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LAW DEPARTMENT

NOTIFICATION

The 30th December 2008

No.15823/L.-IIIJ-15/06—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules regulating the methods of recruitment and conditions of service of the persons appointed to the Orissa District and Subordinate Courts, Ministerial Services, namely:—

PART - I

General

1. Short title and commencement—(1) These rules may be called the Orissa District and Subordinate Courts' Non-Judicial Staff Services (Method of Recruitment and Conditions of Service) Rules, 2008.

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

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

- (a) “**Court**” means the High Court of Orissa;
- (b) “**Departmental Examination**” means the examination held by the District Judge according to the syllabus given in Appendix ‘B’;
- (c) “**District**” means a Judgeship and Sessions Division;
- (d) “**District Court**” means the Court and office of the District Judge;
- (e) “**District Judge**” means the District and Sessions Judge of a Judgeship and Sessions Division;
- (f) “**Ex-Servicemen**” means persons as defined in the Orissa Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985;
- (g) “**Government**” means the Government of Orissa;

- (h) **“Person with Disabilities or Physically Handicapped Persons”** means a person who has been issued a disability certificate in the prescribed format by the competent authority as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Orissa Rules, 2003;
- (i) **“Scheduled Castes & Scheduled Tribes”** means such Castes and Tribes as notified by the President of India under Articles 341 and 342 of the Constitution of India, respectively;
- (j) **“SEBC”** means Socially and Educationally Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government from time to time;
- (k) **“Sports Person”** means a person who holds the identity card as Sports Person issued by Government from time to time;
- (l) **“Subordinate Courts”** means the Courts and offices of the Additional District Judges, Chief Judicial Magistrate, Civil Judges (Sr. Divn.), Civil Judges (Jr. Divn.), Registrars and offices of other Judicial Magistrates; and
- (m) **“Year”** means the calendar year.

3. Cadre—(1) The ministerial service of each of the District Courts and all Subordinate Courts thereunder shall constitute one separate cadre consisting of one Post of District Court Sheristadar and such number of Posts of Senior Clerks (Head Clerk Grade), Senior Clerks, Junior Clerks, Typists, Copyists and other special Posts, as the Government may determine, from time to time, after consultation with the Court.

(2) The posts of Stenographers in each District shall constitute an independent cadre consisting of Stenographer Grade-I, Stenographer Grade-II and Stenographer Grade -III:

Provided that, in addition to Stenographer Grade-I, there shall be a Personal Assistant to the District and Sessions Judge. The post shall carry the pay scale of Stenographer Grade-I. The District and Sessions Judge may select his Personal Assistant from the cadre of Grade -I Stenographer.

(3) The Group 'C' employees in each District, other than those covered in sub-rules (1) and (2), who are in the next higher scale of pay of the Group 'D' employees shall constitute an independent cadre.

(4) The Group 'D' employees in each District shall constitute an independent cadre consisting of Orderly Peon, Office Peon, Sweeper, Process Server, Night Watchman-cum-Sweeper, Malkhana Guard, Malkhana Peon, Treasury Peon, Daftri, Gardener, Jamadar, Record Attendant and Library Attendant.

(5) The posts in the cadres shall be grouped as 'A', 'B', 'C' and 'D' in accordance with the provisions of the General Administration Department Resolution No. 17655/Gen., dt.7-6-1999 as modified from time to time.

PART - II**Recruitment**

4. Method of Recruitment—Subject to other provisions made in these Rules recruitment to the posts in the ministerial service of the District Court and Subordinate Courts shall be made in the following manner, namely:—

- (a) in respect of Junior Clerks, Typists, Copyists and Stenographers Grade-III by competitive examination in accordance with rule 6:

Provided that, 25% of posts of Junior Clerks shall be filled up by the Group 'D' employees who possess the requisite qualification in the ratio of 1:2 for Process Servers and other Group-'D' employees respectively as per the method of selection to be decided by the District Recruitment Committee; and

- (b) in respect of other posts by promotion in accordance with rule 11.

5. Reservations—Notwithstanding anything contained in these rules reservation of vacancies for—

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes & Scheduled Tribes) Act, 1975 and the Rules made thereunder.
- (b) SEBC, women, sports persons, Ex-servicemen and physically handicapped persons shall be made in accordance with the provisions made under relevant rules, orders or instructions issued in that behalf by the Government from time to time.

6. Competitive Examination—(1) Recruitment to the post of Junior Clerks, Typists and Copyists in the District Courts and the Subordinate Courts of each district shall be made by a competitive examination to be held once in a year. Recruitment to the Posts of Stenographers Grade-III (Junior Stenographers) shall be made by a competitive examination, whenever necessary.

(2) There shall be a District Recruitment Committee for each District consisting of the following:—

- | | | |
|-------------------------------------------------------|----|----------|
| 1. Principal District and Sessions Judge | .. | Chairman |
| 2. Senior most Additional District and Sessions Judge | .. | Member |
| 3. Civil Judge (Sr. Division)/C.J.M. | .. | Member |

(3) The competitive examination shall be conducted by the District Recruitment Committee. The date on which and place at which the examination are to be held shall be fixed by the District Recruitment Committee.

(4) A candidate in order to be eligible for the posts as in sub-rule (1) above shall—

- (a) have passed at least +2 examination conducted by the Council constituted under section 3 of the Orissa Higher Secondary Education Act, 1982 or equivalent examination of a recognized Council, Board or University, as the case may be;
- (b) have at least passed Diploma in Computer Application from a recognized institute;
- (c) be over 18 years and below 32 years of age on the last date fixed for receipt of applications by the District Recruitment Committee:

Provided that, the upper age-limit in respect of reserved categories of candidates referred to in rule-5 shall be relaxed in accordance with the provisions of the Act, Rules, Orders or Instructions, for the time being in force, for the respective reserved categories.

- (d) be able to speak, read and write Oriya and have passed a test in Oriya equivalent to the M.E. Standard;
- (e) be of good character;
- (f) be of sound health, good physique and free from organic defects or bodily infirmity;
- (g) have not more than one spouse living, if married ; and
- (h) have paid the fees prescribed for the examination as set forth in Appendix 'A'.

(5) The standard, syllabus, subjects of examination, determination of vacancies, advertisement of vacancies and communication of results shall be as set forth in Appendix 'A'.

(6) In case a vacancy occurs after the list of successful candidates is exhausted and before the announcement of the result of the next examination, such vacancies may be filled up by a successful candidate of the previous years:

Provided that, his age does not exceed the maximum limit laid down in sub-rule (4) and failing that by any candidate who possesses the requisite qualification and is within the prescribed age-limit laid down in sub-rule(4). In the latter event, the appointment of a candidate shall be made temporarily and shall not continue beyond the date when result of the next year's examination is declared, unless he gets selected in the said examination.

7. Manner of Selection of Candidates—(1) After receipt of applications for recruitment examination career merit lists for general and reserved categories according to the descending order of total of percentage of marks in H.S.C.Examination and +2 examination or their equivalent examinations shall be prepared.

(2) From each category of career merit list, candidates upto 20 times of actual vacancy in each category shall be called to appear at the written test.

(3) Considering the marks secured in the written test one merit list for general candidates and separate merit list for each of the reserved categories shall be prepared and candidates upto ten times of vacancy in each category shall be called for viva voce test.

(4) On the basis of marks secured in the written test and the viva voce test, a merit list of all candidates (both general and reserved categories) shall be prepared and thereafter separate merit lists for general and reserved categories shall be prepared according to the descending order of total marks.

(5) Candidates according to the descending order of total marks of each category mentioned in sub-rule (4) shall be selected for filling of the vacancy.

(6) The select list in respect of posts advertised shall remain valid for a period of one year from the date of first appointment from such list.

(7) There shall be a Recruitment Cell for each district to be constituted by the respective District and Sessions Judges for the purpose of collecting information continuously as to the vacancies arising upon retirement, promotion or resignation. The Cell shall assist the District Recruitment Committee and Process applications received for the posts and short list them as per the provisions of these rules.

(8) The recruitment shall take place every year well in advance before the vacancies arise.

8. Probation and Confirmation—(1) All appointments to the permanent posts of Junior Clerks, Typists, Copyists and Stenographers Grade-III shall be made on probation for a period of two years from the date of appointment:

Provided that, if during the period of probation a candidate's work or conduct is found unsatisfactory or shows that he is unlikely to become efficient, the District Judge may either discharge him from the service or extend his period of probation for such further period as he may think fit.

(2) No person shall be confirmed in the permanent post of Junior Clerk, Typist, Copyist and Stenographer Grade-III unless he has satisfactorily completed the probationary period as aforesaid.

(3) All temporary appointments are liable to termination without notice and without assigning any cause.

9. Fixation of Seniority—(1) The seniority of Junior Clerks, Typists, and Stenographers *inter se* shall be determined in accordance with the position secured by them in the competitive examination held in a particular year. But where a candidate in a particular year could not be appointed in that year and he is selected under sub-rule (6) of Rule-6 for appointment in the subsequent year, he shall, under the circumstances, rank just below the successful candidates of that year in which he is appointed.

(2) The seniority *inter se* of the Senior Clerks and the Senior Clerks (Head Clerk Grade) shall be determined with reference to the date of issue of the order of their promotion to the respective posts:

Provided that, if the date of issue of the order of promotion is the same in respect of two or more such Clerks, their seniority *inter se* shall be determined according to their seniority in the lower rank.

10. Success in Examination Confers no right to Appointment—(1) Success in the examination confers no right to appointment unless the appointing authority is satisfied after such enquiry as may be considered necessary that a candidate is suitable in all respects for appointment to the public service.

(2) The name of the candidate who does not accept a post of Junior Clerk, Typist, Copyist or Stenographer Grade-III when so offered, shall be removed from the list.

11. Promotion to Higher Posts—Promotion to the higher posts shall be subject to passing of the departmental examination and shall be based on merit and suitability in all respects with due regard to seniority and be made in the following manner, namely:—

- (a) Promotion to the post of Senior Clerks shall be made from amongst the Junior Clerks, who have passed the departmental examination as laid down in Appendix 'B' annexed to these rules; provided that, if no Junior Clerk as aforesaid is available, a Junior Clerk who has put in not less than 5 years of service as such and is otherwise suitable may be promoted to the post of Senior Clerk on temporary basis subject to the condition that he shall not be allowed any increment in the time scale of pay of the said post of Senior Clerk and shall be reverted as soon as a passed Junior Clerk is available:

Provided that, a Typist who has been appointed as Junior Clerk, after passing the departmental examination shall not be required to pass a similar examination again to be eligible for promotion to the post of Senior Clerk.

- (b) Promotion to the posts of Senior Clerk (Head Clerk Grade) shall be made from amongst the Senior Clerks who have passed the Accounts Training Examination laid down in sub-rule (2) of rule 14.
- (c) Promotion to the post of Sheristadar of the District Court shall be made from amongst the Bench Clerks Grade-I.
- (d) Promotion to the posts of Grade-II Stenographer and Grade-I Stenographer shall be made from Grade-III Stenographers and Grade-II Stenographers respectively.
- (e) 50% of the posts of Process Servers shall be made by promotion on the basis of Merit-cum-Seniority from amongst Peons/Orderlies and other Group-'D' employees who possess the requisite qualification and rest 50% of the posts shall be made by direct recruitment from open market who have had minimum VIII standard or equivalent qualification.

- (f) For recruitment to the post of Salaried Amin, a candidate shall,
- (i) have passed the matriculation examination or equivalent examination of a recognized Board; and
 - (ii) have passed the Revenue Inspector Training.
- (g) The salaried Amin shall be appointed by direct recruitment as well as by promotion of Process Servers who possess requisite qualification for such promotion. The percentage between the direct recruitment and promotion shall be determined by the High Court from time to time.

12. Assured Career Progression Scheme—Whenever Group-'B', 'C' and 'D' employees do not get promotion to the next higher rank or their pay is stagnated in the same cadre as the case may be, they shall be allowed Assured Career Progression scale of pay to be decided by the Government in every fifteenth year and twenty-fifth year of service.

PART-III

Other Conditions of Service

13. Transfer of Clerks—(1) Any person in the post of Junior Clerk/Senior Clerk, Senior Clerk (Head Clerk Grade), Typist, Copyist and Stenographer Grade-III or Stenographer Grade-II shall ordinarily be transferred to any other office or seat within the administrative control of the District Judge on completion of three years period in any particular office or seat and the District Judge shall be the competent authority to pass such orders of transfer.

(2) The Court shall be competent to pass order of transfer of Sheristadar and the Senior Clerks (Head Clerk Grade) of a District Court to another District Court within the State of Orissa.

14. Departmental Examination—(1) The Junior Clerks including Copyists and Typists shall be required to pass the Departmental Examination during the period of probation and those Typists who pass the Departmental Examination shall be eligible for appointment as Junior Clerks.

(2) The Senior Clerks shall be required to pass the Accounts Training within three years from the date of their promotion.

(3) No one shall be exempted from passing the aforesaid examinations.

(4) Where any Junior Clerk including a Copyist or a Senior Clerk fails to pass the Departmental examination or Accounts Training, as the case may be, within the stipulated period, he shall not be given promotion to higher grade.

15. Gradation list—(1) There shall be maintained a gradation list of the persons appointed to the posts in the ministerial service of each District Court and Subordinate Courts thereunder and the said list shall be revised by the 15th January every year.

(2) There shall be maintained a combined gradation list of District Court's Sheristadars and Senior Clerks (Head Clerk Grade) of all districts in the High Court and the said list shall be revised by the 15th of January every year.

16. Failure to join the post on promotion debars from promotion in future—Without prejudice to any other liability that may be incurred under any of the provisions of these rules, if any, a member of the ministerial service who express his unwillingness to accept a higher post or who being promoted to the higher post fails to join the post within the fixed time without sufficient reason shall be liable to be debarred from being eligible for any such promotion in future.

17. Recruitment of Bench Clerks—(1) There shall be three grades of Bench Clerks for three levels of Court viz. (i) Bench Clerk Grade-III, Grade-II and Grade-I for the Courts of Civil Judge (Jr. Division)/Magistrate, Civil Judge (Sr. Division)/C.J.M. and District Judge/Addl. District Judge Courts respectively.

(2) Bench Clerk Grade-III shall be appointed from Senior Clerk (Junior Branch) and Bench Clerk Grade-II shall be appointed from the cadre of Senior Clerk (Head Clerk Grade)/Sheristadars of the subordinate Court Nazir/Accountant/Record Keeper/Bench Clerk Grade-III. Bench Clerk Grade-I shall be promoted from Bench Clerk Grade-II, Head Clerk, Nazir, Sheristadars of subordinate Courts, Accountant, Record Keeper.

18. Other Conditions of service—The conditions of service in regard to matters not covered by these rules shall be the same as are or as may, from time to time, be prescribed by the State Government.

19. Repeal and Savings—The Orissa District and Subordinate Court's Ministerial Service(Method of Recruitment and Conditions of Service) Rules, 1969 is hereby repealed:

Provided that any order passed, appointment made, action taken or things done under the Rules so repealed shall be deemed to have been passed, made, taken or done under these rules.

20. Interpretation—If any question arises relating to the interpretation of these Rules, it shall be referred to the Government whose decision thereon, after consultation with the High Court shall be final.

APPENDIX-A

[See rule 6 (5)]

1. The District Recruitment Committee after obtaining the information about the number of vacancies in the posts of Junior Clerks, Copyists and Typists to be filled up on the result of the competitive examination held in each year and shall specify such number of vacancies in the advertisement inviting applications for the examination. Such competitive examination shall ordinarily be held in the month of December.

2. A candidate desirous of sitting for the examination shall submit an application to the District Judge stating his/her name, address (both permanent and present address, if any), educational qualifications and date of birth. The candidate shall also mention in the application if he/she belongs to any of the reserved category. No application shall be considered unless it is accompanied by a challan showing payment into Government Treasury a sum of Rs. 100/- (Rupees one hundred) representing fees for application and examination:

Provided that the candidates belonging to Scheduled Castes or Scheduled Tribes shall not be required to pay the fees for the recruitment examination.

NOTE—The amount of fees should be credited under the Head—

“0070—Other Administrative Services—01—Administration of Justice—501—Services and Service fees—9904650—Law Department—9916730—Examination fees for Recruitment conducted by Orissa District and Subordinate Courts.”

3. The examination shall be on the following subjects carrying marks as shown against each—

<u>Subjects</u>	<u>Marks</u>
English	100
Arithmetic	100
General Knowledge	100
Computer Science (Practical)	100
Viva Voce	45

NOTE.—(a) The Standard shall be equal to that of +2 Certificate Examination conducted by the Council of Higher Secondary Education, Orissa.

(b) The candidate shall answer the questions in English unless otherwise directed.

(c) Only those candidates shall be called for viva voce test who have secured not less than 35 per cent marks in the written test.

Provided that the District Judge may in suitable cases, direct that candidates securing 30 per cent marks in the written tests be called for viva voce test when the number of candidates securing 35 per cent or more in the written test is less than the number of vacancies to be filled up in a particular year.

4. Details of syllabus for each subject shall be as follows:—

- | | | |
|--------------|-------------------------------------------------------|----------|
| (i) English- | (a) An essay to be written in English | 30 marks |
| | (b) A letter or application to be written in English. | 20 marks |
| | (c) One Oriya passage to be translated into English. | 15 marks |
| | (d) One English passage to be translated into Oriya. | 15 marks |
| | (e) Summary of one English passage | 20 marks |

- (ii) Arithmetic— Vulgar fractions and decimals, H.C.F., and L.C.M. Simple and Compound interest, Simple and Compound Practice, Percentages, Profit and Loss, Mixtures, Partnership, Averages, Rates and Taxes, Insurance, Square and Cubic measures, Problems on time and work and on time and distance.

NOTE—Problems more easily solvable by algebraically methods need not be required to be solved arithmetically.

- (ii) Computer Science (Practical) —Diploma in Computer Application.
- (iv) General Knowledge—Knowledge of current events and such other matters of every day observation and experience as may be expected from an educated person.
- (v) Viva Voce—The object of the viva voce test is to assess suitability of a candidate for the post with particular reference to the candidate's alertness, general outlook and potential qualities.

5. (a) The candidates for the posts of Stenographers Grade-III shall be examined in short hand and typewriting and those for the posts of Typists shall be examined in typewriting. A candidate for the posts of Stenographers Grade-III shall possess a minimum speed of 80 words in short hand and 40 words in typewriting per minute and a candidate for the post of a Typist shall possess a minimum speed of 40 words in typewriting per minute.

(b) Practical knowledge in operating Computer shall also be tested physically.

6. The District Judge shall prepare a list of successful candidates in order of merit and communicate the results of the examination and appoint candidates in the vacancies that have occurred or may occur during the period of one year from the date of first appointment from such list. The decision of the District Judge as to the result of the examination shall be final and in no case shall be liable to be challenged.

APPENDIX-B

[See Rule 11(a)]

Syllabus for the Departmental Examination

1. All Junior Clerks, Typists and Copyists shall have to pass the departmental examination consisting of the following subjects, and for the said examination there shall be one paper for each subject, namely:—

- (i) High Court's General Rules and Circular Orders (Civil) and the Code of Civil Procedure—Order I, III, IV, V, VII, VIII, IX, XIII, XVI, XX, XXI, XXII, XXVI, XXXII, XXXIII and XXXIV in the First Schedule.
- (ii) High Court's General Rules and Circular Orders (Criminal) and the Code of Criminal Procedure, 1973-[Chapters II, III, VI, VII, (excluding Sections 93 to 103), VIII (excluding Section 107) IX, XV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIX, XXX, XXXII, and XXXVI.]

(iii) The Court-fees Act, 1870.

(iv) Indian Stamp Act, 1899 (Sections 10 to 16, 33 to 42 and the Schedule I only)

2. The Departmental examination shall be held once every year by the District Judge or such other officer as he may direct and the examination shall be with books.

3. The examination will test in particular whether a Junior Clerk, Typist and Copyist has acquired a fair knowledge of the High Court's Circular Orders, the Civil and Criminal Procedure Code, Stamp Act and the Court-fees Act so as to enable him to discharge the day to day business of the Court.

4. The minimum pass marks in each of the subjects specified in Para 1 above shall be 50 per cent.

By order of the Governor

B. K. NAYAK

Principal Secretary to Government