

**Probationary Section Officers (Legal) (Conditions of Service
re-lating to Training and Passing of Pre-Service
Examination) Rules, 1999**

CONTENTS

1. .
2. .
3. .
4. .
5. .
6. .
7. .
8. .
9. .
10. .
11. .
12. .
13. .
14. .
15. .
16. .
17. .
18. .
19. .
20. .
21. .
22. .

**Probationary Section Officers (Legal) (Conditions of Service
re-lating to Training and Passing of Pre-Service
Examination) Rules, 1999**

In exercise of the powers conferred by the proviso to Art. 309 of the Constitution of India, the Governor of Gujarat hereby makes the following rules to provide for regulating the conditions of service of persons directly recruited to the posts of Section Officer (Legal) on the legal side of the Legal Department and Legislative and Parliamentary Affairs Department in so far as they relate to their training and passing of the pre-service examination, namely:

1. . :-

- (1) These rules may be called the Probationary Section Officers

(Legal) (Conditions of Service relating to Training and Passing of Pre-Service Examination) Rules, 1999.

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

(3) They shall apply to persons directly recruited Section Officers (Legal) on the legal side of the Legal Department and Legislative and Parliamentary Affairs Department.

2. . :-

In these rule, unless the context otherwise requires:

(i) "Appendix" means the Appendix appended to these rules;

(ii) "Section Officer" means a person appointed as Section Officer (Legal) on the legal side of the Legal Department and Legislative and Parliamentary Affairs Department of the Secretariat otherwise than by promotion from the post of Legal Assistant.

(iii) "Direct Recruit" means a persons appointed as a Section Officer otherwise than by promotion from a post of Legal Assistant.

(iv) "Pre-Service Examination" means examination held by the Legal Department after the theoritical training is over.Theoritical Training of Directly Recruited Section Officers.

3. . :-

All the direct recruits shall be required to undergo theoritical training arranged by Legal Department in accordance with the following provisions:

(1) The training shall be for a period of seven weeks;

(2) The training programme shall consist of lectures and group dicussions. The syllabus of the training shall be as specified in Appendix-I where as the training sequence shall be as specified in Appendix-II;

(3) The probationary Section Officer shall be entitled the minimum of time scale of the pay scale of Section Officer in Secretariat and they will draw that pay and allowance during the entire period of probation and no increment shall be admissible to them during that period:

Provided that the probationary Section Officer on satisfactory completion of the probation period shall be entitled for the

increments of the probation period and also arrears thereof;

(4) The selected candidate shall be required to get him self medically examined before he joins as probationary Section Officer. For this purpose, a letter of introduction shall be given to him alongwith the letter of appointing him to the supernumerary post. It shall be his responsibility to present himself for an examination before the medical authority specified in the letter and to see that the certificate of physical fitness is received by the Legal Department before the commencement of the training course.

4. . :-

At the end of the Theoretical training course, the trainees shall be required to appear in the examination which shall consist of six written papers (Total marks 600) and an oral test (total marks 100). The details of the written papers shall be as specified in Appendix I. This examination (with oral test) shall be referred to as pre-service examination and shall be conducted by the Legal Department.

5. . :-

The trainee shall be required to pass the examination in not more than three chances within the specified period of probation:

Provided that the persons belonging to Scheduled Castes and Scheduled Tribes may be allowed one additional chance which shall to be availed of within a period of one year from the date of declaration of the result of the examination at which the last normal chance should have been availed of.

If a direct recruit fails to pass the examination as required under these rules, his services shall be terminated:

Provided that in case of any Section Officer, the State Government is satisfied that he could not pass the examination at which he had his last chance for reasons beyond his control or that he has failed to pass such examination by a very narrow margin of marks, the State Government may after recording the reasons in writing give him not more than two chances to appear at the examination on payment of an examination fee as may be prescribed by the Government.

6. . :-

(1) The standard for passing the examination shall be fifty percent of the total marks in each paper, irrespective of whether they are

to be answered with or without the help of books,

(2) An unsuccessful candidate who secures sixty percent or more marks in one or more papers shall be exempted from appearing in these papers at the subsequent examination;

(3) If a candidate fails to secure in only one paper the minimum number of marks required for passing, he shall be allowed condonation of the deficiency of marks in that paper, provided such deficiency does not exceed five percent of the total number of marks assigned to that paper. The benefit of this condonation shall be available to any candidate irrespective of the fact whether he has availed of exemption in any paper or not.

7. . :-

In addition to this examination the Secretary, Legal Department shall award marks out of a total of 200 of the record of work done by each trainee during the training period.

8. . :-

On completion of the training period and the preservice examination, Deputy Secretary (Establishment) of the Legal Department shall submit a report to the Secretary, Legal Department of each trainee together with the result of the pre-service examination. The Government may among other things, take this report and the result of the examination into consideration while deciding whether the probationer has completed his probation period satisfactorily or whether it is necessary to extend the period of probation of any probationer or terminate his probation and discharge him from service.

9. . :-

The seniority of those who pass examination within the specified period and chances shall be determined in accordance with their ranks in competitive examination held by the Gujarat Public Service Commission. The probationary Section Officer's who fail to pass the examination within the specified period and chances their seniority shall be determined from the date of passing of the Examination.

10. . :-

The probationary Section Officer (Legal) shall not be entitled to any travelling allowances for the journeys performed by him to joint the training.

11. . :-

As regards leave, the trainees shall be subject to provisions of Bombay Civil Services Rules, 1959 and in absence from the training class shall amount to absence from duty.

12. . :-

The minimum qualifying attendance in the course shall ordinarily be 85 per cent of the period of Training.

13. . :-

The candidates shall not ordinarily be allowed to remain absent from the class without the prior permission of the officer who is in administrative charge of the training.

14. . :-

The books prescribed in syllabus of institutional training and examination will be supplied to direct recruits by the Legal Department. The books shall be returned as soon as the post-training examination is over and in case of their loss price of the books shall be recovered from the trainee concerned by the Legal Department.

15. . :-

The officer who is in the administrative charge of the training may make suitable adjustments in the details of training programme wherever considered necessary according to prevailing circumstances without any detriment to the broad scheme of the training as prescribed therein.

16. . :-

Each candidate shall on his appointments as a probationer, execute a bond in the forms specified in Appendix-III binding himself and two sureties jointly and severally in the event of his (1) failure to complete the prescribed training course or (ii) failure to appear at the pre-service examination, or (iii) failure to comply with any of the provision of the rules to the satisfaction of the Government or (iv) quitting service before the completion of the period of three years from the date to his regular appointment on satisfactory completion of the probation period of refund pay and allowance paid to him by the Government during his training period consequent upon his appointment as probationer in addition to Rs. 150/- towards the cost of training imparted to him.

17. . :-

The directly recruited Section Officers shall be required to undergo practical training in accordance with the following provisions.

(1) The period and programme of their practical training shall be as specified in Appendix-II.

(2) During the period of practical training the Deputy Secretary (Establishment) of the Legal Department shall be in overall charge of his practical training. He may make suitable adjustments in the training programme at his direction wherever considered necessary according to prevailing circumstances. With a view to ensuring detailed supervision over his training the Deputy Secretary (Establishment) may nominate to any Under Secretary in the Department to be incharge of the programme practical training.

(3) Throughout this training, emphasis shall be on actual working by the probationer. The probationer shall not be required merely to watch other persons doing their work. He shall be assigned specific duties when he works as an Additional Section Officer, Assistant and Clerk.

(4) During the period of practical training, the probationer shall be required to write reports or essays on subjects as may be prescribed by the Deputy Secretary with the approval of the Secretary of the Legal Department. Following is an illustrative list of subject on which he may be required to write essays or reports.

(i) Secretariat and field relationship;

(ii) Coordination of administrative departments in the Secretariat;

(iii) Review on any important report submitted by a Committee or Commission.

(iv) Improvement in the work of Registry of the Department.

(v) How to improve the image of Government employee and Government machinery in public.

(vi) Improvement in standard of discipline in the employees and decency in lay-out of the Branch and Department;

(vii) Delegation of powers for speedy disposal of work;

(viii) Delay a root cause of corruption;

(ix) Planning machinery formulation and implementation of plans;

(x) Role of Public Service Commission in personal matters;

(xi) Measures taken by Government for upliftment of Scheduled

Castes and Scheduled Tribes;

(xii) Panchayati Raj in Gujarat.

(5) A probationer shall be required to submit the quarterly reports of the work done by him. Which shall be scrutinised by the Under Secretary to whom he is attached for training and shall be submitted to the Deputy Secretary in charge of practical training with his remarks. In these quarterly reports the probationer shall give a running account of the work done by him, his impressions about the administration at the levels at which he was worked during that period and his suggestions if any for making improvements. The Deputy Secretary shall forward this report with his remarks along with confidential report on the progress made by the probationer to the Secretary, Legal Department.

18. . :-

The probationer who passes the Pre-Service training examination as prescribed in Appendix-I shall be exempted from passing the following corresponding papers in the departmental examination as specified under Government Notification Legal Department No. NGE/1366/693/F dated the 26th April, 1974.

	Papers of Pre-Service Training Examination	Corresponding papers of the Departmental Examination.
(1)	Paper-II	Paper-III
(2)	Paper-IV	Paper-V

19. . :-

The probationer who passes the departmental examination as prescribed under the Government Notification Legal Department No. NGE/1366/693/F, dated 26th April, 1974 shall be exempted from passing the following corresponding papers in the pre-service training examination as specified in Appendix-I under this rules.

	Papers of Departmental Examinations	Corresponding papers of Pre Service training Examination.
(1)	Paper-III	Paper-II
(2)	Paper-IV	Paper-IV

20. . :-

After appearing at the Departmental Examination he shall be appointed as an Additional Section Officer in a full-fledged branch.

21. . :-

The Legal Department shall create supernumerary posts on its own establishments as per G.R.L.D. No.MHK-1189/9282/F dated.....for persons who are selected on the recommendation of the Gujarat Public Service Commission for the purpose of appointment to Supernumerary post of Probationary Section Officer (Legal) on legal side of Legal Department and Legislative and Parliamentary Affairs Department.

22. . :-

The Expenditure on account of remuneration to visiting lecturers and holding of the examination etc. shall be debited to the budget head of Legal Department and shall be met from the sanctioned grant of the Legal Department.