

Patna High Court Establishment (Appointment) Rules, 1997

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Rule

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Patna High Court Establishment (Appointment) Rules, 1997Published vide Notification No. S.O. 60R, dated 31.1.1997Last Updated 26th December, 2019S.O. 60R dated 31.1.1997. - In exercise of the powers conferred on the Chief Justice of the High Court under Article 229 of the Constitution of India I., D.P. Wadhwa, Chief Justice of the High Court of Judicature at Patna hereby make the following Rules regulating the appointment in the establishment of the Patna High Court: -

1. Short title.

- These Rules shall be called the Patna High Court Establishment (Appointment) Rules, 1997.

2. Commencement and application.

(a)These Rules shall come into force from 1st February 1997.(b)These Rules will also apply to the post (s) for which advertisement has already been issued or names have already been called for from the Employment Exchange or selection process has started, but no appointment has been made on the date these Rules come into force.

3. Applicability.

- These Rules shall apply to all the officers and employees of the High Court.

4. Definitions.

- Unless there is anything repugnant in the subject or context in the Rules -(a)"Board" means any recognised institution conducting examinations upto intermediate standards or awarding diplomas as may be declared by the Chief Justice to be so recognised for the purpose of these Rules;(b)"Cadre" means the strength of the service or part of a service sanctioned as a separate unit as shown in Schedule;(c)"Chief Justice" means the Chief Justice of High Court of Judicature at Patna;(d)"Establishment" means the establishment of the office of the High Court at Patna and Ranchi Bench;(e)"Ex-cadre Posts" means posts described as such in the Schedule.(f)"Governor" means the Governor of the State of Bihar;(g)"Grade" means the scale of pay in which a person is working but does not include time bound promotion for the purpose of seniority;(h)"High Court" means the High Court of Judicature at Patna;(i)"Officer" means officer appointed from the staff of the High Court and includes officers on deputation;(j)"prescribed" means prescribed by these Rules;(k)"Recognised University" means any University incorporated by law in India or any other University/Institution which is declared by the Chief Justice to be a recognised University for the purpose of these Rules;(l)"Schedule" means schedule of these Rules;(m)"State Government" means the Government of the State of Bihar.

5. Establishment.

- The establishment of the High Court shall consist of posts shown in the Schedule and such other posts as may be created by the Chief Justice:Provided that the Chief Justice may appoint such number of officers, employees including daily wage employees as may be necessary for the proper working of the High Court within the budgetary provision:Provided further that the Chief Justice may allow the employee already working on daily wage basis to continue in the establishment of the High Court till further orders.

6. Appointing Authority.

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

7. Condition and eligibility for appointment.

- A person shall be eligible for appointment in the establishment of the High Court who -(a)is a citizen of India;(b)is medically fit;(c)is of good character and antecedent;(d)possesses the prescribed educational and other qualifications as mentioned in the Schedule from recognised University/Board;(e)is not 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 for members of Scheduled Caste/Scheduled Tribe shall be relaxable by 5 years:Provided further that age

limits shall not apply to a person already serving in the establishment of the High Court including daily wage employees or those working in the Courts subordinate to the High Court or placed on deputation.

8. Appointment.

- Appointment to the posts in the establishment shall be made according to the qualification and in the manner prescribed in the Schedule.

9. Mode and Qualification for appointment.

- In the case of direct recruitment the following procedure shall be followed: -(a)Application shall be called for after issuance of Advertisement and/or calling for names from the Employment Exchange or such other procedure as may be prescribed by the Chief Justice:Provided that in the matter of direct recruitment to posts limited to the employees and daily wage employee of the High Court the aforesaid procedure may not be followed.(b)A select list/panel shall be prepared after consideration of cases of all eligible candidates on the basis of a test and interview or on the basis of marks obtained by the candidate at a particular level of examination and interview and/or any other method as may be decided by the Chief Justice. 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.Posts falling vacant during the currency of the panel, may be filled up from the same panel.(c)In case of promotion the mode as shown in the Schedule 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.With respect to Class III employees, the mode as prescribed in the Schedule shall be followed. Such promotion may be made by the Registrar General subject to guideline as may be issued by the Chief Justice.(d)Appointment to Class IV posts shall be made by the Registrar General unless the Chief Justice otherwise direct, in the following manner: -(i)By absorption in the manner as prescribed in the Schedule.(ii)By deputation of a person serving in any other High Court or Court subordinate to High Court:Provided that appointment to the rest of 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.

10. Nature of appointment.

- Appointment to posts specified in the Schedule other than the posts of Principal Secretary to the Chief Justice-cum-Deputy Registrar and the Additional Secretary to the Chief Justice may be substantive or on probation or on officiating or temporary or ad hoc basis.All appointments/promotions to permanent posts in the establishment shall be on probation for a period of one-year which may be extended for further period of one year. Expiry of the period of probation shall, however, not result in automatic confirmation.Appointment to the posts of Deputy Registrar-cum-Principal Secretary and Additional Secretary to the Chief Justice shall be temporary for such period as may be required by the Chief Justice.

11. Reservation.

- In making direct recruitment posts shall be reserved for the candidates belonging to S.C./S.T. and, woman candidates to the extent of 14%, 10% and 5% respectively. There shall, however, be no reservation in appointment by promotion or absorption or deputation or transfer: 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.

12. Appointment on deputation.

- The Chief Justice may in exigency of service appoint any officer or employee in the establishment on deputation from person serving outside the High 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 or on daily wage basis subject to budgetary provision.

14. Pay and allowances.

- The pay and other allowances of the Officers and employees of the establishment shall be same as are applicable to the corresponding employees of the State Government. Any revision of scale of pay and other allowances made by the State Government from time to time with respect to the employees of the State Government will stand adopted for the purpose of these Rules with respect to the corresponding posts in the establishment: Provided that the present scale of pay of the employees of the establishment as mentioned in Schedule shall not be varied to their disadvantage. Provided further that Officer/employees working on deputation shall continue to draw their own pay and allowances as admissible to their substantive posts.

15. Power to relax Rules.

- The Chief Justice may by order dispense with or relax the requirement of any rule to such extent and subject to such conditions as he may consider necessary in any particular case in exigency of service.

16. Saving.

- Nothing in these Rules shall operate to deprive any person of any right or privilege to which he is entitled by or under any law or by the terms of any contract or agreement subsisting between such person and the High Court.

Schedule

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

		may be prescribed.	
		Class II (Gazetted)	
10.	Administrative Officer, Stamp Reporter.	By promotion from Section Officers on the basis of seniority-cum-merit.	
11.	Commissioner for Oaths and Affidavits.	By promotion from Section Officers/Translation Officers on the basis of seniority cum merit.	
12.	Deputy Director of Translation.	By promotion from Translation Officers on the basis of seniority-cum-merit.	
13.	Supertime Selection Grade P.A.	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.	
14.	Section Officer	By promotion from Senior Selection Grade Assistants on the basis of seniority-cum-merit.	
15.	Translation Officer	By promotion from Translators on the basis of seniority-cum-merit.	
16.	Senior Personal Assistant.	By promotion from Senior Selection Grade P.As. on the basis of seniority-cum-merit and/or on the basis of such test as may be prescribed.	
		Non Gazetted Posts	
16-A.	Court Master (Bench Secretary)	By selection from the cadre of Assistants having 10 years of continuous satisfactory service on the basis of limited competitive test and interview.	
17.	Senior Selection Grade Assistant.	By promotion from Junior Selection Grade Assistants on the basis of seniority-cum-merit.	
18.	Junior Selection Grade Assistant.	By promotion from Assistants on the basis of seniority-cum-merit.	
19.	Assistants	(i) 50% vacancies in a calendar year by direct recruitment. (ii) 25% vacancies in a Calendar year by appointment from Cashier, Assistant Cashier, Court Officer, Assistant Court Officer, Typists, Jr. Selection Grade Typists (both General Department and Copying Department). Ex-cadre Assistants, Pass-distributor, record Suppliers, Treasury Sarkar, Data Operators and PBX Operators; Other class III posts with higher scale of pay if they forego the claim of higher	Graduate.

		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% of the vacancies in a Calendar year by absorption from daily wage employees after completing five years of continuous satisfactory service on the basis of seniority and/or limited competitive test, as may be prescribed; Provided that if suitable candidates are not available in categories (ii) and (iii), the remaining vacancies may be filled by direct recruitment.	Graduate.
20.	Translator	By promotion from Junior Translators on the basis of seniority-cum-merit.	
21.	Junior Translator	By direct recruitment	Graduate.
22.	Senior Selections Grade P.A.	By promotion from Junior Selection Grade P.As. on the basis of seniority cum-merit.	
23.	Junior Selection Grade P.A.	By promotion from Personal Assistant/Stenographer on the basis of seniority-cum-merit, subject to passing the test as may be prescribed.	Graduate.
24.	P.A./Stenographer	By direct recruitment on the basis of shorthand and typewriting test with minimum per minutes speed of 100 words and 40 words respectively. Ex-Cadre/Isolated posts	Graduate.
25.	Librarian	By selection from Assistant Librarian and in case suitable candidate is not available, by direct recruitment.	Graduate and Degrees in Library Science
26.	Assistant Librarian	By direct recruitment	do
27.	Telex Operator	By direct recruitment.	Graduate with Experience in Telex Operating.
28.	Cashier	By selection from Assistant Cashier and in case suitable candidate is not available, by direct recruitment.	Graduate
29.	Assistant Cashier	By direct recruitment	Graduate

30.	Court Officer	(i) By selection from Assistant Courts Officers/Ex-cadre Assistants. (ii) If suitable candidate of category (i) is not available by direct recruitment.	Graduate
31.	Assistant Court Officer/ Ex-cadre Assistant/ Pass Distributor/PBX Operator.	By direct recruitment from the Daily wage employees after completion of two years continuous satisfactory service. (i) 50% by direct recruitment	Matriculation Matriculate, typing speed 40 words per minute in English and 30 words per minute in Hindi.
32.	Typist (Both General and Copying Section).	(i) 50% by direct recruitment from eligible daily wage employees on the basis of seniority.	
33.	Treasury Sarkar	By absorption from regular Class IV employees holding post in the lower scale of pay or from daily wage employee on completion of 5 years of continuous satisfactory service with due regard to seniority.	Matriculation.
34.	Data Operator	(i) By absorption from daily wage employees who have experience of data operating. or (ii) By direct recruitment with proficiency in data operating.	Graduate.
35.	Record Supplier	By absorption 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.	Matriculation
36.	Daftary	Knowledge of pasting and binding (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.	Ability of reading and writing in English and Hindi.
37.	Staff Car Driver	1. (a) By absorption from daily wage employees on completing minimum two years satisfactory service, having due regard to seniority.	Having valid driving licence and possessing qualification

			prescribed under any law.
		(b) In absence of daily wage employee by directrecruitment.	
		2. On passing a test as may be prescribed.	
38.	Duplicating Machine Operator.	(a) By absorption from daily wage employees oncompleting minimum two years satisfactory service having dueregard to seniority.	Matriculation with knowledge of handlingduplicating Fax and photocopy machines.
		(b) In absence of daily wages employee by directrecruitment.	
39.	Generator Operator	(a) By absorption from daily wage employees oncompleting minimum two years satisfactory service, having dueregard to seniority.	Ability to operate Generator efficiently.
		(b) In absence of daily wage employee by directrecruitment.	
40.	Mali	By absorption from daily wage on completingminimum two years service having due regard to seniority.	Proficiency in Gardening. Literate havingknowledge of cycling.
41.	Peon	By absorption from daily wage on completingminimum two years service having due regard to seniority.	Literate having knowledge of cycling.
42.	Chaukidar		
43.	Water supplier		
44.	Farash		
45.	Sweeper		
Note. - Cycling is not necessary for female candidates.			