31-7-1997 (Civil) From : Manohar Lal Visa, Registrar General of the High Court of Judicature at Patna. To, all the District & Sessions Judges in Bihar and the Judicial Commissioner of Chotanagpur, Ranchi.] Subject. - Regarding payment of compensation amounts to the Parties concerned in Land Acquisition Cases. I am directed to say that it has come to the notice of the Court that serious lapses are committed in the matter of payment of money deposited in favour of land holders in Land Acquisition cases. The Court, after careful consideration of the matter, have been pleased to direct the Presiding Officers concerned dealing particularly with Land Acquisition cases in all the Judgeships to follow the rules as contained in Part X Chapter 1 Accounts Rules (Judicial) of the Civil Court Rules Volume 1 (4th Edition) in respect of receipt and payment of compensation amounts to the parties concerned. It is further directed that henceforth, such payments shall be made only to the parties concerned after proper verification and identification and should not be made to their lawyers under any circumstances. The above instruction should be strictly followed in future by all concerned.