

Home Department

NOTIFICATION

Shimla-2, the 16th March, 2004
(Published on 20th March, 2004)
(Amended upto 14th June, 2016)

No.Home-B(B)2-4/2002:- In exercise of the powers conferred by Articles 233, 234 & Proviso to Article 309 of the Constitution of India read with sub-section (1) of Section 4 of the H.P. Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No.10 of 2003) and all other powers enabling him in this behalf, the Governor of Himachal Pradesh, is pleased to make the following rules regulating the recruitment & conditions of service of members of different cadres of H.P. Judicial Service:-

RULE-1

Short title and commencement:-

- (1) These rules may be called Himachal Pradesh Judicial Service Rules, 2004.
- (2) These Rules shall come into force from the date of publication in the official Gazette.

RULE-2

Definitions:--

- (1) In these rules, unless the context requires otherwise,-
 - a) "Act" means the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003;
 - b) "Appointing Authority" means the Governor of Himachal Pradesh;
 - c) "Government" means the Government of Himachal Pradesh;
 - d) "Governor" means the Governor of Himachal Pradesh;
 - e) "High Court" means the High Court of Himachal Pradesh;
 - f) "Official Gazette" means Himachal Pradesh Rajpatra or the Gazette of Government of Himachal Pradesh by whatever other name it may be called;
 - g) "Regulations" means the regulations framed by the High Court under these rules for the following purposes:-
 - (i) To prescribe the syllabus for the competitive examination and the suitability test to be conducted by the High Court for the cadre of District Judges / Additional District Judges and the cadre of Civil Judges¹,

¹ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

- (ii) Allocation of the marks for written examination as well as oral (viva voce) test for the District Judges / Additional District Judges and the cadre of Civil Judges²,
 - (iii) To send panel of experts to the H.P. Public Service Commission to conduct oral (viva voce) test for the cadre of Civil Judges³,
 - (iv) To prescribe the syllabus for and to conduct departmental examinations for the different cadres of the H.P. Judicial Service,
 - (v) To prescribe the syllabus for and to conduct the special examinations or tests, if any, required to be passed during the period of probation or officiation in relation to all the appointments to the service by direct recruitment or by promotion,
 - (vi) To evaluate the performance of the Officers and assign marks for the competitive examination to be conducted by the High Court for the cadre of District Judges / Additional District Judges,
 - (vii) To prescribe the format of application to apply for appointment to the service,
 - (viii) To evaluate the performance of the Officers (appointed to the service) in relation to departmental and special examinations or tests,
 - (ix) To prescribe the training schedules from time to time for the Officers appointed to the service through direct recruitment,
- (h) “schedule” means schedule appended to these rules;
 - (i) “service: or “State Service” means the Himachal Pradesh Judicial Service; and
 - (j) “State” means the State of Himachal Pradesh.
- (2) Words and expressions used in these rules but not defined herein shall have the same meanings respectively as assigned to them in the Act.

RULE-3

Constitution of the Services:-

- (1) On and from the date of commencement of these rules there shall be constituted State Service to be known as Himachal Pradesh Judicial Service

² Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

³ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

consisting of the cadres of District Judges, Senior Civil Judges⁴ and Civil Judges⁵.

- (2) The service shall consist of the cadres specified in column (2) of the Schedule and the character and number of posts in each of these cadres shall be as specified in the corresponding entries in columns (3) to (5) thereof. The Schedule shall stand automatically amended on the basis of and in accordance with, the notification issued by the Government of Himachal Pradesh in consultation with the High Court, from time to time varying or modifying the character or number of posts in the cadres or passing other orders to such effects.
- (3) With effect from the date of commencement of these rules, the existing cadres specified in column (2) below shall stand designated as the cadres specified in the corresponding entries in column (1) below and they shall accordingly constitute the service:-

(1)	(2)
(a) District Judges / Additional District Judges	(i) District & Session Judges (ii) Addl. District & Session Judges
(b) Senior Civil Judges ⁶	(i) Senior Sub Judge-cum-Chief Judicial Magistrates (ii) Additional Chief Judicial Magistrates
(c) Civil Judges ⁷	(i) Sub Judge-cum-Judicial Magistrate

- (4) Holders of 25% of the total number of posts in the cadre of District Judges and who have put in not less than five years of service in the cadre shall be granted selection grade and they shall be selected for inclusion / placement in this grade on the basis of merit-cum-seniority from the cadre of District Judges by the High Court & such District Judges who have been placed in the Selection Grade shall called "Selection Grade District Judges". Holders of 10% of the total number of posts in the cadres of District Judges, who have put in not less than three years of service as "Selection Grade District Judges" in the cadre, shall be granted "Super Time Scale" of pay. They shall be selected in this scale of pay on merit-cum-seniority basis by the High Court and shall be called as "Super Time Scale District Judges".

RULE-4

Appointing Authority:-

- (1) The District Judges shall be appointed by the Governor in consultation with High Court.
- (2) The Senior Civil Judges⁸ shall be promoted by the High Court, Himachal Pradesh on the bass of merit-cum-seniority. Civil Judges⁹ shall be appointed by

⁴ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

⁵ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

⁶ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

⁷ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

the Governor in consultation with the Himachal Pradesh Public Service Commission and High Court of Himachal Pradesh.

RULE-5

Method of recruitment, qualification and age limit:-

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

Sl. No. 1	Cadre 2	Method of recruitment 3	Qualifications, age limit and experience etc. 4
1.	District Judges / Additional District Judges.	<p>(a) 65% by promotion from amongst the Senior Civil Judges on the basis of principle of merit-cum-seniority and passing a suitability test as may be prescribed & conducted by the High Court in accordance with the regulations.¹⁰</p> <p>(b) 10% by promotion from amongst Senior Civil Judges on the basis of merit through limited competitive examination as may be prescribed & conducted by the High Court in accordance with the regulations.¹¹</p> <p>However, if the post (s) cannot be filled under this mode due to non-availability of suitable candidate(s), the same shall be</p>	<p>Must have been in the cadre of Senior Civil Judges for a period of not less than two years.</p> <p>Minimum service of 5 years in the cadre of Senior Civil Judge.</p>

⁸ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

⁹ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

¹⁰ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

¹¹ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

		<p>filled by regular promotion under mode (a).¹²</p> <p>(c) 25% by direct recruitment from amongst eligible Advocates on the basis of examination, written as well as oral (viva-voce) test as may be prescribed and conducted by the High Court in accordance with the regulations.</p>	<p>The following shall be the eligibility criteria, including qualifications, age limit and experience etc.:¹³</p> <p>(i) Citizen of India;</p> <p>(ii) Holder of a degree in Law as recognized by the Bar Council of India.</p> <p>(iii) Practicing Advocate at the Bar for a minimum period of seven years as on the last date fixed for receipt of the applications.</p> <p>(iv) Must have attained the age of 35 (thirty five) years and must not have attained the age of 45 (forty five) years as on the last date prescribed for receipt of applications.</p> <p><u>Note:</u> For the purpose of this clause, in computing the period during which a person has been an Advocate there shall be included any period during which he has held in a judicial office.</p> <p><u>Explanation-I:</u> Judicial Office includes any other office as may be prescribed being equivalent to a Judicial Office by the Higher Court in regulations made for this purpose.</p> <p><u>Explanation-II:</u> Appointment to the cadre of the District Judges / Additional District Judges from categories (a), (b) & (c) shall be in accordance with post based 34 point roster to be maintained by the High Court in this behalf.</p>
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¹² Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

¹³ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

			<p><u>Note-1:</u> Reservation in direct recruitment shall be as per Model Roster for cadre strength upto 31 posts.</p> <p><u>Note-2:</u> In case the cadre strength is changed, the corresponding changes shall be made in post-based roster.</p> <p><u>Note 3:</u> The appointment already made shall not be affected on account of introduction of new roster.</p> <p><u>Explanation-III:</u> The candidates who are employed in any Government department or in any other Organization are required to submit their application(s) through their respective employer(s).</p>
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A: For filling up of vacancies in the cadre of District Judges / Additional District Judges by way of promotion through the method of recruitment (to be held twice in a year, if the circumstances so require), following time schedule shall be followed:- ¹⁴

Sr. No.	Description	Date(s)	
1	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a) existing vacancies; b) vacancies that may arise within one year due to retirement; and c) future vacancies arising due to deputation of judicial officers to other Departments, which will be considered as temporary vacancies. d) vacancies arising due to deputation of judicial officers to other Department, may be considered as temporary vacancy.	31 st March	15 th November
2	Advertisement inviting applications from eligible candidates.	15 th April	20 th November
3	Last date for receipt of application	30 th April	10 th December
4	Publication of list of eligible applicants	15 th May	15 th January

¹⁴ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

5	Dispatch / Issue of admit cards to the eligible applicants.	16 th May to 15 th June	2 nd February to 16 th February
6	Written examination may be:- a) Objective questions with multiple choice questions which can be scrutinized with the help of the computer; and b) Subjective / narrative	30 th June	7 th March
7	Declaration of result of written examinations a) Result shall be put on the website and also published in the newspaper b) The ratio of 1:3 of the available vacancies to the successful candidates shall be maintained.	16 th August	07 th April
8	Viva Voce	1 st September to 7 th September	13 th April to 20 th April
9	Declaration of final select list and communication to the appointing authority a) Result shall be put on the website and also published in the newspaper b) Select list shall be published in the order of merit and shall be double the number of vacancies notified.	15 th September	27 th April
10	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30 th September	30 th April
11	Last date for joining	31 st October	11 th May

B: For filling up of vacancies in the cadre of District Judges / Additional District Judges through the method of recruitment (to be held twice in a year, if the circumstances so require), following time schedule shall be followed:- ¹⁵

Sr. No.	Description	Date(s)	
1	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a) existing vacancies; b) vacancies that may arise within one year due to retirement; and c) future vacancies that may arise due to elevation to the High Court, death or other wise, say ten percent of the number of posts.	31 st March	15 th November
2	Publication of list of eligible officers a) The list shall be put on the website b) Zone of consideration shall be 1:3 of the number of vacancies	15 th May	20 th November

¹⁵ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

3	Receipt of judgments from the eligible officers	30 th May	10 th December
4	Viva Voce criteria: a) ACR for last five years; b) Evaluation of judgments furnished; and c) Performance in the oral interview	15 th July to 31 st July	01 st January to 15 th January
5	Declaration of final select list and communication to the appointing authority a) Result shall be put on the website and also published in the newspaper b) Select list be published in order of merit and shall be double the number of vacancies notified	31 st August	2 nd February
6	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30 th September	07 th March
7	Last date for joining	31 st October	07 th April
Explanation:- Appointments to the cadres of the District Judges from categories (a), (b) and (c) shall be in accordance with roster to be maintained by the High Court in this behalf.			
Sl. No.	Cadre	Method of recruitment	Qualifications, age limit and experience etc.
1	2	3	4
2.	Senior Civil Judges ¹⁶	By promotion from the cadre of Civil Judges on the basis of merit-cum-seniority.	Minimum experience of five years in the cadre of Civil Judges. Note-I:- The appointing authority, may in situations where Civil Judges with the aforesaid requisite experience are not available, relax the aforesaid minimum experience criteria but in no case shall such relaxation go below three years.
Note-II:- For filling up of vacancies in the cadre of Senior Civil Judge through the aforesaid method of recruitment (to be held twice in a year, if the circumstances so require), following time schedule shall be followed:- ¹⁷			
Sr. No.	Description	Date(s)	
1	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a) existing vacancies;	31 st March	15 th November

¹⁶ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

¹⁷ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

	b) vacancies that may arise within one year due to retirement; and c) future vacancies that may arise due to elevation to the High Court, death or other wise, say ten percent of the number of posts.		
2	Publication of list of eligible officers a) The list shall be put on the website b) Zone of consideration shall be 1:3 of the number of vacancies	15 th May	20 th November
3	Receipt of judgments from the eligible officers	30 th May	10 th December
4	Viva Voce criteria: c) ACR for last five years; d) Evaluation of judgments furnished; and e) Performance in the oral interview	1 st August to 16 th August	01 st January to 15 th January
5	Declaration of final select list and communication to the appointing authority a) Result shall be put on the website and also published in the newspaper b) Select list be published in order of merit and shall be double the number of vacancies notified	15 th September	2 nd February
6	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30 th September	07 th March
7	Last date for joining	31 st October	07 th April
Sl. No.	Cadre	Method of recruitment	Qualifications, age limit and experience etc.
1	2	3	4
3.	Civil Judges ¹⁸	By direct recruitment on the basis of merit obtained in the competitive examination, written as well as oral (viva voce) tests to be conducted by the H.P. Public Service Commission. ¹⁹	The following shall be the eligibility criteria including qualification and age etc:- ²⁰ (1) Citizen of India (2) Holder of Degree in Law as recognized by the Bar Council of India. (3) Age limit, minimum 22 years and Maximum 35 years and 38 years in cases of candidates belonging to Scheduled Caste / Scheduled Tribe / other prescribed reserved categories as on the last date prescribed

¹⁸ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

¹⁹ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

²⁰ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

			<p>for receipt of application.</p> <p>Provided that the direct appointments to the service shall be subject to the orders regarding reservation in the service for SC, ST, Backward Classes, Physically disabled issued by the Himachal Pradesh Govt., from time to time, and made applicable to such appointments, in consultation with the High Court.</p> <p>Provided further that a time cap of three recruitment years shall apply for filing up of backlog / carry forward vacancy against reserved roster point for Schedule Castes / Schedule Tribes / Other Backward Classes and while doing so in the 3rd recruitment year to fill up a particular carry forward / backlog vacancy, it shall be notified that in case suitable candidate from the category to which the post is reserved is not available then the vacancy will be treated as un-reserved and filled in as unreserved vacancy.</p> <p>Provided further that if backlog / carry forward reserved vacancy is filled by un-reserved candidate in the 3rd successive recruitment year, such candidate shall temporarily occupy the roster point reserved for the category for which carry forward recruitment process was followed and such candidate / appointee shall vacate the reserved roster point and occupy the un-reserved roster point as soon as such</p>
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			unreserved vacancy is available in the post based roster and that the roster point so vacated by un-reserved candidate shall be advertised as reserved vacancy meant for such roster point category.
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Note:- For filling up of vacancies in the cadre of Civil Judge through the aforesaid method of recruitment (to be held twice in a year, if the circumstances so require), following time schedule shall be followed:-

Sr. No.	Description	Date(s)	
1	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a) existing vacancies; b) future vacancies that may arise within one year due to retirement; and c) future vacancies that may arise due to promotion, death or other wise, say ten percent of the number of posts.	5 th June	5 th December
2	Advertisement inviting applications from eligible candidates.	15 th June	15 th December
3	Last date of receipt of application	5 th July	5 th January
4	Publication of list of eligible applicants; The list shall be put up on the website.	1 st August	1 st February
5	Dispatch / Issue of admit cards to the eligible applicants.	2 nd August to 20 th August	2 nd February to 15 th February
6	Preliminary written examinations Objective questions with multiple choice which shall be scrutinized with the help of Computer.	5 th September	2 nd March
7	Declaration of result of preliminary written examinations a) Result shall be put on the website and also published in the newspaper b) The ratio of 1:10 of the available vacancies to the successful candidates shall be maintained.	25 th September	15 th March
8	Final Written examinations subjective / narrative	15 th October	30 th March
9	Declaration of result of final written examination a) Result shall be put on the website and also published in the newspaper b) The ratio of 1:3 of the available vacancies to the successful candidates shall be maintained c) Dates of interview of the successful	15 th November	1 st May

	candidates shall be put on the internet which shall be printed by the candidates and no separate intimation of the date of interview need to be sent.		
10	Viva Voce	1 st December to 7 th December	15 th May to 20 th May
11	Declaration of final select list and communication to the appointing authority a) Result shall be put on the website and also published in the newspaper b) Select list shall be published in order of merit and shall be double the number of vacancies notified.	10 th December	25 th May
12	Issue of appointment letter by the competent authority for all existing vacant posts as on date	31 st December	10 th June
13	Last date for joining	15 th January	30 th June
Note:- Every candidate applying for direct recruitment shall submit alongwith the application, certificate furnished by two respectable persons un-connected with him, testifying to his character good behavior as well as antecedents.			

Reservation for the persons with disability:-²¹

3% reservation to the categories of the Additional District Judges and Civil Judges:

Reservation shall be provided to the candidates:

- (a) suffering from blindness of low vision provided that the disability is not 75% and more,
- (b) suffering from hearing impairment, provided that such impairment is not of 60 decibel or more after hearing aid / surgical correction.
- (c) suffering from locomotor disability.

(Note: Persons with functional dominant hand can also be considered)

Provided further that the candidate,-

- (i) should not have any mental retardation of any degree and major mental illness like Schizophrenia or affective disorder and chronic psychosis,
- (ii) should not have any Neurological disorder having impaired higher mental function / cognition and significant speech defect:

Provided further that the Selection list prepared for all categories of officials shall be valid till the next select list is published.

RULE-6

Disqualification for appointment and format of application:-

- (1) No person shall be eligible for appointment to the service:-

²¹ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

- a) If he has been dismissed from any previous service;
 - b) If he has been convicted of any offence involving moral turpitude or has been bound down for good conduct under the provisions contained in Chapter VIII of the Code of Criminal Procedure, or has been permanently debarred / disqualified from appearing in any examination or selection;
 - c) If he is found either directly or indirectly influencing the selection process in any manner.
 - d) If he is a man, has more than one wife living and if a women, has married a man already having another wife; or
 - e) If he is an undischarged insolvent.
2. Every person applying for appointment to the service, at the bottom of the application in the format to be prescribed in the regulations, shall give a declaration that he does not suffer from any of the aforesaid disqualifications and also that he conforms to all the eligibility criteria. The declaration shall also contain his undertaking that if the same is found false or incorrect, his candidature shall be liable to be cancelled or if appointed, his appointment shall also be annulled.

RULE-7

Pay and Allowances:-

- (1) The Judicial Officers shall be paid the pay scales, as specified in column No.6 of the schedule. Dearness allowance and other allowances, as notified from time to time by the State Government shall also be admissible;

Provided that no member of the service shall be entitled to draw his subsequent annual increments, unless he passes, by the prescribed standard, the departmental examination.

Explanation:-

- (i) The stoppage of increment for failure to pass departmental examination shall not be considered to be a penalty.
- (ii) The increment or increments shall be released from the due date retrospectively to a judicial officer if he passes the departmental examination within the probation period.
- (iii) The increment or increments shall be released to member of the service after he / she has passed the departmental examination.

- (2) The selected candidates having a higher qualification like Post Graduation in Law at the time of entry in service shall be given three advance increments.²²
- (3) The Pay of the members of the service shall be fixed where necessary under the provision of the rules in force in Himachal Pradesh, from time to time, provided that where the increment of a member is withheld for his failure to pass the departmental examination he shall not be entitled, before he passes the departmental examination by the prescribed standard, to the re-fixation of pay on the basis of enhancement in his substantive or officiating pay the time scale of the post held by him prior to his appointment to the service. However, during this period he may be allowed his substantive pay, from time to time, if the same happens to be more than his officiating pay in the service.²³

RULE-8

Direct appointment to the posts of District Judges, and Civil Judges²⁴:-

The High Court shall, after completing the process of competitive examination, as may be prescribed and conducted by it in accordance with the regulations for the cadre of the District Judges / Additional District Judges, forward its recommendations to the State Government for appointment of the candidates selected by it, as included in the select lists and on receipt of such recommendations from the High Court, the Government shall subject to the provisions of Rule 9 may issue notification appointing such persons as Judicial Officers in the said cadre.

Provided further that the Himachal Pradesh Public Service Commission shall after completing the process of the competitive examination, written as well as oral (viva voce) test to be conducted by it for the cadre of Civil Judges²⁵ forward its recommendations to the State Government for appointment of candidates selected by it, as included in the select list and on the receipt of such recommendations from the H.P. Public Service Commission, the Government in consultation with High Court subject to provisions of Rule 9 may issue notification appointing such persons as Civil Judges²⁶.

RULE-9

Conditions relating to suitability, fitness character:-

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: and
- 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 to which he is selected for appointment.

²² Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

²³ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

²⁴ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

²⁵ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

²⁶ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

RULE-10

Probation and officiation:-

- (1) All appointments to the service by direct recruitment shall be on probation for a period of two years.
- (2) All appointments by promotion shall be on officiating basis for a period of two years.
- (3) The period of probation or officiation, as the case may be, for reasons to be recorded in writing, may be extended by the appointing authority by such period not exceeding the initial period of probation or officiation as specified in sub-rule (1) or (2).
- (4) At the end of the period of probation or officiation or the extended period of probation or officiation as the case may be, the appointing authority shall consider the suitability of the person so appointed or promoted to hold the post to which he was appointed or promoted and –
 - i) If it decides that he is suitable to hold the post to which he was appointed and has passed the special examinations or tests, if any, required to be passed during the period of probation or officiation, as the case may be, it shall as soon as possible, issue an order declaring him to have satisfactorily completed the period of probation or officiation, and such an order shall have effect from the date of expiry of the period of probation or officiation including extended period, if any.
 - ii) If the appointing authority considers that the person is not suitable to hold the post to which he was appointed or promoted, as the case may be, it shall, by order:-
 - a) If he is a promotee, revert him to the post which he held prior to his promotion;
 - b) If he is a probationer, discharge him from service.

RULE-11

Discharge of a probationer during the period of probation:-

Notwithstanding anything contained in Rule 10, the appointing authority may, at any time, during the period of probation, discharge from services, a probationer on account of his unsuitability for the service.

RULE-12

Confirmation:-

A probationer who has been declared to have satisfactorily completed his probation and a promotee who has been declared to have satisfactorily completed his period of officiation shall be confirmed as a member of the service in the category of post to

which he was appointed or promoted, as the case may be, at the earliest opportunity, in a substantive vacancy which may exist or arise.

RULE-13

Seniority:-

- (1) Where Officers are recruited to a cadre by promotion and direct recruitment, seniority shall be regulated by the roster maintained for such recruitment. Officer appointed against higher point of roster shall rank senior to the Officer appointed against a lower point:

Provided that no person appointed to a cadre by direct recruitment shall for the purpose of fixation of his claim any particular place in seniority unconnected with the date of his actual appointment.

- (4) Where more than one Officers are promoted to cadre at the same time inter-se-seniority of persons so promoted shall be determined by the inter-se-seniority in the lower cadre.
- (5) Where direct recruitment is made to a cadre, the inter-se-seniority of persons so recruited shall be in the order in which their names are arranged in the select list.
- (6) Every year in the month of January seniority list of Officers in all cadres shall be prepared and published by the High Court and the lists so published shall be issued for the purpose of making promotions to the next higher cadres.

RULE-14

Age of superannuation:-

The age of superannuation of a member of the service shall be sixty years.

Provided that before the completion of 58 (fifty eight) years, service record of the officer will be evaluated and his suitability, potential and fitness for being retained in service upto the age of 60 (sixty) years shall be determined and in case he is not found suitable and fit, he shall be compulsorily retired at the age of 58 years (fifty eight) years.²⁷

RULE-15

Retirement in public interest:-

- (1) Notwithstanding anything contained in these rules, the Governor shall, on the recommendations of the High Court, if he is of the opinion that it is in the public interest so to do, have the absolute right to retire any member of the service who has attained their age of fifty years, by giving him notice of not less than three months, in writing, or three months pay and allowances in lieu of such notice.

²⁷ Amended vide Department of Home Notification No.Home-B-B(2)-4/2004-III-Loose dated 14th June, 2016

- (2) Whether a member of the service should be retired in public interest under sub-rule (1) shall be considered at least three times, that is, when he is about to attain the age of 50 years, 55 years and 58 years:

Provided that nothing in sub-rule (2) shall be construed as preventing the consideration of question of retirement of a member of the service in the public interest at any time other than those mentioned therein.

RULE-16

Residuary provision:-

For the matters not specified in these rules, the rules as are applicable to Class-I Officers of the State Government, shall mutatis mutandis be applicable to the members of the service.

RULE-17

Training:-

With respect to appointments made through direct recruitment, it shall be open to the High Court, by regulations made in this behalf, from time to time, to prescribe training schedules for the Officers appointed to the service and only on completion of such training as prescribed in such regulations, shall the Officers be eligible for regular appointment.

RULE-18

Departmental Examination:-

Every person appointed by direct recruitment to the service after the commencement of these rules shall pass the departmental examination by the prescribed standard within two years from the date of his appointment and if any candidate fails to pass the departmental examination, he may be discharged from service / reverted to the post from which he was promoted. The departmental examination shall be conducted by the High Court in accordance with the regulations to be framed in this behalf, by the High Court:

Provided that the High Court may, for good and sufficient reasons, extend the period within the person shall so pass the examination.

RULE-19

Conduct:-

The matters of the service shall uphold the integrity and independence of Judiciary and shall also observe strict Judicial ethics, which have been or may be communicated by the High Court, from time to time.

RULE-20

Power to relax:-

Where, for reasons to be recorded in writing, the State Government in consideration with the High Court and Himachal Pradesh Public Service Commission is satisfied that operation of any particular provisions of these rules with respect to conditions of service, causes or is likely to cause undue hardship in any particular case or class of cases, the State Government may by order in writing in consultation with the High

Court and Public Service Commission dispense with or relax such provisions of the rules or any such requirement as originating from such provisions to such extent and in such a manner as the State Government may deem proper, just or equitable.

RULE-21

Interpretation:-

If any question arises as to the interpretation of these rules, the same shall be decided by the State Government, in consultation with the High Court.

RULE-22

Repeal and Savings:-

- (i) On the coming into the force of these Rules, the Himachal Pradesh Higher Judicial Service Rules, 1973 and the Himachal Pradesh Judicial Service Rules, 1973, shall stand repealed.
- (ii) Notwithstanding such repeal anything done or any action taken under the above rules be deemed to have been validly done or taken under these rules.

By order
Sd/-
Principal Secretary (Home)

Home Department

“Addendum”

Shimla-2, the 17th March, 2004

No.Home-B(B)2-4/2002.---- In continuation of this department notification of even number dated 16-03-2004, the Governor, Himachal Pradesh is pleased to add the following schedule to Himachal Pradesh Judicial Services Rule, 2004:-

SCHEDULE

[See rule 3 (2)]

Sl.N o.	Cadres	No. of posts			Pay Scale
		Permanent	Temporary	Total	
<u>Master pay scale</u> Rs.9000-250-10750-300-13150-350-15950-400-19150-450-21850-500-24850.					
1	District Judges / Additional District Judges	24	6 + 1 (Leave Reserve- cum- Deputation)	31	(a) <u>Initial Scale:</u> Rs.16750-400- 19150-450-20500. (b) <u>Selection Grade:</u> (25% of the cadre strength) Rs.18750-400- 19150-450-21850- 500-22850. (c) <u>Super Time Scale:</u>

					(10% of the cadre strength) Rs.22850-300-24850.
2	Civil Judges (Senior Division)	34	-----	34	(a) <u>Initial Pay Scale</u> Rs.12850-300-13150-350-15950-400-17550. (b) 1 st Stage Assured Career Progression Scale after five years service as Civil Judge (Senior Division) Rs.14200-350-15950-400-18350. (c) 2 nd Stage Assured Career Progression Scale (on completion of five years service in Assured Career Progression 1 st Stage Scale) Rs.16750-400-19150-450-20500.
3	Civil Judges (Junior Division)	54	-----	54	(a) <u>Initial Pay Scale</u> Rs.9000-250-10750-300-13150-350-14550. (b) 1 st stage Assured Career Progression Scale (after five years service): Rs.10750-300-13150-350-14900. (c) 2 nd Stage Assured Career Progression Scale (after 5 years service in the 1 st stage Assured career Progression Scale): Rs.12850-300-13150-350-15950-400-17550.

By order
Sd/-
Principal Secretary (Home)

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

No.HHC/Rules/22(25)/83

Dated 12th January, 2005

NOTIFICATION

In exercise of the powers conferred under Rule 2 (1) (g) (i) & (ii) of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh is pleased to make the following Regulations prescribing syllabus for competitive examination and allocation of marks, for the cadre of Civil Judges:-

Short Title	1. These Regulations shall be called Himachal Pradesh Judicial Service (Syllabus and Allocation of Marks) Regulations, 2005 (As amended upto 01-07-2016).
Commencement	2. These Regulations shall come into force with immediate effect.
Allocation of Marks	<p>3. Competitive examination for appointment to the cadre of Civil Judges to be appointed by direct recruitment, shall consist of:-</p> <p>(i) <u>Preliminary examination:</u> ²⁸</p> <p>All the candidates who apply for the post(s) and are found eligible shall be called for a preliminary examination which shall be an objective type examination, consisting of the following three papers of 100 marks each:-</p> <p>(a) Civil Law-I (b) Civil Law-II (c) Criminal Law</p> <p>Each paper shall be of one hour duration and the examination in all the three papers shall be held on the same day.</p> <p>(ii) <u>Main Examination:</u> ²⁹</p> <p>On the basis of the merit obtained in the Preliminary examination, the candidates equal to twenty times of the number of vacancies to be filled in shall be called for taking the main examination;</p> <p>The main examination for the cadre of Civil Judges shall consist of :-</p> <p>3 (a) Written examination - 850 marks</p>

²⁸ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008

²⁸ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008 / Notification No.HHC/Rules/22(25)/83 dated 05-11-2014 / Notification No.HHC/Rules.22(25)/83 dated 01-07-2016

	<p>(b) Viva-voce - 150 marks</p> <p>-----</p> <p>Total - 1000 marks</p> <p>-----</p> <p>The syllabus for the preliminary examination, shall be the same as provided for paper-I to III for the main examination in Regulation 4 below.</p>
Subject and Syllabus	<p>4. The subjects and syllabus for the written examination and marks for each paper shall be as follows:-</p> <p>Paper-I</p> <p><u>Civil Law-I:</u></p> <p>Code of Civil Procedure, Indian Evidence Act, Himachal Pradesh Stamp Act, Himachal Pradesh Courts Act, 1976 and Specific Relief Act.</p> <p>Paper-II</p> <p><u>Civil Law-II:</u></p> <p>Indian Contract Act, Hindu Law, Indian Limitation Act, Transfer of Property Act and H.P. Urban Rent Control Act.</p> <p>Paper-III</p> <p><u>Criminal Law:</u> Indian Penal Code, Criminal Procedure Code, Chapter-XVII (Section 138 to 143) of the Negotiable Instruments Act, Himachal Pradesh Excise Act, 2011, Wild Life Protection Act and Indian Forest Act.³⁰</p> <p>Paper-IV</p> <p><u>English Composition:</u>³¹</p> <p>A choice from three Essays on general subjects</p> <p>Essay - 100 marks</p> <p>Translation of Hindi - 50 marks</p> <p>Passage into English</p> <p>-----</p> <p>Total - 150 marks</p> <p>-----</p> <p>Paper-V</p> <p>Language: Hindi (in Devnagri Script) No books prescribed. The paper of Hindi will comprise of following:-</p> <p>Translation of English passage into Hindi – 30 marks</p>

³⁰ Amended vide Notification No.HHC/Rules.22(25)/83 dated 14-10-2013 / Notification No.HHC/Rules/22(25)/83 dated 20-06-2008

³¹ Amended vide Notification No.HHC/Rules/22(25)/83 dated 05-11-2014

	<p style="text-align: center;">Essay in Hindi on any topic out of three – 50 marks Composition (Idioms and Corrections etc.) – 20 marks</p> <p style="text-align: center;">----- Total 100 marks -----</p> <p>Viva-Voce: 150 marks</p> <p>Note:- (i) Bare copies of legislative enactments only will be supplied.</p> <p style="text-align: center;">(ii) Each paper will last for three hours. Paper I to III will carry 200 marks each, Paper IV 150 marks and Paper V 100 marks and viva-voce will carry 150 marks.³²</p> <p>Provided always that the High Court of Himachal Pradesh whenever it considers necessary, may make alternations or modifications in the subjects, syllabus and distribution of marks.</p>
Setting of Papers	5. The Examiner shall set the papers in the main examination to test the practical ability of the candidates rather than the range of their theoretical knowledge. For this purpose the papers shall include questions giving facts of a given case requiring the candidates to frame issues, to write a judgment and to discuss the admissibility of evidence. ³³
Minimum Qualifying Marks	<p>6 (i) No candidate shall be credited with any marks in any paper in main examination unless he obtains atleast 40% in that paper, except Hindi language paper (Paper V) in which candidate should obtain atleast 33% marks.³⁴</p> <p>(ii) No candidate would be considered to have qualified the main examination unless he obtains 45% marks in aggregate in all papers and atleast 33% marks in Language paper i.e. Hindi in Devnagari script.³⁵</p> <p>(iii) The Standard for the language paper shall be that of matriculation examination of the Himachal Pradesh Board of School Education.</p> <p>(iv) The standard for the English paper shall be that of graduation examination of Himachal Pradesh University.</p> <p>(v) That out of the candidates who qualify written examination prescribed above, for each vacancy three candidates shall be called for viva-voce strictly in order of merit obtained in the written examination. Category-wise merit list shall be drawn</p>

³² Amended vide Notification No.HHC/Rules/22(25)/83 dated 05-11-2014

³³ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008

³⁴ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008 / Notification No.HHC/Rules/22(25)/83 dated 05-11-2014

³⁵ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008 / Notification No.HHC/Rules/22(25)/83 dated 05-11-2014

	<p>up so that the requisite number of candidates are called for each category as per the vacancies, reserved for each category.</p> <p>Further provided that a candidate shall also be required to obtain atleast 45% of the marks allocated for the interview, failing which he will be deemed to have not qualified the competitive examination.³⁶</p> <p>(vi) The marks obtained in viva-voce test shall be added to the marks obtained in the main examination for drawing overall merit of the candidates for preparing select list.³⁷</p>
Result	<p>7(i) The result of the examination shall be declared immediately after completion of the viva-voce test.</p> <p>(ii) The result shall also be published in the official gazette.</p> <p>(iii) Selection of the candidates belonging to the Scheduled Caste, Scheduled Tribe and Other Backward Classes etc. shall be made in order of merit against the vacancies reserved for such categories and in the manner prescribed by the Government from time to time.</p> <p>(iv) The inclusion of a candidate in the list of successful candidates shall not confer any right to appointment unless the government is satisfied, after such enquiry as may be considered necessary, whether the candidate is suitable in all respects for appointment in service before an actual offer for appointment is made.</p>
Medical Examination	<p>8. No candidate shall be eligible for appointment to the service unless he appears for medical examination before the standing Medical board and has been declared by such Board to be physically fit for the duties, which he will have to perform as a member of the service.</p> <p>Note: (i) The guidelines for the medical examination of candidates are contained in Annexure of these Regulations.</p> <p>(ii) The name of a selected candidate shall be removed from the list of selected candidates, who fails to appear before the Standing Medical Board, for medical examination, without sufficient reason.</p> <p style="text-align: right;">BY ORDER Registrar (Rules)</p>

³⁶ Amended vide Notification No.HHC/Rules.22(25)/83 dated 01-07-2016

³⁷ Amended vide Notification No.HHC/Rules/22(25)/83 dated 20-06-2008

Annexure

(Refer to Note (i) below Regulation 8)

GUIDELINES FOR THE MEDICAL EXAMINATION OF CANDIDATES FOR
ADMISSION TO THE HIMACHAL PRADESH JUDICIAL SERVICE

(These guidelines are intended merely for the guidance of Medical Examiners and are not meant to restrict their discretion in any way).

1. To be passed as medically fit for admission to Himachal Pradesh Judicial Service, a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of his appointment.

2. The candidate's height will be measured as follows:

He will remove his shoes and be placed against the standard with his feet together and the weight thrown on the heels and not on the toes or other sides of the feet. He will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard; the chin will be depressed to bring the vertex of the head level under the horizontal bar and the height will be recorded in inches and part of an inch to quarters.

3. The candidate's chest will be measured as follows:

He will be made to stand erect with his feet together, and to raise his arms over his head. The tape will be adjusted round the chest that its upper edge touches the interior angles of the shoulder blades behind and its lower edge, the upper part of nipples in front. The arms will then be lowered to hand loosely by the side, and care will be taken that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted.

The range of expansion should not be less than-

The minimum and maximum will then be recorded in centimeters, 84-89, 86-91 etc. In recording the measurements fraction of less than $\frac{1}{2}$ should not be noted.

4. The candidate will also be weighed and his weight recorded in pounds. Fractions of a pound should not be noted.

5. The following conditions should be observed in connection with acuteness of vision:

(a) No candidate will be accepted whose vision is less than-

Better eye

Worse eye

V-6/6 and reads 0.6

V-6/12 reads 1

Spectacles will be allowed for either eye upto +5 O.D.

Provided that there are no morbid changes in the fundus.

- (b) In myopia if there is posterior astigmatism the spectacles must not exceed -2.5 D in either eye.
 - (c) In case of astigmatism the combined lenses must not exceed 5 Diopeters there should be no fundus change.
 - (d) Squint or any other morbid condition of the eyes or of the lids of either eye liable to the risk of aggravation or recurrence will cause the rejection of the candidate.
 - (e) Each eye must have a full field of vision as tested by hand movements.
 - (f) Any defect in colour vision will be noted, but will not cause rejection of the candidate.
 - (g) In case of doubt or of serious abnormality the opinion of the ophthalmic specialist will be obtained.
 - (h) No candidate will be accepted whose standard of vision does not come up to the specified requirements without the use of contact glasses.
6. The urine (passed in the presence of the examiner) should be examined, the result recorded.
7. The following additional points should be observed:-
- (a) that the candidate's hearing in each ear is good and that there is no sign of the disease of the ear;
 - (b) that his speech is without impediment;
 - (c) that his teeth are in good order and that he is provided with dentures where necessary for effective mastication (well filled teeth) will be considered as sound;
 - (d) that his chest is well formed and his chest expansion sufficient and that his heart and lungs are sound;
 - (e) that there is no evidence of an abdominal disease;
 - (f) that he is not ruptured;
 - (g) that he does not suffer from hydrocele, a severe degree of varicocele, varicose veins or piles;
 - (h) that his limbs, hands and feet are well formed and developed and that there is free and perfect motion of all his joints;
 - (i) that he does not suffer from any inveterate skin disease;
 - (j) that there is no congenital malformation or defect;
 - (k) that he does not bear traces of any acute or chronic disease pointing to an impaired constitution; and
 - (l) that he bears marks of efficient vaccination and evidence of revaccination within the last 12 months.

When any defect is found it must be notified in the certificate and the Medical Examiner should state his opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate. If the condition is remediable by operation it should be so stated.

8. The following intimation is made for the guidance of the Medical Examiners:-
 1. In the medical examination of candidates, Medical Officers are especially required to use fact and judgement and to take proper precaution to secure privacy, with the object of removing any objection which may be made by individuals to strip pint.
 2. Should a candidate object to the exposure of his person for the detection of hemorrhoids, venereal disease, hernia and disease of the testicles, scrotum and rectum, the candidate must if this examination in his case is in the opinion of the Board necessary, be rejected.
 3. The opinion of the Board accepting or rejecting a candidate is final and cannot be questioned on any ground. The Board is debarred from disclosing to any candidate, permanently unfit, the reasons for his rejection. In these cases their opinion and report is to be treated as strictly confidential and for the information of Government only. Where, however, the Board detects a temporary defect amenable to treatment the candidate may be so informed in order that he has the defect remedied and present himself for re-examination.
 4. No person will be deemed qualified for the admission to the Public Service, who shall not satisfy the Government that he has no disease, constitutional affection or bodily infirmity unfitting him or likely to unfit him for that service.
 5. It should be understood that the question of fitness involves the future as well as the present, and that the main object of medical examination is to ensure continuous effective service, and in the case of candidates for permanent appointment to prevent early pension or payment, in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service, and that the rejection of a candidate need not be advised on account of the presence of a defect which is only a small proportion of cases, is found to interfere with continuous effective service.
 6. The candidate must make the statement required below prior to his medical examination and must sign the declaration appended hereto. His attention is specially directed to the warning contained in the note below:-
 1. State your name in full _____
 2. State your age and birth place _____
 - 3.(a) Have you ever had small-pox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma,

inflammation of lungs, heart disease, fainting attacks, rheumatism, or appendicitis ?

OR

(b) Any other disease or accident requiring confinement to bed and medical or surgical treatment.

OR

(c) Suffered from any illness, wound or injuries sustained while on active service with his Majesty's Forces during the last Great Wars?

(d) Have you ever rejected by Medical Board or duly constituted Medical Authority?

4. When were you last vaccinated?

5. Have you or any of your near relations been affected with consumption, scrofula, gout, asthma, fits, epilepsy, or insanity?

6. Have you suffered from any form of nervousness due to overwork or any other cause?

7. Furnish the following particulars concerning your family:-

Father age if living and state of health	Father's age at death and cause of death	Names of brothers living, their ages & State of health	Number of brothers dead, their age and cause of death	Mother's age if living and state of health

Mother's age at death and cause of death	Number of sisters living their ages and state of health	Number of sisters dead, their ages at, and cause of death

I declare all the above answers to be, to the best of my belief, true and correct and accept the finding of the Board as final.

Candidate's signature.....

Note:- The candidates will be held responsible for accuracy of the above statement. By willfully suppressing an information he will incur the risk of losing the appointment and if appointed, of forfeiting all claims of superannuation allowance or gratuity.

Medical Examiner's Report Questions	Answers	Remarks
1. Has the declaration above been signed by the candidate?		

2. Is there any evidence of malformation, congenital or acquired?		
3. Is he free from scars, and has he the full use of all limbs?		
4. Are there any indications of a decided cachectic or diathetic state of constitution?		
5. Has the candidate been vaccinated within the last twelve months?		
6. Are there any signs of disease of the nervous system?		
7. Is the hearing good? Is there any sign of disease of ears?		
8. What is the candidate vision?	R.E.V. with glasses Reads Spectacles, if any R.E. L.E.	
9. Is the candidate free from stammer or other serious defect of speech?		
10. Are there any signs of disease of the bones, joints or parts connected therewith?		
11. Is there any important infection of the skin?		
12. Are the heart and arteries healthy?		
13. Has the candidate hemorrhoids, varicocele, or other infections of veins?		
14. Is there any evidence of disease of respiratory organs?		
15. Are there any signs of disease of the digestive organs?		
16. Is the candidate free from rupture?		
17. Is there any indication of disease of the genital organs?		
18. Is the urine free from:- (1) Albumen? (2) Sugar? Is the urine otherwise normal	(1) (2) -----	
19. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service?		

20. Do you consider the candidate in all respects qualified for the efficient and continuous discharge of his duties in the service?		
Height (without shoes)		
Girth of chest	Full inspiration	
Weight		

Dated:

President

Member

Member
