

**Section Officer (Legal) on legal side of the Legal
Department and the Legislative and Parliamentary Affairs
Department, in the Secretariat Service, Recruitment
(Examination) Rules, 2000**

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SCHEDULE 1 :- PLAN OF EXAMINATION

**Section Officer (Legal) on legal side of the Legal
Department and the Legislative and Parliamentary Affairs
Department, in the Secretariat Service, Recruitment
(Examination) Rules, 2000**

In exercise of the powers conferred by the proviso to Art. 309 of the Constitution of India and in superession of all the existing rules made in this behalf, in so far as they relate to the examination for recruitment to the post of Section Officer on legal side of Legal Department, the Governor of Gujarat hereby makes the following rules for regulating the method of examination for recruitment to the post of Section Officer on legal side of the Legal Department and the Legislative and Parliamentary Affairs Department in the Secretariate Service. Class-II. namely :

1. Short title :-

These rules may be called the Section Officer (Legal) on legal side of the Legal Department and the Legislative and Parliamentary Affairs Department, in the Secretariate Service, Recruitment (Examination) Rules, 2000.

2. Definitions :-

In these rules, unless the context otherwise requires :

- (a) "Commission" means the Gujarat Public Service Commission;
- (b) "Government" means the Government of Gujarat;
- (c) "Examination" means the competitive examination as prescribed in rules 3 and 4;
- (d) "Schedule" means a Schedule appended to these rules.

3. . :-

(i) The Commission shall held competitive Examinations for recruitment to the post of Section Officer (Legal) on the legal side of the Legal Department and Legislative and Parliamentary Affairs Department (hereinafter referred to as the "said post") after final requisition is received from the Legal Department. The dates of the examination shall be fixed by the Commission.

(ii) Notwithstanding anything contained in these rules, the reserved vacancies to be filled up by promotion and which are carried forward three times, may be filled up by direct selection of candidates belonging to the class for which the reserved vacancies are meant by holding special competative examination by the Commission.

4. . :-

- (a) The examination shall be in two parts.

(i) preliminary examination (Objective Type) and;

(ii) main examination (written and viva-voce test).

(b) The details of papers, subject and the syllabus for preliminary examination and main examination shall be as detailed in Schedule-I.

5. . :-

The details of syllabus of each subject shall be specified by the Commission and shall be provided to the candidates alongwith the application form.

6. . :-

The medium of the examination shall be Gujarati: Provided that answers to question on the paper in General English shall be given only in English language and that answers to questions on the paper "Applied Machines", "Geology", "Microbiology" may be given either in Gujarati or English.

7. . :-

(a) The examination shall ordinarily be held by the Commission at Ahmedabad :

Provided that the examination may also be held at Rajkot, Surat, Vadodara and Bhuj if the number of candidates appearing in the examination in any subject at each of these places is more than hundred in case of preliminary examination and more than fifteen candidates in case of main examination.

(b) The place where examination shall be held at each of the five centres shall be fixed by the Commission.

(c) The viva-voce and personality test shall be held at Ahmedabad only.

(d) A candidate shall be required to attend the written test of the examination and viva-voce Test at his own expenses.

8. . :-

(a) A candidate shall be required to submit an application for appearing at the examination in such form alongwith the fee as may be prescribed by the Commission from time to time. The fee shall be paid in the manner as prescribed by the Commission;

(b) The candidates who are declared by the Commission to have

qualified for admission to the main examination shall be required to apply again in the prescribed application form.

(c) Fees once paid shall not be refunded or held over for the subsequent examination.

(d) No withdrawal of the application on any ground shall be allowed and no refund of fees shall be given for that reason :

Provided that withdrawal of an application shall be allowed and fees paid with it shall be refunded when the Commission has advertised said posts before the declaration of result of previous examination and the successful candidate of such previous examination applies in writing for withdrawal of his application submitted for the subsequent examination.

(e) The candidate shall be required to pay application form fee and examination fee for preliminary examination and for main examination as may be prescribed by the Government from time to time and in such manner as the Commission may direct:

Provided that a candidate belonging to Schedule Caste, Schedule Tribe, Socially and Educationally Backward Class including the Nomadic Tribes and Denotified Tribes and Schedule Castes persons who have adopted Buddhist Religion and known as neo Buddhist and residing in Gujarat, and Physically Handicapped shall be exempted from the payment of examination fees and application form fee as per standing orders of Government in force from time to time.

9. Qualification of candidate regarding Nationality :-

A candidate for admission to the examination shall be :

(a) A Citizen of India, or

(b) A subject of Nepal, or

(c) A subject of Bhutan,

(d) A Tibetan refugees who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or

(e) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (formerly) Tanganyika and Zanzibar, Zambia, Malawi, Zaire, Ethiopia, Vietnam with the intention of Permanently settling in India :

Provided that a candidate belonging to category specified in clauses (b), (c), (d) and (e) shall be person in whose favour a certificate of eligibility has been given by the State Government:

Provided further that candidate in whose case a certificate of eligibility is necessary may be admitted to an examination conducted by the Commission and he may provisionally be appointed, subject to the necessary certificate being given to him by the State Government.

10. . :-

(a) No person, who

(i) if male, has more than one wife living, and

(ii) if female has married a man who has already another wife living, shall be eligible for appointment to any service under the State Government:

Provided that, subject to the provisions of any law for the time being in force, the State Government may if satisfied that there are special grounds for so doing, exempt any person from this rule.

(b) Every applicant for appointment to a service or post under the State Government shall declare whether he or she, as the case may be, is married and in the case of an applicant who is a male, whether he has more than one wife living and in the case of an applicant who is a female, whether she has married to a man who has already another wife living.

11. Age limit of candidate :-

A candidate applying for admission to the examination shall not be less than 22 years of age and shall not have attained the age of 30 years on the date of advertisement:

Provided that the upper age limit may be relaxed upto five years in the case of a candidates belonging to the Scheduled Castes and Scheduled Tribes, Socially and Educationally Backward Classes and also in the case of Women candidate recognised as such by the State Government for the purpose of recruitment to the post and service under the State Government.

12. Educational Qualification :-

(a) A candidate shall possess a degree in Law of any of the Universities incorporated by an Act of the Central or the State

Legislature or other educational institution established by an Act of Parliament or declared to be deemed University under Sec. 3 of the University Grant Commission Act, 1956 :

Provided that candidates who have appeared at an examination, the passing of which would render them educationally qualified for the Commission's examination but have not been informed of the result and such candidates intend to appear at such a qualifying examination will also be eligible for admission to the preliminary examination.

(b) All candidates who are declared qualified by the Commission for appearing at the main examination will be required to produce the proof of possessing the prescribed educational qualification alongwith their application for the main examination :

Provided that the candidate holds the requisite degree as specified above, at the time of the main examination shall rest with the candidate, failing which shall render him ineligible for admission to main examination.

13. . :-

(a) No candidate shall be allowed to appear at the examination unless the Commission is satisfied regarding his eligibility and unless he complies with all the requirements including the payment of the requisite fees. The decision of the Commission regarding admission to the examination shall be final. The candidates who are not allowed by the Commission to appear at the examination shall be given refund only of the examination fee paid by them.

(b) The candidates shall be required to write the answer to the papers in their own hand and in no circumstances, they shall be allowed to get the help of a scribe to write the answer for them.

(c) Candidate shall not be permitted to use calculator.

14. . :-

Candidates who obtain such minimum qualifying marks in the preliminary examination as may be fixed by the Commission at its discretion shall be allowed to appear at the main examination and candidates who obtain such minimum qualifying marks in the main examination (written) as may be fixed by the Commission at its discretion shall be communicated for viva-voce :

Provided that candidates belonging to the Scheduled Caste or

Scheduled Tribes or Socially and Educationally Backward Classes may be allowed to appear at the main examination (written) by applying relaxed standard of qualifying in the preliminary examination if the Commission is of the opinion that sufficient number of candidates from these communities are not likely to be available for the main examination (written) and the subsequent viva-voce test on the basis of the general standard in order to fill up the vacancies reserved for them;

Provided further that candidates belonging to the Scheduled Castes or Scheduled Tribes or Socially and Educationally Backward Class may be communicated for viva-voce and personality test by the Commission by applying relaxed standard of qualifying in the main examination (written) if the Commission is of the opinion that sufficient number of candidates from these communities are not likely to be available for viva-voce on the basis of the general standard in order to fill up the vacancies reserved for them.

15. . :-

After the viva-voce, the names of the candidates shall be arranged by the commission in the order of their merit as disclosed by the aggregate marks finally awarded to each candidate in the main examination (written) examination as well as viva-voce and in that order, candidates as are found by the Commission to be qualified at the examination shall be recommended for appointment upto the number of vacancies to be filled on the basis of the result of the examination;

Provided that candidates belonging to Scheduled Castes, Scheduled Tribes or Socially and Educationally Backward Classes including Nomadic Tribes and Denotified Tribes may to the extent of vacancies reserved for each of them cannot be filled on the basis of the qualifying aggregate marks so fixed, be qualified by the Commission by a relaxed standard to make up the deficiency in the reserved posts and also to include such candidates propata in the waiting list subject to fitness of these candidates for appointment to said post.

16. . :-

The candidates, who are qualified for the viva-voce test shall have to attend the viva-voce, failing which will render himself be ineligible for selection.

17. . :-

(a) The Commission shall publish the result of the examination in the Official Gazette in two parts.

(i) Part-I shall contain the names and seat numbers of candidates arranged according to merit showing total marks obtained by each qualified candidate and whose names are to be recommended to Government for appointment.

(ii) Part-II shall contain the names and seat numbers of candidates arranged according to merit showing total marks obtained by each qualified candidate and who are to be kept in waiting list.

(b) The waiting list shall be operative only upto the vacancies indicated in the particular final requisition are filled in or till the result of the next examination is declared by the Commission whichever is earlier.

(c) The Commission shall also send a copy of the result so published in Gazette to the Legal Department.

18. . :-

The marks sheet of the main examination shall be obtainable within a period of one month from the date of declaration of the final result, on payment of ten rupees.

19. . :-

(a) A candidate who desires to have his marks of preliminary examination rechecked may apply to the Commission on payment of fees of rupees thirty for each paper within a period of one month from the date of declaration of result of the preliminary examination.

(b) A Candidate who desires to have his marks of the main examination rechecked may apply to the Commission on payment of fees of rupees thirty for each paper within a period of two months from the date of declaration of the final result of the said examination.

20. . :-

(a) After the declaration of the result the Commission shall forward to the Legal Department, the list of selected candidates recommended for appointment alongwith necessary particulars such as date of birth, qualification and the names of the candidates belonging to Scheduled Castes, Scheduled Tribes, or Socially and

Educationally Backward Classes including Nomadic Tribes and Denotified Tribes thereon :

Provided that it shall also include in this result the names of the candidates belonging to the categories for which posts are reserved, to the extent of the number of vacancies, which cannot be filled in on the basis of the general standard, in accordance with a relaxed standard, with a view to making up the deficiency in the reserved quota subject to their fitness for appointment, irrespective of the marks obtained by them on the basis of merit.

(b) The form and manner of communication of the result of the examination to individual candidates shall be decided by the Commission and the Commission shall not enter into further correspondence in this regard.

21. . :-

(a) Success in the examination shall, by itself, confer no right to an appointment and no candidate shall be appointed unless the Government is satisfied, after such enquires as may be considered necessary that the candidate is in all respects, suitable for public service.

(b) A candidate shall not be entitled to claim for the appointment to the post of Section Officer (Legal) merely because he succeeded at the examination.

(c) In case a candidate refuses to accept the officer of appointment to the post of Section Officer (Legal) his appointment shall be cancelled and his name shall be removed from the list of selected candidates.

22. . :-

A candidate selected for appointment shall be required to pass a medical examination according to the rules.

23. . :-

The candidate appointed a Section Officer (Legal) shall be on probation for a period of two years. The period of probation, if necessary shall be liable to be extended in accordance with the rules of the service made by the Government in that behalf.

24. . :-

The selected candidate shall, after appointment be required to pass the examination in Hindi in accordance with the rules made by the

Government in that behalf.

25. . :-

The selected candidate shall be required to pass Gujarati Language Examination, if any, prescribed by the Government in that behalf.

26. . :-

The candidate appointed as Section Officer (Legal) shall be required to undergo such training and pass such pre service training examination and other departmental examination as may be prescribed by the Government.

27. . :-

A candidate who is or has been declared by the Commission to be quality of

- (i) obtaining support for his candidature by any means; or
 - (ii) impersonating; or
 - (iii) procuring impersonation by any person; or
 - (iv) submitting fabricated documents or documents which have been tampered with; or
 - (v) making statements which are incorrect or false or suppressing material information; or
 - (vi) resorting to any other irregular or improper means in connection with his candidature for examination; or
 - (vii) using unfair means during the examination; or
 - (viii) writing irrelevant matter, including obscene language or pornographic matter in the scripts; or
 - (ix) misbehaving in any other manner in the examination hall; or
 - (x) harassing or doing bodily harm to the staff employed by the Commission for the conduct of the examination; or
 - (xi) attempting to commit or as the case may be abetting the commission of all or any of the acts specified in the foregoing clauses; may, in addition to rendering himself liable to criminal prosecution, be liable
- (a) to be disqualified by the Commission from the examination for which he is a candidate; or

(b) to be debarred either permanently or for a specific period.

(i) by the Commission, from appearing in any examination or from interview for direct selection to be held by them; or

(ii) by the State Government from any employment under the State and

(c) to action under the appropriate rules if he is already in Government Service.

28. Regulating the matters regarding appointment of Examiners and Conduct of Examination :-

The Commission shall regulate all matters regarding appointment of examiners and conduct of the examination in accordance with the procedure adopted by it and Government orders on the subject, if any.

SCHEDULE 1

PLAN OF EXAMINATION