

**THE KARNATAKA JUDICIAL
SERVICE (RECRUITMENT) RULES, 2004**

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THE KARNATAKA JUDICIAL SERVICE (RECRUITMENT) RULES, 2004

Whereas the draft of the Karnataka Judicial Service (Recruitment) Rules, 2004 was published as required under clause (a) of sub-section (2) of Section 3 read with section 8 of the Karnataka State Civil Services Act, 1978 (Karnataka Act of 1990) by the High Court of Karnataka in Notification No. GOB (1) 217/2004 dated 29-06-2004 in the official Gazette dated 22-07-2004 in part IVA of the Karnataka Gazette dated 22-07-2004 inviting objections and suggestions from all persons likely to be affected thereby.

And, whereas, the said Gazette was made available to the public on 22-07-2004.

And, whereas, no objections or suggestions were received in this behalf by the High Court.

In exercise of the powers conferred upon me by Articles 233, 234 and the proviso to Article 309 of the constitution of India and in consultation with the Karnataka Public Service Commission, I, T.N. Chaturvedi, the Governor of Karnataka hereby make the following rules, namely:

1. Short Title and Commencement.— (1) These rules are called as Karnataka Judicial Service (Recruitment) Rules, 2004.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— In these rules, unless the context requires otherwise –

(a) “Government” means the Government of Karnataka.

(b) “Governor” means the Governor of Karnataka

(c) “High Court” means the High Court of Karnataka

¹[(cc) “In service Candidate” means a candidate working in the
High Court, in the Courts subordinate to the High Court

1. Inserted by Notification No. LAW 234 LAC 2014, dated 12-03-2015 (w.e.f. 12-03-2015).

and the Assistant Public Prosecutors-cum-Assistant Government Pleader working in the Department of Prosecutions and Government Litigation”.]

(d) “Official gazette” means the Karnataka Gazette

¹[(dd)“Orthopaedic Disabled Candidate” means persons having disability with one arm(OA) or one leg (OL) or both legs (BL).”]

(e) “Recruiting Authority” means the High Court of Karnataka

(f) “Service” means the Karnataka Judicial Service.

(g) “State” means the State of Karnataka.

3. Appointing Authority.— The appointing authority for the posts in the cadre of District Judges and ²[Civil Judge] shall be the Governor and for the posts in the cadre of ³[Senior Civil Judge] shall be the High Court.

4. Method of recruitment, qualification and age limit.— In respect of each cadre of posts specified in column (2) of the table below, the method of recruitment and minimum qualification, age limit, etc., shall be as specified in the corresponding entries in columns (3) and (4) thereof.

Sl. No.	Cadre	Method of Recruitment	Qualifications, age limit, etc
(1)	(2)	(3)	(4)
1.	District Judges	(1) ⁴ [65% of the total posts] in the cadre shall be filled by promotion from the cadre of ⁵ [Senior Civil Judge] on the basis of seniority cum merit. (For the said purpose, the High Court shall devise and evolve a test in order to	By direct recruitment:- (1) Must be holder of a decree in law granted by a university established by law in India (2) Must be practising as an advocate in the High Court or in a

1. Inserted by Notification No. LAW 18 LAC 2016, dated 26-04-2016 (w.e.f. 26-04-2016)

2. Substituted for the words "Civil Judges (Junior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)

3. Substituted for the words "Civil Judges (Senior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)

4. The figures and words "50% of the total posts" is substituted by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).

5. Substituted for the words "Civil Judges (Senior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)

		<p>ascertain and examine the legal knowledge of the candidates and to assess their continued efficiency with adequate knowledge of case laws.)</p> <p>¹[(2) 10% of the posts in the service shall be filled by promotion from the cadre of Senior Civil Judge who have put in not less than five years of service as Senior Civil Judge/Civil Judge (Senior Division) and who are within the age group of 35 years and 45 years, strictly on the basis of merit through limited departmental competitive examination held in accordance with the guidelines issued by the High Court. If any of the post is not filled up under this category, the same shall be filled by promotion under item (1).]</p> <p>(3) 25% of the posts in the cadre shall be filled by direct recruitment on the basis of the aggregate marks obtained in a competitive examination (written & viva voce) conducted by the High Court.</p>	<p>subordinate court on the last date fixed for receipt of applications and must have so practised for a period not less than seven years as on such date.</p> <p>²[Provided that Public prosecutor/Assistant public prosecutor/Government counsel in full time employment of the State having not less than seven years of continuous practice immediately preceding the last date fixed for receipt of applications are also eligible for appointment]</p> <p>(3) Must not have attained the age of forty-eight years in the case of candidates belonging to Scheduled Castes or Scheduled Tribes and forty-five years in the case of others, as on the last date fixed for receipt of applications.</p> <p>³[Note: The maximum age limit is relaxed by three years in case of</p>
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1. Substituted by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).
 2. Substituted by Notification No. LAW 18 LAC 2016, dated 26-04-2016 (w.e.f. 26-04-2016).
 3. Inserted by Notification No. LAW 234 LAC 2014, dated 12-03-2015 (w.e.f. 12-03-2015).

			ex-serviceman candidate.]
2.	¹ [Senior Civil Judge]	By promotion from the cadre of ² [Civil Judge] selected by the High court on the basis of seniority cum merit.	Must have been in a cadre of ³ [Civil Judge] for a period not less than five years.
3.	⁴ [Civil Judge]	By direct recruitment on the basis of aggregate marks obtained in a competitive examination (written and viva voce) conducted by the High Court.	⁵ [A.Direct Recruitment] (1) Must be holder of a degree in law granted by a university established by law in India and must have been enrolled as an Advocate. (2) Must not have completed as on the last date fixed for receipt of applications thirty-eight years of age, in the case of a candidate belonging to a Scheduled Caste or Scheduled Tribe and thirty-five years of age in the case of others. ⁶ [Note: The maximum age limit is relaxed by three years in case of ex-serviceman candidates.]

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1. Substituted for the words "Civil Judges (Senior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)
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 6. Inserted by Notification No. LAW 234 LAC 2014, dated 12-03-2015 (w.e.f. 12-03-2015).

			<p>¹[B. Recruitment of in service candidates.- (1) Must be holder of a degree in Law granted by a University established by Law in India.</p> <p>(2) Must not have completed 43 years of age in the case of Scheduled caste/Schedule Tribes and 40 years of age in the case of others, as on the last date fixed for receipt of application.</p> <p>(3) No officer/official in service shall be eligible for appointment as Civil Judge unless he/she is working in the High Court and Courts subordinate to the High Court in the following cadres, namely:-</p> <p>(a) Deputy Registrars,</p> <p>(b) Assistant Registrars /Public Relation Officer/Chief Librarian,</p> <p>(c) Section Officers /Court Officers/Senior Judgment Writers/ Deputy Librarians,</p> <p>(d) Assistant Court Officers/Senior Assistants/Judgment Writers,</p> <p>(e) Stenographers/ FDAs/ Assistant Librarians,</p>

1. Inserted by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 11-7-2011).

			(f) Chief Administrative Officer/Assistant Registrars (g) Sheristedars and Senior Sheristedars (h) Bench Clerks-Grade I and II ¹ [(3) Must have been working, as on the last date fixed for submission of applications,- (a) In the High Court or in the Courts subordinate to the High Court; (b) as an Assistant Public Prosecutors/Assistant Government Pleader in the Department Prosecutions and Government Litigation'.]
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Note (1) :- Direct recruitment to the cadre of District Judges and ²[Civil Judge] shall be subject to any order made under Article 16(4) or 16(4A) of the constitution providing reservation for Scheduled Castes, Scheduled Tribes and other backward classes.

³**[Note (2) :-** In all direct recruitment to the cadre of District Judges and Civil Judges one percent of vacancies shall be reserved for the Orthopaedic Disabled Candidates.]

⁴**[5.Competitive examination.—**

I. The Competitive Examination for recruitment of District

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1. Inserted by Notification No. LAW 234 LAC 2014, dated 12-03-2015 (w.e.f. 12-03-2015).
 2. Substituted for the words "Civil Judges (Junior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)
 3. Inserted by Notification No. LAW 234 LAC 2014, dated 12-03-2015 (w.e.f. 12-03-2015).
 2. Substituted by Notification No. LAW 18 LAC 2016, dated 26-04-2016 (w.e.f. 26-04-2016)

Judges shall consist of 3 stages namely (a) Preliminary Examination (b) Main Examination and (c) Viva-voce:-

- (a) Preliminary Examination: The Preliminary Examination shall be conducted by way of Objective Type Question paper with multiple choices of 1 ½ hours (Ninety minutes) duration consisting of 100 marks. The syllabi for the said examination shall be the

Part-A- Civil Law

Part-B-Criminal law

Part-C-General Knowledge (Test of reasoning and Mental aptitude)

- (b) Main Examination

The Competitive Written each examination for recruitment of District Judges shall consist

- (i) Written examination of two papers each of three hours duration with maximum marks for each paper-one in Civil Law and another is Criminal Law

(ii) It is compulsory for all candidates to answer atleast one of the paper in English language and in so far as the other paper is concerned, it shall be optional for the candidate to answer the same either in English or in Kannada in which event the said paper shall be answered entirely in the language in which option is exercised.

- (c) Viva-voce

(i) The Viva Voce shall carry maximum of 50 marks.

(ii) The Candidate's General knowledge, grasp on principles of Law and suitability for appointment as District Judge shall be tested.

- (1) Minimum marks for pass in the preliminary examination shall be 50 for candidates belonging to Schedule Castes and Scheduled Tribes and 60 for others.
- (2) The minimum marks for pass in each paper for the written examination carrying 150 marks, shall be 50 marks in each paper for candidates belonging to Schedule Castes or

Scheduled Tribes and 60 marks for others. However, total marks to be secured for pass in the written examination shall be 120 marks out of 300 for the scheduled castes or Scheduled Tribes and 150 marks for out of 300 for others.

In order to be considered under General Category, a candidate belonging to the Scheduled Castes or Scheduled Tribes has to secure the minimum marks prescribed for General category in the preliminary examination, Main Examination and Viva-Voce.

- (3) From among the candidates who are eligible for Viva-Voce as per clause (2), as far as may be, such number of candidates as is equal to three times the number of vacancies notified, having regard to the number vacancies in each reserved category, selected in the order of merit, shall be called for Viva-Voce.
- (4) Candidate belonging to a Scheduled Caste and Scheduled Tribes who obtains minimum of forty percent and a candidate not belonging to a Scheduled Caste or Scheduled Tribes who obtains a minimum marks for fifty percent in the viva-voce shall be eligible to be considered for selection to the posts.
- (5) Selection of candidates shall be made in the order of merit on the basis of aggregate of the marks obtained in the written examination and Viva-voce test, subject to the Government Orders relating to reservation of posts for the Scheduled Castes, Scheduled Tribes and other backward classes.

Provided that no candidate who has secured less than minimum marks specified above : (i) in any paper of the Written examination shall be eligible for viva-voce. (ii) In any paper of the Written Examination or in Viva-voce shall be eligible for appointment as District Judge.”]

II 1[(1) The competitive examination for recruitment of Civil Judges shall consist of “three stages i.e., (a) Preliminary

1. Inserted by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)

Examination (b) Main Examination and (c) Viva-Voce”.

(a) **Preliminary Examination:** The preliminary Examination shall be conducted by way of Objective Type Question Paper consisting of 100 marks and the syllabi for the said examination shall be the following, namely:-

- Part - A – Code of Civil Procedure, 1908
 Negotiable Instruments Act, 1981,
 Transfer of Property Act, 1882,
 Indian Contract Act, 1872,
 Specific Relief Act, 1963;
 Indian Constitution and
 Karnataka Rent Act, 1999.
- Part-B – Code of Criminal Procedure 1973
 Indian Penal Code 1860 and
 Indian Evidence Act, 1872,
- Part-C – General Knowledge – Test of reasoning and
 mental ability.”

(b) **Written examination:**

(c) **Viva-voce (Maximum Marks 100)**

¹[(ii) XXXXXXXXXXXX]

²[d) COMPUTER TEST (Maximum Marks 25) :

The test of knowledge of computers shall carry 25 marks and such marks secured by the candidate shall be considered for ascertaining the suitability and computer knowledge of the candidates and shall not be aggregated to the total marks obtained in the Written Examination and Viva-Voce.

(e) (i) The minimum marks for pass in the preliminary examination for fifty for candidates belonging to Scheduled Candidates and Scheduled Tribes and sixty for others.

(ii) Minimum marks for pass in each paper of the Written

1. Omitted by by Notification No. LAW 234 LAC 2015, dated 12-3-2015 (w.e.f. 12-3-2015)

2. Substituted by by Notification No. LAW 234 LAC 2015, dated 12-3-2015 (w.e.f. 12-3-2015)

Examination shall be forty for candidates belonging to Scheduled Castes and Scheduled Tribes and fifty for others;

(iii) Minimum marks for pass in the Viva-voce shall be forty for candidates belonging to Scheduled Castes and Scheduled Tribes and fifty for others.

Provided that no candidate who has secured less than the minimum marks specified above:

(i) in any paper of the written examination shall be eligible for Viva-Voce.

(ii) in any paper of the Written examination or in Viva-voce shall be eligible for appointment as Civil Judge.]

(a) WRITTEN EXAMINATION:-

(i) Translation Paper (maximum marks 100)

There will be one translation paper and the candidates will be required to translate passages in English into Kannada and Kannada into English. The Passages will be from (1) Depositions, (2) Judgments and (3) Documents.

(ii) Law Paper I (Maximum Marks 100)

The Code of Civil Procedure, 1908
The Code of Criminal Procedure, 1973,
The Indian Evidence Act, 1872
Principles of pleading and the Constitution of India.

(iii) Law Paper II (Maximum Marks 100)

Framing of Issues and writing of Judgments in Civil Cases.

(iv) Law Paper III (Maximum marks 100)

Framing of charges and writing of Judgments in Criminal Cases.

(b) VIVA-VOCE (Maximum marks 100)

The candidates, General Knowledge, grasp of principles of law and suitability for appointment as ¹[Civil Judge] shall be tested.

1. Substituted for the words "Civil Judges (Junior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011)

(e) The minimum marks for pass in each paper of the written examination shall be 30 for candidates belonging to Scheduled Castes and Scheduled Tribes and 40 for others.

Provided that no candidate who has secured less than the minimum marks specified above:

- i) in any paper of the written examination shall be eligible for viva-voce.
- ii) in any paper of written examination or in viva-voce shall be eligible for appointment as ¹[Civil Judge].

²[(f) In order to be considered under General Category, a Candidate belonging to a Scheduled Caste or scheduled Tribes has to secure the minimum marks prescribed for general Category in the Preliminary Examination, Main Written Examination and Viva-Voce.]

(2) From among the candidates who are eligible for viva voce as per sub-rule II(1) ³[(d)] of Rule 5, as far as may be, such number of candidates as is equal to 7 times the number of vacancies notified, having regard to the number of vacancies in each reserved category, selected in the order of merit, shall be called for viva voce examination.

(3) The recruiting authority shall appoint suitable examiners

(4) Subject to the Government Orders in force from time to time relating to reservation of posts for Scheduled Castes, Scheduled Tribes and other Backward Classes, a list of selected candidates shall be prepared containing such number of names of candidates as is equal to the number of vacancies notified, in the order of merit, on the basis of the aggregate of marks secured in the competitive examination including the viva voce.

(5) The list of selected candidates prepared under these rules shall be published in the Official Gazette and shall cease to be operative as from the date of publication of the next list of successful candidates prepared under these rules, in the Official

1. Substituted for the words "Civil Judge (Junior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).

2. Inserted by Notification No. LAW 18 LAC 2016, dated 26-04-2016 (w.e.f. 26-04-2016)

3. Substituted by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).

Gazette.

Provided that the list of selected candidates prepared under these rules for filling the vacancies other than the backlog vacancies shall not cease to be operative on the publication of the list pertaining to the backlog vacancies.

6. Disqualification for appointment.— No person shall be eligible for appointment to the service-

- (a) unless he is a citizen of India;
- (b) ¹[if he/she is compulsory retired, removed or dismissed from Judicial Service in Government or Statutory or Local Authority or if a candidate after being selected as Judicial Officer has been discharged from service during probationary period.]
- (c) if he has been convicted of an offence involving moral turpitude or who is or has been permanently debarred or disqualified by the High Court of the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it or has been removed from its roll by any Bar council;
- (d) if any penalty or punishment has been imposed by the Bar Council or any disciplinary authority which in the opinion of selecting authority, makes the applicant unsuitable for judicial post;
- (e) if he directly or indirectly influences the recruiting authority by any means for his candidature;
- (f) if the marital status of the candidate is bigamous.

7. Recruitment.— (1) To fill a vacancy required to be filled by promotion the recruiting authority shall take all necessary steps well in advance so as to finalise the list of persons considered eligible for promotion at least 10-15 days before the occurrence of the vacancy.

(2) (i) Whenever the recruiting authority considers that there are adequate number of vacancies to be filled up by direct recruitment, the recruiting authority shall, invite by advertisement in the official Gazette and in at least two news-

1. Substituted by Notification No. LAW 18 LAC 2016, dated 26-04-2016 (w.e.f. 26-04-2016.)

papers, applications in such form as it may determine from intending candidates, who possess the prescribed qualifications. The advertisement shall indicate the number of vacancies notified for recruitment and the number of vacancies, reserved for Scheduled Castes, Scheduled Tribes and other backward classes and shall contain all necessary information relating to the recruitment.

- (ii) The decision of the recruiting authority as to the eligibility or otherwise of a candidate for admission to the written and viva voce examination shall be final. No candidate to whom certificate of admission has not been issued by the recruiting authority shall be admitted for the examination.

8. Conditions relating to suitability, fitness and character.—

(1) No person selected for appointment by direct recruitment shall be appointed.

- (i) unless the appointing authority is satisfied that he is of good character and is in all respects suitable for appointment to the service.
- (ii) unless he is certified by the medical authority specified by the High court for the purpose that he is medically fit to discharge the duties of the post of which he is selected for appointment.

(2) Every candidate selected for appointment by direct recruitment shall furnish certificates, given not more than six months prior to the date of the application, from two respectable persons unconnected with his college or university and not related to him testifying to his character, in addition to the certificate which may be required to be furnished from the educational institution last attended by him.

9. Fees.— Every candidate for direct recruitment may be required to pay such fees as may be specified in the notification inviting applications.

Provided that in the case of a candidate belonging to Scheduled Caste or Scheduled Tribes the fees payable shall be one half of the fees specified in the notification for other candidates.

10. Joining time for appointment.— (1) A candidate by direct recruitment shall report for duty before the authority on the date

or within the period specified in the order of appointment.

(2) Notwithstanding anything contained in sub rule (1) the appointing authority may, on the application of the candidate, if satisfied that there are good and sufficient reasons for doing so, by order in writing, grant such further time as it may deem necessary.

(3) The name of the candidate who fails to assume charge of the post within the time specified in sub-rule (1) or within the further time granted under sub-rule (2) shall, unless the Recruiting Authority within fifteen days from the last date fixed for reporting for duty, directs for continuing the appointment, stand deleted from the list of selected candidates and such candidate shall cease to be eligible for appointment.

11. Application of other rules:-(1) Subject to Articles 233, 234 and 235 of the Constitution of India, provisions of Rules, 5, 6(2), 6(3), 8, 9 and 10 to 13 of the Karnataka Civil Services (General Recruitment) Rules, 1977 shall, in so far as they are not inconsistent with these rules, mutandis apply to recruitment of district Judges, ¹[Senior Civil Judge] and ²[Civil Judge] under these rules.

(2) All rules regulating the conditions of service of the members of the State Civil Services made from time to time under any law or the proviso to Article 309 of the constitution of India shall, subject to Articles 233, 234 and 235 be applicable to the ³[Civil Judge] ⁴[Senior Civil Judge] and the district Judges recruited and appointed under these rules.

12. Repeal & Savings:- (1) The Karnataka Judicial Services (Recruitment) Rules 1983, in so far as recruitment to the cadres herein provided, are hereby repealed.

However, the said repeal shall not affect:

(a) The previous operation of the said rules or any thing duly done or suffered there under or any right liability or

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 4. Substituted for the words "Civil Judges (Senior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).

obligation acquired, accrued or incurred under the said Rules;

- (b) The validity of the list of selected candidates for the post of district judges or ¹[Civil Judge] as the case may be prepared under the repealed rules and appointed of such selected candidates.

(2) All proceedings (including action taken to make recruitment and preparation of the list of selected candidates) commenced under the repealed rules and pending on the date of commencement of these rules shall be continued and completed in accordance with the repealed rules as if they have not been repealed.

1. Substituted for the words "Civil Judges (Junior Division)" by Notification No. LAW 123 LAC 2011, dated 11-7-2011 (w.e.f. 1-1-2011).

