

## **Uttar Pradesh Higher Judicial Service Rules, 1975**

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## **Uttar Pradesh Higher Judicial Service Rules, 1975**

In exercise of the powers conferred by the proviso to Article 309, read with Article 233, of the Constitution, the Governor, in supersession on of the existing rules, is pleased to make the following rules regulating the recruitment and appointment to the Uttar Pradesh Higher Judicial Service and conditions of service and of persons appointed thereto.

### CHAPTER 1

#### General

### **1. Short Title And Commencement :-**

- (1) These rules may be called the Uttar Pradesh Higher Judicial Service Rules, 1975.
- (2) They shall come into force with effect from the date of their notification in the Official Gazette.

### **2. Status Of The Service :-**

The Uttar Pradesh Higher Judicial Service is a State Service comprising Class I posts.

### **3. Definitions :-**

In these rules unless the context otherwise requires--

- (a) "Constitution" means the Constitution of India;
- (b) "Governor" and "Government" means respectively the Governor and Government of Uttar Pradesh;
- (c) "The Service" means the Uttar Pradesh Higher Judicial Service.
- (d) "Court" means the High Court of Judicature at Allahabad.

### CHAPTER 2

#### Cadre

#### **4. Strength Of The Service :-**

(1) The Service shall consist of a single cadre comprising the posts of--

(a) District and Sessions Judges, and

(b) Additional District and Sessions Judges; Provided that against a post of Additional District and Sessions Judge a member of the Uttar Pradesh Judicial Officers Service may be appointed to exercise the powers of Additional Sessions Judge only as laid down in Notification No.41-13/66-Appdt.-4, dated March 12, 1975 issued under Article 237 of the Constitution.

(2) The strength of the Service shall be such as may be determined from time to time by the Governor in consultation with the Court.

(3) The permanent strength of the Service, shall, unless varied by orders passed in this behalf, be as specified in Appendix "A".

(4) The Governor may, from time to time, in consultation with the Court leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create from time to time, Additional posts, temporary or permanent, as may be found necessary.

#### **CHAPTER 3**

#### **Recruitment**

#### **5. Source Of Recruitment :-**

The recruitment to the Service shall be made--.

(a) by promotion from amongst the Civil Judges (Senior Division) on the basis 1 Vide Noti.No.14-13/1966-A, Appointment-4, dated March 21, 1975. Vide Noti.No.54/II-4-07-36(1)/2005, dated January 9, 2007 2 of Principle of merit-cum-seniority and passing a suitability test.

(b) by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service;

(c) by direct recruitment from amongst the Advocates of not less than seven years standing on the first day of January next following the year in which the notice inviting applications is published.

#### **6. Quota :-**

Subject to the provisions of rule 8, the quota for various source of--  
. recruitment shall be-

(i) Uttar Pradesh Nyayik Sewa:

(a) from amongst the Civil Judges (Senior Division) on the basis of meritcum-seniority and passing a suitability test.---50%

(b) on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service. Provided that in case of there being any shortfall in the vacancies to be filled up on the basis of in cadre competitive examination, the shortfall of 25% reserved for such promotion will be made good by corresponding increase in the quota reserved for promotion of Civil Judge (Senior Division) referred to in Clause (i) (a).

(ii) direct recruitment from Bar - 25% Provided that where the number of vacancies to be filled in by any of these sources in accordance with the quota is in fraction, less than half shall be ignored and the fraction of half or more shall ordinarily be counted as one:

### **7. Reservation Of Posts For Scheduled Caste, Etc :-**

Reservation to posts in-. the service for members of the Scheduled Castes, Scheduled Tribes and others categories including women shall be in accordance with the orders of the Government for reservation as adopted by the High Court. Provided that twenty percent horizontal reservation for women to posts in service in direct recruitment from Bar in Uttar Pradesh Higher Judicial Service shall be subject to suitability i.e. if the sufficient number of women candidates is not available, then and in that event, the reservation shall not have any operation to the extent of such unavailability. Provided further that there shall be no carry forward of reservation for women.

### **8. Number Of Appointments To Be Made :-**

1) The Court, shall, from time to time, but not later than three years from the last recruitment, fix the number of officers to be taken at the recruitment keeping in view the vacancies then existing and likely to occur in the next two years. Note-The limitation of three years mentioned in this sub-rule shall not apply to the first recruitment held after the enforcement of these rules. 3

Vide Noti.No.54/II-4-07-36(1)/2005, dated January 9, 2007 4  
Subs. by Noti. No.53/II-4-07-36(1)/2005, dated January 9, 2007  
Subs. by Noti. No.54/II-4-07-36(1)/2005, dated January 9, 2007 3

(2) If at any selection the number of selected direct recruits available for appointment is less than the number of recruits decided by the Court to be taken from that source, the Court may increase correspondingly the number of recruits to be taken by

promotion from the Nyayik Sewa: Provided that the number of vacancies filled in as aforesaid under this sub rule shall be taken into consideration while fixing the number of vacancies to be allotted to the quota of direct recruits at the next recruitment, and the quota for direct recruits may be raised accordingly; so, however, that the percentage of direct recruits in the service does not in any case exceed 25% of strength of the service.

#### **9. Nationality :-**

A candidate for recruitment to the Service must be--

- (a) a citizen of India, or
- (b) a subject of Sikkim, or
- (c) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or
- (d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India; Provided that a candidate belonging to category (c) or (d) above shall be a person in whose favour a certificate of eligibility has been issued by the State Government : Provided further that a candidate belonging to category (c) will also be required to obtain a certificate of eligibility granted by the Intelligence Department (Headquarters), Lucknow, Uttar Pradesh: Provided also that if a candidate belonging to category (d) above, no certificate of eligibility will be issued for a period of more than one year, and such a candidate may be retained in service after a period of one year, only if he has acquired Indian citizenship. Note--A candidate in whose case a certificate of eligibility is necessary but same has neither been issued nor refused, may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour subsequently.

#### **10. Eligibility Of Women :-**

Women are also eligible for appointment to the service.

#### **11. Knowledge Of Hindi :-**

A candidate for recruitment to the service must possess a thorough knowledge of Hindi in Devnagri Script.

#### **12. Age :-**

A candidate for direct recruitment must have attained the age of

35--. years and must not have attained the age of 45 years on the first day of January next following the year in which the notice inviting applications is published: Provided that the upper age limit shall be higher in case of candidates belonging to Scheduled Castes and Scheduled Tribes and such other categories as may be notified by the Government from time to time.

### **13. Character :-**

(1) The character of a candidate for direct recruitment must be 6 Subs. by Noti. No. 3245/II-4-95-36(I)-95, dated 23<sup>rd</sup> February, 1996, published in U.P. Gazette (Extra.) Part 4, Sec. (Ka), dated 15<sup>th</sup> March, 1996. Subs. by Noti. No. 54/II-4-07-36(1)/2005, dated January 9, 2007 4 such as to render him suitable in the opinion of the Governor, in all respects for appointment to the service. Note-- Persons dismissed by the Union Government or by a State Government or by a Corporation owned or controlled by the Union or a State Government shall not be eligible for recruitment.

(2) The candidates for direct recruitment must produce a certificate of good character from the District Judge of the district in which they have been practicing, and in the case of candidates normally practising in the High Court, from the Registrar of the High Court and also from two responsible persons of status (not related to candidates) who are well acquainted with them in private life and are unconnected with their University, College or School.

### **14. 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 any post in the service. Provided that the Governor may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

### **15. Physical Fitness :-**

No person shall be appointed to the service by direct recruitment unless he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the service. Before a person is appointed he shall be required to appear before the Medical Board who will examine him and certify as fit or unfit for appointment to the service.

### **16. Selection Committee :-**

(1) The Chief Justice shall, for each requirement to the Service,

appoint a Selection Committee consisting of such number of Judges of the Court, not less than three, as he may decide.

(2) No proceeding of the Selection Committee shall be invalid merely by reason of a vacancy occurring in it, or by a member or members being not present at one or more of its meetings, provided that a majority of the members of the Committee have been present at each meeting.

#### CHAPTER 4

#### Procedure for Direct Recruitment

### **17. Direct Recruitment :-**

(1) Applications for direct recruitment to the Service shall be invited by the Court by publishing a notice to that effect in the leading newspapers of State and shall be made in the form prescribed from time to time to be obtained from the Registrar of the Court on payment of the prescribed fee.

(2) The application shall be submitted to the Court by the candidate through the District Judge within whose jurisdiction the candidate has been practising, and in the case of members of the Bar normally practising in the High Court, through the Registrar of the High Court. The application shall be accompanied by certificates of age, academic qualifications, character, standing as a legal practitioner and such other documents as may be required to be furnished.

(3) The District Judge shall forward to the Court all applications received by him along with his own estimate of each candidates character and fitness for appointment to the Service.

### **18. Procedure Of Selection :-**

(1) The Selection Committee referred to in Rule 16 shall scrutinize the applications received and shall thereafter hold a written examination as prescribed in Appendix (G) for judging the suitability of the candidates. The Committee shall call for interview such of the applicants who in its opinion have qualified for interview after scrutiny and examination.

(2) In assessing the merits of a candidate the Selection Committee shall have due regard to his professional ability, character, personality and health.

(3) The Selection Committee shall make a preliminary selection and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in its opinion, are suitable for appointment to the Service.

(4) The Court shall examine the recommendations of the Selection Committee and having regard to the number of direct recruits to be taken, prepare a list of selected candidates in order of merit and forward the same to the Governor.

**19. Fee :-**

candidates for direct recruitment shall pay to the Registrar of the Court and the President of the Medical Board such fees as are specified in Appendix "C". No claim for the refund of such fees shall be entertained.

**CHAPTER 5**

Procedure for Recruitment by Promotion

**20. Promotion Of Members Of Nyayik Sewa As Referred To In Rule 5(A) :-**

(1) Recruitment by promotion of the members of the Nyayik Sewa shall be made by selection on the principle of merit-cum-seniority and on passing such a suitability test, as prescribed in Appendix G(i).

(2) The field of eligibility for recruitment by promotion shall be confined to four times the number of vacancies to be filled by promotion. The Selection Committee shall prepare a list in order of seniority of the officers eligible under Rule 5(a) of these rules.

(3) The Selection Committee shall, after examining the record of the officers including in the list prepared under sub-rule (2) of this rule make a preliminary selection of the officers who in its opinion are fit to be appointed on the basis of seniority-cum-merit. In assessing the merits of a candidate, the Selection Committee have due regard to his service record, ability, character and seniority. The list shall contain the name of officers twice the number of vacancies required to be filled by promotion of the members of the Nyayik Sewa.

(4) The Selection Committee shall forward the list of the candidates chosen at the preliminary selection to the Chief Justice along with the names of the officers who, if any, in the opinion of the Committee have been passed over for promotion to the service.

(5) The Court shall examine the recommendations of the Selection Committee and make a final selection for promotion and prepare a list in order of seniority of the candidates who are considered fit for promotion and forward the same to the Governor. The list shall remain operative only till the next recruitment. 8 Subs. by Noti. No.54/II-4-07-36(1)/2005, dated January 9, 2007 9 Subs. by Noti.



CHAPTER 6

Recruitment of Judicial Magistrates

**21. Temporary Provisions For The Cadre Of The Judicial Magistrates :-**

(1) Recruitment by promotion of members of Nyayik Sewa as referred to in Rule 5(b) shall be made by selection strictly on the basis of merit through a limited competitive examination as prescribed in Appendix(H).

(2) Application for recruitment to the service from such sources shall be invited by the court through District Judges.

(3) The District Judge shall forward to the Court all application received by him alongwith his own estimate of each candidates character and fitness for appointment to the service.

(4) The Selection Committee referred to in Rule 16 shall scrutinize the applications received and shall hold a limited competitive examination, as prescribed in Appendix (h).

(5) The Selection Shall prepare a select list on the basis of the merit of the successful candidates.

(6) The Committee shall make a preliminary selection and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in its opinion, are suitable for appointment to the service.

(7) The Court shall examine the recommendations of the Selection Committee and make a final selection for appointment in HJS cadre and prepare a list in order of merit and forward the same to the Governor. The list shall remain operative only till the next recruitment.

CHAPTER 7

Appointment, Probation and Confirmation

**22. Appointment :-**

(1) Subject to the provisions of sub-rules (2) and (3), the Governor shall on receipt from the Court of the lists mentioned in Rules 18, 20 and 21 make appointments to the service on the occurrence of substantive vacancies by taking candidates from the lists in the order in which they stand in the respective lists.

(2) Appointment to the service shall be made on the rotational system, the first vacancy shall be filled from the list of officers of

the Nyayik Sewa. The second vacancy shall be filled from the list of direct recruits (and so on), the remaining vacancies, shall therefore be filled by promotion from the list of the officers of the Nyayayik Sewa. Provided that for so long as suitable officers are available from the cadre of the Judicial Magistrates, appointments to the Service shall be made in such a way that the second fifth and eighth (and so on), vacancy shall be filled from the list of Judicial Magistrates.

(3) in the eventuality of delay in making appointment under sub-rule (1) and further if exigency of service so requires, the Governor may, in consultation with the Court, make short term appointment as a stop-gap arrangement from amongst the members of Nyayik Sewa in the vacancy in these services within the quota fixed by the Court till the appointment are made under sub-rules (1) and (2): 10 Subs. by Noti. No.54/II-4-07-36(1)/2005, dated January 9, 2007 11 Subs. by Noti. No. 3245/II-4-95-36(1)-95, dated 23<sup>rd</sup> February, 1996, published in U.P. Gazette (Extra.) Part 4, Sec. (Ka), dated 15<sup>th</sup> March, 1996. 7 Provided that the period of service spent by a member of Nyayik Sewa on short term appointment to the service as a stop-gap arrangement shall not be computed for seniority under Rule 26.

### **23. Probation :-**

(1) All persons shall on appointment to the service in substantive vacancies be placed on probation. The period of probation shall incase be two years, provided that the period for which an officer has been continuously officiating immediately prior to his appointment may be taken into account for the purpose of computing the period of probation.

(2) (a) The Court may, in special cases, extend the period of probation upto a specified date; Provided that the total period of probation shall not ordinarily exceed 3 years.

(b) An order sanctioning such extension of probation shall specify wheather or not such extension shall count for increment in the time scale.

(3) If it appears to the court at any time during or at the end of the period of probation, or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, it may make recommendation to the appointing authority whereupon the appointing authority may revert the probationer to his substantive

post, if any, or if he does not hold a lien on any post, his services may be dispensed with.

(4) A person whose services are dispensed with or who is reverted under subrule

(3) shall not be entitled to any compensation.

#### **24. Confirmation :-**

A probationer shall be confirmed in his appointment in the service at the end of the period of probation or at the end of the extended period of probation if the Court is satisfied that he is fit for confirmation and his integrity is unquestionable. Explanation- officers confirmed on the post of Civil and Sessions Judge (now designated as Additional District and sessions Judge), or on the post of Additional District and Sessions Judge shall not be required to be confirmed on the post of District and sessions Judge.

#### **25. Appointment And Confirmation To Be Notified In Gazette :-**

All appointments and confirmations under these rules shall be notified in the State Gazette.

#### **26. Seniority :-**

(1) Seniority of the officers appointed in the service shall be determined in accordance with the order of appointment in the Service under sub-rules (1) and (2) of Rule 22 of these rules.

(2) Seniority of members of the service who have been confirmed in the service prior to the commencement of these rules shall be as has been determined by the order of the Government as amended from time to time.

#### **CHAPTER 8**

##### **Other Provisions**

#### **27. Appointment In The Selection Grade :-**

Appointment to the Selection 12 Rules 23 and 24 substituted by Noti. No. 6214/II-36-77, dated 22.10.1977. 13 Subs. By Noti. No. 3245/II-4-95-36(1)-95, dated 23 rd February, 1996, published in U.P. Gazette (Extra.) Part 4, Section (Ka), dated 15 th March, 1996 8 grade posts in the service shall be made by the Governor in consultation with the Court from amongst the members of the service holding the post of District and Sessions Judge on the basis of merit. Provided that at no time the proportion of the number of Additional Sessions Judges in the Selection Grade shall exceed 15 per cent of the total number of Selection Grade posts.

### **27A. Appointment To Super Time Scale :-**

Appointment to Super Time --. Scale posts in the Service shall be made by the Court from amongst the members of the Service holding Selection Grade posts on the basis of merit."

### **28. Appointment To Special Posts :-**

Appointment to special posts (for example, the posts of Judicial Secretary-cum-Remembrancer Joint L.R., Deputy L.R., Registrar, Additional Registrar and Joint Registrar) shall be in temporary capacity and shall be made on the criteria of fitness of an officer for such appointment.

### **29. Scale Of Pay :-**

The scale of pay admissible to the persons appointed to the service, whether in substantive or officiating capacity or as a temporary measure, shall be as decided by the Government from time to time.

### **30. Efficiency Bar :-**

(1) No member of the service shall be allowed to cross the first efficiency bar unless in the opinion of the Court his judicial work is good and his integrity is beyond question.

(2) No member of the Service shall be allowed to cross the second efficiency bar unless in the opinion of the Court his judicial work and administrative ability are good and his integrity is beyond question.

### **31. Fixation Of Pay :-**

(1) (a) The initial pay of a officer promoted to the Service from the Nyayik-Sewa shall be fixed at the stage next above the amount equal to the officers pay, or presumptive pay in the ordinary time-scale of the Uttar Pradesh Nyayik Sewa, plus an increase at the rate of one increment in the the time-scale for the U.P. Higher Judicial Service for every three years of service in the Nyayik Sewa subject to a minimum increase of Rs. 200 and a maximum increase of Rs. 300 : Provided that when with the prescribed increase calculated as aforesaid, the figure arrived at corresponds to a stage in the time scale for the Service, the pay shall be fixed at that stage and not at the next higher stage. Note- The pay on an officer of the Nyayaik Sewa, who is appointed to officiate in the service shall be refixed on each occasion when he gets an increment in his pay in his permanent post as though he has been promoted to the Service on

the date of such increment.

(b) The initial pay of an officer appointed from the U.P. Judicial Officers Service shall be fixed at the stage in the scale next above the amount equal to the officers pay or presumptive pay in the time-scale of the selection grade of the U.P. Judicial Officers Service prescribed for Judicial Magistrates plus an increase at the rate of one increment in the time-scale for the U.P. Higher Judicial Service for every three years of service in the U.P. Judicial Officers Service subject to a minimum increase of Rs. 200 and maximum increase of Rs. 300: Provided that when with the prescribed increase calculated as, aforesaid, the figure arrived at corresponds to a stage in the time scale for the Service the pay shall be fixed at that stage and not at the next higher stage: Provided further that where the pay of an officer who has been promoted to the post of Chief Judicial Magistrate or any other higher than the pay admissible to him on his appointment to the service as fixed under this sub-rule, the difference between his pay in that post and his pay in the service will be allowed as personal pay to be absorbed in future increments. Note- The pay of an officer of the U.P. Judicial Officers Service who is appointed to officiate in the Service, shall be re-fixed on each occasion when he gets an increment in his pay in his permanent post as though he had been promoted to the service on the date of such increment.

(2) In addition to the pay which may be drawn by member of the Service under this rule, he shall while holding a special post, receive the special pay also as may be admissible for such post.

### **32. Canvassing :-**

Any attempt on the part of any person applying for recruitment, to enlist support directly or indirectly for his candidature by an unfair means shall disqualify him for appointment.

### **33. Loyalty :-**

Every person selected for appointment to the service shall, before taking over charge of office take an oath of allegiance or solemn affirmation that he shall be loyal to the Constitution of India and the laws.

### **34. Regulation Of Other Matters :-**

In regard to the matters not specifically covered by these rules or by special orders, persons appointed to the Service shall be governed by the rules, regulations and orders applicable generally

to Government servants serving in connection with the affairs of Uttar Pradesh.

APPENDIX "A" [See Rule 4 (3)] The present permanent strength of the service which shall on the commencement of these rules is as follows : District and Sessions Judge, Additional District and Sessions Judge and Sessions Judge (including the posts against which Judicial Magistrate are to be appointed as Additional Sessions Judges)

APPENDIX "C" [See Rule 19] Scales of fees to be paid by candidates for direct recruitment to the Uttar Pradesh Higher Judicial Service. A. To be paid to the Registrar, High Court Allahabad.

(i) Price of Application Forms Rs.5

(ii) Application fees Rs.10

(iii) Examination fees Rs.50 (for members of the Scheduled Castes Rs.25) B. To be paid to the President of the medical Board before examination by the Board, (only in the case of candidates who are called to appear before the Board)--as may be fixed from time to time.

APPENDIX-"G" Rule 18 Syllabus prescribed for the recruitment of the officers in U.P. Higher Judicial Service The examination for U.P. H.J.S. will include the following subjects: Paper No.1 General Knowledge This paper will be of 200 marks and 3 hours duration. There will be a paper of "General Knowledge". The paper may include questions based on topics relating to History of India and Indian Culture, Geography of India, Indian Polity, current national issues and topics of social relevance, India and the World, Indian Economy, International Affairs and institutions and development in the field of Science & Technology, communication and space. The nature and standards of questions in these papers will be answer them without any specialized study. Paper No.2 Language This paper will be of 200 marks and 3 hours duration. It shall comprise four questions as specified below:-

(i) Essay to be written in English -60 marks

(ii) English Précis writing -60 marks

(iii) Translation of passage from Hindi to English -40 marks

(iv) Translation of passage from English to Hindi -40 marks Paper No.3: Law-I (Substantive Law) This paper will be of 200 marks and 3 hours duration. The question set will be restricted to the field covered by- The Law of Contracts, the Law of Partnership, the Law concerning easements and torts, the Law relating to transfer of property including the principles of equity specifically applicable

thereto, the principle of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law, and Constitutional Law. There shall be questions of 50 marks in relation to Constitutional Law alone. Paper No.4:Law II(Procedure and evidence) This paper will be of 200 marks and 3 hours duration. Questions set will be restricted to the field covered by- The Laws of evidence, the Criminal Procedure Code and Code of Civil Procedure, including the principles of pleading. The questions set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision and the conduct of cases generally but will not be restricted to them. Paper No.5: Law III (Penal, Revenue and Local Laws) This paper will be of 200 marks and 3 hours duration. Questions set will be restricted to the field covered by- Indian Penal Code, the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act 1972. U.P. Municipalities Act, U.P. Panchayat Raj Act, U.P. Consolidation of Holdings Act, U.P. Urban (Planning and Development) Act 1973, together with rules framed under the aforesaid Acts. 11 Answer to the questions of Local Laws will be compulsory. Questions pertaining to penal Laws will be of 150 marks. Clarification-The candidates will have a choice to answer General Knowledge and Law Papers either in Hindi or in English. Paper No.6: Interview The interview will be of 100 marks-The suitability of the candidate for employment in the U.P. Higher Judicial Service will be tested with reference to his merit giving due regard to his ability, character, personality and physique. Note: The cut off marks in the written examination shall be 50 per cent in respect of all categories and candidates securing the marks above the cut off marks shall only be called for the interview. The interview shall be in a thorough and Scientific manner and shall take anything between 25 and 30 minutes for each candidates. The marks obtained in the interview will be added to the marks obtained in the written papers and the candidates place will depend on the aggregate of both.

Appendix G(1) Rule-20 Syllabus prescribed for the suitability test for promotion of the officers from amongst the officers of the Civil Judges (Senior Division) of 5 years qualifying service indicated under Rule-5(b) (A) The subjects for the aforementioned test will include:- i. The Law of contracts, the Law of Partnership, the Law concerning easements and torts, the Law relating to transfer of

property including the principles of equity specifically applicable thereto, the principles of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law and Constitutional Law. ii. The Law of evidence, the Criminal Procedure Code and Code of Civil Procedure, including the principles of pleading. The questions set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision and the conduct of cases generally but will not be restricted to them. iii. Indian Penal Code, the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, U.P. Municipalities Act, U.P. Panchayat Raj Act, U.P. Consolidation of Holding Act, U.P. Urban (Planning and Development) Act, 1973 together with rules framed under the aforesaid Acts.

(B) (a) The suitability test for adjudging the level of the legal knowledge of the candidate and his awareness of the relevant case law on the subjects, indicated here-in-above, will consist of two parts:- All candidates will have to appear in a written test carrying a maximum of 100 12 marks, which will be a test of objective type requiring answering of 50 questions of 2 marks each in one hour duration.

(i) The other part of the suitability test will be for the assessment of the candidate for his continued efficiency which will be adjudged on the basis of his service record of preceding 10 years from the year of the suitability test. This part of the test will also carry a maximum of 100 marks which will be allotted on the basis of the grading of the officer reflected in the Courts annual confidential remarks recorded in the character roll providing however for the deduction of marks for adverse entry as indicated below:- Grading Marks to be allotted Outstanding 10 Very good 08 Good 06 Average 04 Poor 00 Adverse entry Minus 2 marks for each year.

(C) The marks secured by the candidate in both parts of the suitability test for being eligible for promotion will not be less than 50% in aggregate i.e. 100 marks.

APPENDIX-H Rule 21 Syllabus prescribed for the promotion of the officers from amongst the officers of Civil Judge (S.D.) of 5 years qualifying service on the basis of limited competitive examination. The examination will include the following subjects: Paper No.1: Law-I (Substantive Law) This paper will be of 200 marks and 3 hours duration. The question set will be restricted to the field



covered by- The Law of Contracts, the Law of Partnership, the Law concerning easements and torts, the Law relating to transfer of property including the principles of equity specifically applicable thereto, the principles of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law, and Constitutional Law. There shall be questions of 50 marks in relation to Constitutional Law alone. Paper No.2: Law II (Procedure and evidence) This paper will be of 200 marks and 3 hours duration. The question set will be restricted to the field covered by- The Laws of evidence, the Criminal Procedure Code and Code of Civil Procedure, including the principles of pleading. The questions set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision and the conduct of cases generally but will not be restricted to them. Paper No.3: Law III (Penal, Revenue and Local Laws) This paper will be of 200 marks and 3 hours duration. Questions set will be restricted to the field covered by- Indian Penal Code, the Uttar Pradesh Zamindari Abolition and Land Reforms Act 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act 1972, U.P. Municipalities Act, U.P. Panchayat Raj Act, U.P. Consolidation of Holdings Act, U.P. Urban (Planning and Development) Act 1973, together with rules framed under the aforesaid Acts. Answer to the questions of Local Laws will be compulsory. Questions pertaining to penal Laws will be of 50 marks, whereas, that of Revenue and Local Laws will be of 150 marks. Clarification-The Candidates will have a choice to answer Law Papers either in Hindi or in English. Paper No.4: Interview The interview will be of 75 marks. The suitability of the candidate for employment in the U.P. Higher Judicial Service will be tested with reference to his merit giving due regard to his ability, character, personality and physique. Note: The cut off marks in the written examination shall be 50 per cent in respect of all categories and candidates securing the marks above the cut off marks shall only be called for the interview. The interview shall be in a thorough and Scientific manner and shall take anything between 25 and 30 minutes for each candidate. The marks obtained in the interview will be added to the marks obtained in the written papers and the candidates place will depend on the aggregate of both.