

No. 161/XXXVI(1/07/306-EK(1)/2005

Dated Dehradun, April 24, 2007

NOTIFICATION

Miscellaneous

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to the Ministerial establishment of the Civil Courts and Family Courts in the State of Uttarakhand, subordinate to the High Court:-

THE UTTARAKHAND SUBORDINATE CIVIL COURTS MINISTERIAL ESTABLISHMENT RULES, 2007 as amended by amendment Rules, 2009,2011,2012,2019, 2022

1. **Short title, commencement and Extent.** - (1) These rules may be called "The Uttarakhand Subordinate Civil Courts Ministerial Establishment Rules, 2007.

(2) They shall come into force with immediate effect.

(3) These rules shall apply to all persons in the Ministerial Establishment of the Civil Courts and Family Courts in the State of Uttarakhand, subordinate to the High Court.

2. **Definitions.** - In these rules, unless there is anything repugnant in the subject or context-

(a) "**Appointing authority**" means the District & Sessions Judge and the Principal Judge, Family Court,

(b) "**Chief Justice**" means the Chief Justice of High Court of Uttarakhand,

¹[(c)] Deleted

(d) "**Constitution**" means the Constitution of India,

(e) "**Court**" means the High Court of Uttarakhand,

(f) "**Family Court**" means the Courts of Principal Judge, Family Court, Judge, Family Court and Additional Judge, Family Court.

(g) "**Government**" means the Government of Uttarakhand.

(h) "**Governor**" means the Governor of Uttarakhand,

(i) "**Ministerial Establishment**" Means the staff of the subordinate Civil Courts and Family Courts consisting of ministerial servants,

(j) "**Subordinate Civil Courts**" means the Courts of District and Session Judges, Additional District and Session Judges, ²[Senior Civil Judges]

¹ Deleted By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

² Amended by Not. No. 637/XXXVI(2)/2022/306-(1)/05, Dated 06th September, 2022

Additional ³[Senior Civil Judges], Assistant Sessions Judge, Chief Judicial Magistrates, Additional Chief Judicial Magistrates, Additional Chief Judicial Magistrates (Railway), Judicial Magistrate, ⁴[Civil Judge], Additional ⁵[Civil Judge] and Courts of Judge Small Cause, Additional Judge Small Cause Courts Subordinate to the High Court of Uttarakhand,

(k) “Year of Recruitment” means a period of Twelve Months commencing from the first day of January of the calendar year in which the process of recruitment is initiated by the appointing authority.

⁶[(l) (1) “Registrar General” means the Registrar General of Uttarakhand High Court.

(2) Definition clause shall be assumed as renumbered.]

3. **Cadre of the service.** - The ministerial service shall consist of the following classes and categories official employed in each Judgeship and Family Courts in Uttarakhand:-

CIVIL COURTS

<u>Sl. No.</u>	<u>Name of the post</u>	<u>Pay scale</u>	<u>Source of recruitment</u>
(a)	Copyist/Junior Clerk/ Assistant Accounts Clerk, Assistant Librarian, Stationary Clerk, Amin Grade II, Assistant Record Keeper, Assistant Nazir	Rs. 3050-4590 or pay scale refixed by the Government from time to time	By direct recruitment or by selection from amongst the regular Group “D” employees fulfilling conditions as per the rules/ Government orders applicable not beyond the quota fixed such Government orders
(b)	Suits Clerk/Execution Clerks, Ahalmads, Dy. Nazir, Accounts Clerk, Sessions Clerk, Appeals Clerk, Cashier, Misc. Clerk, Munsarim/ Readers of Civil Judge (SD) and Civil Judge (JD)/J.M., Librarian, Amin Grade I/ Deputy Record Keeper	Rs. 4000-6000 or pay scale refixed by the Government from time to time	By promotion from amongst the category (a) having three years experience
(c)	Munsarim/Readers of the Courts of District Judge/ Addl. District Judge/ C.J.M./ Addl. C.J.M. Central Nazir, Record Keeper,	Rs. 4500-7000 or pay scale refixed by the Government from time to time	By promotion from amongst the category (b) having three years experience

³ Amended by Not. No. 637/XXXVI(2)/2022/306-(1)/05, Dated 06th September, 2022

⁴ Amended by Not. No. 637/XXXVI(2)/2022/306-(1)/05, Dated 06th September, 2022

⁵ Amended by Not. No. 637/XXXVI(2)/2022/306-(1)/05, Dated 06th September, 2022

⁶ Inserted By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

	Head Copyist, 2 nd Clerk		
(d)	Sadar Munsarim	Rs. 5500-9000 or pay scale refixed by Government from time to time	By promotion ⁷ [Deleted.....] amongst the category (c) who has put atleast ten years service in all
(e)	Senior Administrative Officer	Rs. 6500-10500 or pay scale refixed by Government from time to time	By promotion ⁸ [Deleted] from amongst the category (c) and (d) who has put atleast ten years service in all
(f)	Stenographer Grade I for the courts of Civil Judge (J.D.)/Judicial Magistrate/C.J.M./ Additional C.J.M./ Civil Judge (S.D.)/ Additional Civil Judge (S.D.)	Rs. 4000-6000 or pay scale refixed by Government from time to time	By direct recruitment
(g)	Personal Assistants to the courts of additional District & Sessions Judges	Rs. 5500-9000 or pay scale refixed by Government from time to time	By promotion from amongst the category (f) having five years experience
(h)	Personal Assistants to the courts of I District & Sessions Judges	Rs. 6500-10500 or pay scale refixed by Government from time to time	By promotion from amongst the category (g).

The categories mentioned at sub-clause (a) to (e) will form one cadre and categories (f) to (h) will be another cadre.

FAMILY COURTS

<u>Sl. No.</u>	<u>Name of the post</u>	<u>Pay scale</u>	<u>Source of recruitment</u>
(a)	Typist-cum-Copyist	Rs. 3050-4590 or pay scale refixed by the Government from time to time	By direct recruitment
(b)	Assistant Accountant/ Execution Clerk-cum-Conservation Clerk, Suits Clerk-cum-maintenance Clerk	Rs. 4000-6000 or the pay scale refixed by the Government from time to time	By promotion or on deputation from the Judgeships

⁷ Deleted By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

⁸ Deleted By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

(c)	Reader	Rs. 4500-7000 or the pay scale refixed by the Government from time to time	By promotion or on deputation from the Judgeships
(d)	Personal Assistant	Rs. 5500-9000 or the pay scale refixed by the Government from time to time	By direct recruitment or on deputation from the Judgeships
(e)	Sadar Munsarim	Rs. 5500-9000 or pay scale refixed by Government from time to time	By promotion or on deputation from the Judgeships

4. **Sanctioned Strength of the Establishment.** - The Strength of the ministerial establishment of a Judgeship or Family Court shall be such as may be determined by the Government from the time to time.

5. **Nationality.** – ⁹[No person shall be appointed to any ministerial establishment unless he is a citizen of India].

6. **Academic Qualification:- Clerical Post:**

- (a) Must possess a Bachelor degree of University established by law in India or a qualification recognized as equivalent thereto.
- (b) Must possess a thorough knowledge of Hindi and English.
- ¹⁰[(c) Must possess good knowledge of Hindi typewriting having a speed of 25 words per minute on the computer. Preference will be given to those candidates who have a typing speed of 30 words per minute in English on the computer.]
- (d) Sufficient knowledge of operating computer.

Academic Qualification:-Stenographer & Personal Assistant of Family Courts:

- (a) Must Possess a Bachelor degree of a University established by law in India or a qualification recognized as equivalent thereto.
- (b) Must possess a thorough knowledge of Hindi and English.
- ¹¹[(c) Must possess a speed of 80 words per minute in Hindi shorthand and typing speed of 25 words per minute in Hindi on

⁹ Amended by Not. No. No. 170/XXXVI(2)/2019-306-one(1)/2005, Dated, July 13, 2019

¹⁰ Amended By Not. No. 211/XXXVI(2)/2012-306-one(1)/2005 Dated May 21, 2012

¹¹ Amended By Not. No. 211/XXXVI(2)/2012-306-one(1)/2005 Dated May 21, 2012

the computer. Preference will be given to those candidates who have a speed of 80 words per minute in English shorthand and typing speed of 35 words per minute in English on the computer.]

- (d) Sufficient knowledge of operating computer.

7. **Age.** A candidate for recruitment to a post in the ministerial establishment must have attained the age of twenty-one years and must not have attained the age of more than thirty-five on the 1st day of January of the calendar year in which the vacancies for direct recruitment are advertised:

Provided that the upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and such other categories, as may be notified by the Government from time to time, shall be higher by such number of years as may be specified:

Provided the Chief Justice may extend the age limit in favour of a candidate on the grounds of public interest or fair dealing.

8. **Character.** The character of a candidate for recruitment to a post in the ministerial establishment must be such as to render him suitable in all respects for employment in Government service. The appointing authority shall satisfy itself on this point. He must produce a certificate of good character from the principal officer of the University or college or the school, as the case may be, in which he was last educated and from two responsible persons of status (not being relations), who are well acquainted with him in private life.

Explanation- Persons dismissed by the Union Government or by any State Government or a Local authority or by a Corporation or body owned or controlled by the Union or nay State Government shall be ineligible for recruitment to the ministerial establishment. Persons convicted of an offence involving moral turpitude shall also be ineligible.

9. **Physical Fitness.** No person shall be appointed to the ministerial establishment unless he is in good mental and bodily health and free from all physical defect likely to interfere with the efficient performance of his duties. Before a person is appointed to any post, he shall be required to produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rule 10 contained in Chapter III of the Financial Hand Book, Volume II, Part III.

10. **Reservation of Posts for Scheduled Caste etc.** The Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the orders of the Government in force at the time of initial recruitment.

11. **Eligibility Women.** Women are also eligible for appointment to the Establishment as per Government orders in force.

12. Marital Status. A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living, shall not be eligible for appointment to the ministerial establishment.

13. Procedure of Direct Recruitment to the Service:

Determination of Vacancies:

(a) Each District Judge and Principal Judge, Family Court in Uttarakhand shall ascertain the probable number of vacancies to be filled by direct recruitment during the course of the year of recruitment as also the number of vacancies under rule 10 to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the orders of the State Government issued from time to time.

¹²[(b) The vacancies shall be intimated to the Court.

(c) After the consolidation of the vacancies, they shall be advertised by the Court.

(d) Competitive Examination for selection against the consolidated vacancies shall be conducted in the manner as may be prescribed by the Chief Justice.

Provided that the option shall be obtained at the time of inviting the applications itself from the candidates for the purpose of appointment in all the districts of the State, in order of preference, and after the selection they shall be posted in accordance with the option given by them. The option shall not be changed.]

(e) **Application Form:**

¹³[(1) Application for permission to appear at the competitive examination shall be invited through advertisement by the Court.

(2) No candidate shall be admitted to the examination unless he holds a certificate of admission.

(3) Candidates shall pay such fee as may from time to time be specified by the Chief Justice. No claim for refund of the fee shall be entertained.

(4) If the number of candidates is more, a preliminary examination for the purpose of short listing the candidates shall be conducted in the manner prescribed by the Chief Justice at his discretion.

(5) Syllabus- The competitive examination shall be conducted by the Registrar General as per the syllabus given in annexed Appendix-1]

¹² Amended By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

¹³ Amended By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

(6) Canvassing- No recommendation either written or oral other than those required under these rules shall be taken into consideration. Any attempt on the part of a candidate directly or indirectly may render him liable to disqualification.

(7) (a) A written examination shall be conducted for the selection.

¹⁴[(b) The written examination shall be conducted question paper which shall include General Knowledge and General Studies as prescribed in (part-I) of annexed Appendix-I, while evaluating the question paper one mark shall be awarded for each correct answer and 1/4 negative mark for each incorrect answer.]

(c) The Answer Sheet of the written examination shall be in duplicate (including the carbon copy) and the candidate shall be permitted to carry back the duplicate copy with him/her after the examination.

¹⁵[(d) After the written examination, the answer key of the objective type written examination shall be displayed on the website of High Court of Uttarakhand www.highcourtofuttarakhand.gov.in and published in the daily newspapers and shall be pasted on the notice board of the concerned office.

(e) Result of the written examination of all the candidates shall be displayed on the website of the High Court of Uttarakhand and published in daily newspapers and shall be pasted on the notice board of the concerned office.]

(f) On the basis of the result of written examination as per details mentioned in (Part-1) of the annexed Appendix-I, such number of candidates shall be called for examination Part-2 on the basis of merit in the manner as mentioned in the annexed Appendix-I prescribed by the Chief Justice, as may be considered necessary.

(g) If two or more candidates obtain equal marks, the candidate senior in age, shall be placed higher in the merit list.

(8) ¹⁶[Deleted]

14. ¹⁷[List of candidates approved by the court]

¹⁸[(1) The Registrar General shall prepare a select list of the candidates in order of merit, on the basis of the aggregate of marks obtained by them in the written examination Part 1 and Part 2.

¹⁴ Amended By Not. No. 128/XXXVI(2)/2011-306-one(1)/2005 Dated March 11, 2011

¹⁵ Inserted By Not. No. 211/XXXVI(2)/2012-306-one(1)/2005 Dated May 21, 2012

¹⁶ Amended By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

¹⁷ Amended By Not. No. 211/XXXVI(2)/2012-306-one(1)/2005 Dated May 21, 2012

¹⁸ Amended By Not. No. 128/XXXVI(2)/2011-306-one(1)/2005 Dated March 11, 2011

Provided that if two or more candidates obtain equal marks, the name of the candidate senior in age, shall be placed higher in the select list.

Provided further that if two or more candidates of equal age obtain equal marks, the name of the candidate who has obtained higher marks in the written examination, shall be placed higher in the select list.

(2) The list of selected candidates shall be published in the manner as prescribed by the Chief Justice.]

15. Appointment to the Establishment.

¹⁹[(1) *The Registrar General shall send the list of the selected candidates to the concerned District Judges and the concerned Judges of the Family Courts in order of merit for appointment. In preparing the district wise merit list, the Registrar General, as far as possible shall keep in mind the preferences given by the candidates. Normally efforts shall be made as far as possible to appoint them in the district, opted by the candidates, If it is not possible to appoint a candidate on the basis of his first, second or third option, he may be posted at any of the available places.*

The appointment of a candidate in a district in accordance with his first preference shall be made on the basis of merit. If it is not possible to appoint all the selected candidates on the basis of their preference, they shall be appointed on the basis of second preference and so on.

(2) *The selected list shall be valid for one year from the date of its publication.*

(3) *The District Judges and judges of Family Courts shall make appointment of the candidates whose name are sent by the Registrar General as per the roster, provided in the official notification and Government orders.*

(4) *The names of the candidates appointed by the District Judge and Principle Judge, Family Court in accordance with rule 15(3) shall be entered in order of merit in a bound register in the form prescribed in the annexed Appendix II and each entry shall be initialed and dated by the District judge or the Principle Judge, Family Court, as the case may be, after inspection of the originals of the attested copies of certificates submitted by the candidates.]*

²⁰[16. **Registration of Selected Candidates.**

Services of any candidate may be dispensed with for the reasons of inefficiency or misconduct by the appointing authority without any departmental enquiry within period of one year from the date of joining.]

17. Probation.

(1) All persons on first appointment to the ministerial establishment except when the appointment is only in temporary or officiating capacity and on promotion to higher posts that fall substantively vacant shall be on probating for a period of one year.

¹⁹ Amended By Not. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

²⁰ Amended By Not. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

Provided that the District Judge or Principal Judge, Family Court, as the case may be, at his discretion extend the period of probation for a further period of six months.

- (2) The period of probation shall be counted from the date of taking over charge of the post.

Explanation- An appointee as a stenographer in ministerial establishment will also be put on probation for a period of any year.

- (3) If it appears to the appointing authority at any time during or at the end of period of probation that any person has not made sufficient use of his opportunities on promotion or if he has otherwise failed to give satisfaction, the District Judge or Principal Judge, Family Court as the case may be may, without notice, revert him to his substantive post, if he holds one, or make any other suitable order.

18. **Confirmation.** Subject to the provisions of the preceding rule, a probationer shall be confirmed against the permanent post.

19. **Seniority.** The Seniority of persons substantively appointed in the service shall be determined in accordance with the Uttarakhand Government Servants Seniority Rules, 2002 as amended from time to time.

20. **Promotion.**

(1) The higher post in a Judgeship or Family Court shall be reserved for clerks in that Judgeship or Family Court and promotion to higher posts shall be made from amongst them.

(2) Except in cases of Amins, promotion shall be made according to seniority subject to efficiency.

(3) Posts other than those mentioned in sub-rule (2) above, shall be treated as selection posts, promotion to which shall be based on merit with due-regard to seniority, with a suitability test as prescribed by the District Judge or Principal Judge, Family Court, as the case may be.

(4) The promotion from the lowest grade to the next higher grade shall be made if the persons have sufficient knowledge of Circular letters, General rule (Civil and Criminal), Financial Hand Book after taking a suitability test by the District Judge and the Principal Judge, Family Court as prescribed by him.

(5) The posts of Sadar Munsarim and Senior Administrative officers are of promotional and of selection posts. The promotion to these posts will be made from amongst the persons who have sufficient knowledge of working in all departments of the Judgeship, particularly, the Nazarat and Accounts. While making the promotion to the posts of Sadar Munsarim and the Senior Administrative Officer, the District Judge will conduct a suitability test as prescribed by him of the persons of working in the next lowest grade to these posts and then make promotion to these posts on the basis of merit-cum-seniority. The cases of Senior Personal Assistants shall also

be considered by the District Judge for the post of Senior Administrative Officer.

(6) The Chief Justice, if he deems fit, may make appointment on the posts of Sadar Munsarim and the Senior Administrative Officer of the member of any Judgeship provided the vacancy exists in such judgeship.

Note- In passing over a person for inefficiency as well as promotion for a selection post due weight shall be given to his previous record of service and seniority should be disregarded only when the junior official promoted is of outstanding merit as compared to his seniors.

(7) In Courts subordinate to the High Court, promotions to the Amins from the second to the first grade shall, as a rule, be made within the local jurisdiction of a District Judge considering the ground of superiority of general qualifications, irrespective of length of service.

(8) Promotions or appointments to the posts of Amins in subordinate Civil Courts shall ordinarily be confined to persons regarding whom the District Judge is satisfied that they have a sufficient knowledge of-

- (i) Hindi and English,
- (ii) Arithmetic,
- (iii) Measurement,
- (iv) Elementary land surveying and mapping,
- (v) Code of Civil Procedure,
- (vi) Rules in General (Civil) relating to the work and duties of the Amins:

Provided in exceptional circumstances the District Judge may exempt an official from such qualifications if he is satisfied that the official concerned is otherwise fit to hold the appointment.

(9) An official once promoted to the post of Amin shall not, for purposes of promotion to other posts in general office be entitled to claim seniority by reasons of such promotion over other clerks who were senior to him before his promotion as Amin.

(10) The appointment by way of promotion from the eligible candidates of Group 'D' within the prescribed quota shall be made by the appointing authority in accordance with the conditions and procedure prescribed by rules and Government orders issued from time to time in the lowest pay scale of Group 'C'.

21. Scale of Pay.

The Scales of pay of persons appointed to posts in the cadre, whether in substantive or officiating capacity, or as a temporary measure shall be as sanctioned by the State Government from time to time.

22. Pay During Probation.

The pay during probation of a person directly recruited shall be the minimum pay of the post to which he is appointed and in the case

of a person already in the service of the State it shall be such as may be admissible to him under the relevant rules referred to in rule 21. Increments will be earned by approved probationary service provided that if, in any case the period of probation is extended on account of failure to give satisfactory service, such extended period shall not be counted for increment.

23. Transfers.

(1) The Chief Justice may transfer any Sadar Munsarim or any Senior Administrative Officer or any member of the establishment from any Judgeship to another Judgeship in the same pay scale against existing vacancy on the complaint of the District Judge or in the public interest.

(2) The District Judge may transfer any member of the establishment within the District in the same pay scale from one court/office/department to another, as he deems fit.

24. Applicability of Dying in Harness Rules.

Notwithstanding any thing to the contrary contained in these rules the Uttarakhand (Uttar Pradesh Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974) Adaptation & Amendment Rules, 2002 shall be applicable to the ministerial establishment. Recruitment will be made by the appointing authority accordingly.

25. Repeal & Savings.

(1) The Subordinate Civil Court Ministerial Establishment Rules, 1947 are hereby repealed.

(2) Notwithstanding such repeal--

(a) If immediately before the date on which these rules come into force, there is any matter pending regarding salary, pension, seniority, disciplinary action or other connected matters shall be disposed of in accordance with the provisions of the Subordinate Civil Court Ministerial Establishment Rules, 1947.

(b) All notifications and circular letters of the High Court or of the State Government, if any, issued under the Subordinate Civil Court Ministerial Establishment Rules, 1947, shall be deemed respectively to have been issued under the corresponding provisions of these rules.

²¹26. Power to remove the difficulties-

Notwithstanding any thing to the contrary contained in these rules or any other rules in force for the time being, the Chief Justice may issue necessary directions from time to time for effective implementation of these rules.]

²¹ Amended By Not. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009

Appendix – I

(Vide Rule 13)

The examination shall be in two parts.

(Part -1)**(1) Written Test****140 Marks**

²²[An objective type written examination shall be conducted which will include multiple choice questions of General Knowledge and General Studies.

Marks**140****Part -2**

²³**(2) Typewriting test on computer/ shorthand**
(For Stenographers)

60

Must possess a speed of 80 words per minute in Hindi shorthand and typing speed of 25 words per minute in Hindi on the computer. Preference will be given to those candidates who have a speed of 80 words per minute in English shorthand and typing speed of 35 words per minute in English on the computer.

(For others)

Must possess good knowledge of Hindi typewriting having a speed of 25 words per minute on the computer. Preference will be given to those candidates who have a typing speed of 30 words per minute in English on the computer.

(Note)

- (1) 25 words per minute correspond to 7,500 key depressions per hour,
- (2) 30 words per minute correspond to 9,000 key depressions per hour,
- (3) 35 words per minute correspond to 10,500 key depression per hour,

On an average of 5 key depressions for each word]

Total Marks: 200

²² Amended By Not. 128/XXXVI(2)/2011-306-one(1)/2005 Dated March 11, 2011

²³ Substituted by Not. No. 211/XXXVI(2)/2012-306-one(1)/2005 Dated May 21, 2012

²⁴[Appendix – II

{Please see rule 15 (4)}

Form of Register of Recruited Candidates]

Name	Father's Name	Caste, Religion, Class, if from reserved class	Address Permanent and Temporary	Date of Birth & Age	Academic Qualifications	Year & Position after Written Test	Special Qualification e.g., Stenography Accounts etc.
1	2	3	4	5	6	7	8

²⁴ Amended By Not. No. 55/XXXVI(2)/2009-306-one(1)/2005 Dated May 08, 2009