

# **The Bihar Civil Court Staff (Class III and Class IV) (Amendment) Rules, 2001**

BIHAR

India

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### **Rule**

### **THE-BIHAR-CIVIL-COURT-STAFF-CLASS-III-AND-CLASS-IV-AMENDMENT of 2001**

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The Bihar Civil Court Staff (Class III and Class IV) (Amendment) Rules, 2001Published vide Notification No. S.O. 84, dated 11th July, 2001, dated 13th July, 2001S.O. 84, dated 13th July, 2001. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Bihar is pleased to amend "The Bihar Civil Court Staff (Class III and Class IV) Rules, 1998, namely :-

### **1. Short title, extent and commencement.**

(1)These Rules may be called "The Bihar Civil Courts Staff (Class III and Class IV) (Amendment) Rules, 2001".(2)It shall extend to the whole State of Bihar.(3)It shall come into force at once."2. Substitution of Rule 2 of the Rules, 1998. - Rule 2 of the Bihar Civil Court Staff (Class III and Class IV) Rules, 1998, shall be substituted by the following :-

### **2. Definitions.**

(a)"Appointment Committee" means the Committee constituted under Rule 5 (ii) of these Rules;(b)"District Judge" means the District Judge in charge of the Judgeship whether comprising of one or more Districts;(c)"Employee" means an employee of Class III and Class IV as specified in Rule 4, hereinafter;(d)"High Court" means the High Court of Judicature at Patna;(e)"Services" means Class III and Class IV employees of the Sub-ordinate Courts;(f)"Standing Committee" means the Standing Committee of the High Court constituted under chapter 1 of the Patna High Court Rules.

### **3. Amendment of Rule 4 of the Rules, 1998.**

- The words and figures "Category 6 (a) Driver of Staff cars" shall be deleted, and under heading "Class IV employee" after "(f) Daftary", "(g) Driver of Staff cars" shall be added.

### **4. Amendment of Rules 5 to 12.**

- Rules 5 to 12 shall be substituted by the following Rules, namely :- "Appointments" 5. (i) Appointing Authority :- The District Judge shall be the appointing authority of Class III and Class IV employees. (ii) Constitution of Appointment Committee :- Appointment Committee shall be constituted consisting of the District Judge and two Senior-most Additional District Judges of the Judgeship or, in case of nonavailability, the other Senior-most Judicial officer. If any member of the Committee declines to continue as member of the Committee for any reason, then in that event, the next Senior-most Judicial Officer in the Judgeship shall be the member of the Committee. (iii) qualification and other eligibility criteria. (A) Class III Employees Educational qualification. - For appointment to the posts of Clerk 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 a certificate in Stenography from any institution recognised by any State Government or the Central Government shall be the requisite qualification, and such eligible Stenographers shall be selected for appointment after holding the Written test/tests. (B) Class IV Employees The candidates must be literate having working knowledge of both Hindi and English languages including reading and writing in the said languages. He should be physically fit and must know Cycle riding. In case of staff car Driver apart from the said qualification, the candidates must have valid Driving licence and possessing qualifications as prescribed under the Law. (iv) Mode of Recruitment of Class III Employees (a) In the month of January of every alternate year, the District Judge will determine the existing vacancies as well as the anticipated vacancies, likely to occur by December of that year and will take steps for filling up such posts in the same month itself. If the vacancies are up to ten, then the same should be filled up by an advertisement published in the local News paper. If the vacancies are more than ten, then it should be advertised in a Hindi News paper of wide circulation being published from Patna. In addition to this, in both the situations, the vacancies shall be notified in the Employment Exchange as well as on the General Notice Board of the Sub-divisional headquarters and District headquarters. (b) While making advertisement for filling up the vacancies of Class III, as the case may be, it will be open for the District Judge to charge from the candidate the fee, payable in such manner as may be indicated in the advertisement with a view to meet the expenses to be incurred in selection and appointment processes. (c) The Selection of the candidates will be made by the Appointment Committee on the basis of the written test followed by viva-voce of the candidates qualifying in the written test. In case of the number of applicants being unmanageable high in relation to the vacancies to be filled up, the Appointment Committee may call a limited number of candidates after screening the applicants by applying some uniform objective criterion, such as the marks obtained in the qualifying examination. (d) The written test/tests in Typing and Shorthand shall consist of 85 marks. 15 marks shall be allotted for viva-voce/personality test and interview (aggregating to 100 marks). For the written test, normally, the qualifying marks will be 45, in case of female candidates and candidates from the reserved

categories the Appointment Committee may make suitable relaxation in the qualifying marks.(e)The written test will consist of four Sections-(i)English language (letter writing, Essay, Precis, Comprehension and Vocabulary) - 20 marks.(ii)Hindi language (letter writing, Essay, Presis, Comprehension and Vocabulary) - 20 marks.(iii)Mathematics (of Matriculation standard) - 25 marks.(iv)General knowledge and current affairs - 20 marks.(f)Absolute confidentiality will be maintained regarding evaluation of the answer books and for that purpose the Appointment Committee will use the process of coding the answer books of the candidates as directed in the circular issued by the High Court in the past or as may be directed by the High Court in future.(g)Candidates securing qualifying marks in the written test will be called for the viva-voce. In case of number of candidates securing qualifying marks in the written test being very high, the Appointment Committee may, having due regard to the number of vacancies to be filled up, call for the viva-voce a limited number of qualified candidates on the basis of marks obtained in the written test. However, 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.(h)After holding viva-voce the select list will be prepared on the basis of marks obtained by the candidates in the written test and the viva-voce. There will be no qualifying marks for the viva-voce.(i)The preparation of the final merit list should normally be completed within three months from the date of issuance of the advertisement. All appointment shall be made from the final merit list. In case of non-joining of the candidates selected for appointment within the time mentioned in the appointment letter, such vacancies shall be filled up from the said list but no appointment in excess of the vacancies advertised shall be made from the said list. The panel shall remain subsisting till the end of the year in which it is prepared and after that it will lapse.(v)Mode of Recruitment of Class IV EmployeesThe vacancies will be determined, notified and advertised in the same manner as in the case of Class III employees and the Selection of the candidates will be made on the basis of the interview only to be conducted by the Appointment Committee and, therefore, the appointment shall be made by the appointing authority. In case of staff car Driver, a test may be prescribed by the Appointment Committee.

**6. Appointment by Promotion. - (i) 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.**

(ii)Twenty percent 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.(iii)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.

**7. General Rules For Appointment. - (i) 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.**

(ii)The candidates shall affix their latest photographs in pass-port size along with their applications, which must be attested by a gazetted officer.(iii)Recruitment of candidates shall be subject to the general Rules for appointment as contained in these Rules.(iv)All appointments would be subject to such directions as may be issued by the High Court from time to time.

**8. 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.**

**9. 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.**

**10. In order to make the rules regarding appointment more effective or to clarify or supplement them the High Court may issue general or special directions from time to time.**

## **5. Amendment of Rule 17 of Rules, 1998.**

- Rule 17 of the Rules, 1998, shall be substituted by the following -"17. Transfer of Class III and Class IV Employees from one Judgeship to another Judgeship as well as within Judgeship.(i)The Standing Committee on the recommendation of District Judge or otherwise may transfer Class III and Class IV employees from one Judgeship to another Judgeship on administrative ground or in public interest.(ii)In case of transfer of employees on request or in case of mutual transfer, the transferee shall be placed at the bottom of the category to which he belongs at the transferred place.(iii)In case of transfer on administrative ground or in public interest, the transferee shall carry his seniority to the transferred place.(iv)The District Judge may transfer Class III and Class IV employees, including the office bearers of the Association or Union, within his jurisdiction."