

HIGH COURT, CALCUTTA

APPELLATE SIDE

ADVERTISEMENT NO: 1472 -RG. Dated : Calcutta, The 12th day of April, 2013.

EXAMINATION FOR DIRECT RECRUITMENT FROM BAR TO THE CADRE OF HIGHER JUDICIAL OFFICER IN THE RANK OF DISTRICT JUDGE IN THE WEST BENGAL JUDICIAL SERVICE.

A competitive examination will be held in Kolkata in last week of June, 2013, for selection of the District Judge as referred to in clause (a) of sub-rule (1) of rule 24 of the West Bengal Judicial (Conditions of Service) Rules, 2004 as per time schedule fixed by Hon'ble Supreme Court of India in Malik Mazhar Sultan's case. It shall be a two-stage process comprising the total marks -600, consisting of written test on 5 papers of 100 marks each to be answered within 3 hours. There will be objective pattern questions with negative marking for paper II to paper V as mentioned below in addition to subjective/conventional pattern questions. Answer-scripts shall be evaluated by adopting evaluation method. The qualifying mark on each subject will be 40 and in addition to that, the candidates must obtain 50% on aggregate in order to be successful in the written test and further 100 marks are reserved for viva voce and personality test. Total 300 marks in aggregate, i.e. 50% of the total marks (600), will be the qualifying marks for being empanelled in the panel for being appointed to the post of District Judge (Entry Level) by way of Direct Recruitment from amongst the members of the Bar, in view of the decision of the Hon'ble Supreme Court of India passed in Writ Petition (C) No. 490 of 2007 (Hemani Malhotra –Vs- High Court of Delhi) prohibiting fixation of any bench mark for viva-voce/personality test.

Papers for written examination :

- Paper –I** (English Language) : (1) Translation from Bengali to English; (2) Precis writing; (3) Essay writing.
- Paper-II** : (1) Code of Civil Procedure; (2) Arbitration and Conciliation Act; (3) Limitation Act; (4) Specific Relief Act; (5) Law relating to Intellectual property; (6) Law relating to easement; (7) Law relating to Contract and Sale of Goods; (8) Registration Act.
- Paper –III** : (1) Code of Criminal Procedure; (2) Indian Penal Code; (3) Negotiable Instrument Act (Sections 138 to 147); (4)

N.D.P.S. Act; (5) Juvenile Justice (Care and Protection of Children) Act; (6) Arms Act; (7) Forest Act (Sections 52-70).

Paper – IV : (1) Evidence Act; (2) Transfer of Property Act; (3) Motor Vehicles Act; (4) Workmen’s Compensation Act; (5) Industrial Disputes Act; (6) Constitution of India (Articles 12-51, 214-237); (7) Indian Trusts Act; (8) Hindu Law relating to Marriage, Succession, Adoption, Maintenance, Minority and Guardianship; (9) Muslim Law relating to Marriage, Succession, Pre-emption, Maintenance, Minority and Guardianship; (10) Indian Succession Act; (11) Guardian And Wards Act.

Paper – V : (1) West Bengal Premises Tenancy Act; (2) West Bengal Land Reforms Act; (3) West Bengal Estate Acquisition Act; (4) Bengal Public Demand Recovery Act; (5) Bengal Money Lenders Act; (6) West Bengal Thika Tenancy (Acquisition and Registration) Act; (7) Kolkata Municipal Corporation Act; (8) West Bengal Municipal Act; (9) West Bengal Panchayat Act.

Note : (1) Use of bare Statutes published by the Government Press **without notes/annotation** will be allowed at the written examination.

2. Viva voce : The Selection Board shall call such number of successful candidates in the written test for viva voce/personality test as it thinks fit strictly according to merit list prepared on the basis of aggregate marks obtained by those candidates but such number in no case should exceed thrice the number of vacant posts.

The High Court reserves the right to relax above eligibility criteria and qualifying marks in each subject or aggregate if required.

The final merit list will be published on the basis of the total marks obtained by the successful candidates on the written and the viva voce/personality tests.

Qualification:

- (1) No person shall be eligible for appointment by direct recruitment unless: -
 - (a) he/she is a citizen of India;
 - (b) he/she has attained the age of 35 years and has not attained the age of 45 years (relaxation of 3 years on upper age for the candidates belonging to the Scheduled Castes and the Scheduled Tribes) on the first day of January of the year in which applications for recruitment are invited;

- (c) he/she has been practicing for not less than seven years as an advocate as on 01-01-2013; and
- (d) he/she has good character and is of sound health and free from any bodily defect which renders him/her unfit for such appointment.

Number of vacancies: 19 (but likely to vary subject to result of Writ Petition (C) No. 46 of 2007 filed by the West Bengal Judicial Service Association and Civil Appeal No. 1867 of 2006 (Malik Mazhar Sultan's case now pending before the Hon'ble Supreme Court of India.)

Pay Scale (revised) : (1) Entry Level – Rs. 51550-1230-58930-1380-63070/- with other perks like free Newspapers, Magazine, Medical Reimbursement facilities, entitlement of 75 litres of petrol or diesel or cash equivalent if own car is used instead of pool car, Robe Allowance and other allowance as admissible under Rules.

(2) Selection Grade (available on merit – cum - seniority to 25% of the cadre posts of the District Judges and would be given to those having not less than five years of continuous service in the cadre) – Rs. 57700-1230-58930-1380-67210-1540-70290/-;

(3) Super Time Scale (available on merit – cum-seniority to 10% of the cadre of District Judge who have put in not less than three years continuous service as Selection Grade District Judges) – Rs. 70290- 1540-76450/-.

All appointments to the posts mentioned above shall be made by the Governor in accordance with the recommendation of the High Court and all selections to the posts mentioned above shall be made by the High Court.

Probation : A Judicial Officer in the rank of District Judge, shall be on probation for a period of two years from the date on which he joins duty. The High Court may, at any time, extend the period of probation but the total period of probation shall not exceed three years. The High Court may, at any time during or at the end of the period of probation, recommend termination of the probationer from service. On successful completion of probation, the probationer shall, if there is permanent post available, be confirmed in the service and if no permanent post is available, a certificate shall be issued by the High Court to the effect and as soon as a permanent post

becomes available, he/she shall be confirmed. A probationer shall be deemed to be on probation until confirmed, or terminated, as the case may be.

Posting & transfer: : All postings and transfers of the Higher Judicial Officers in the rank of District Judges shall be made by the High Court.

Seniority : The seniority of the Higher Judicial Officers in the rank of District Judges shall be governed in terms of the Rule 31 of the West Bengal Judicial (Conditions of Service) Rules, 2004 and directions given by the Supreme Court of India from time to time.

Eligible candidates may submit applications on plain paper A-4 size (210 X 297 mm) with the following typed/computerized format addressed to the Registrar General & Secretary, Selection Board, High Court, Appellate Side, Calcutta – 700 001, furnishing particulars as under:

APPLICATION FORMAT

- 1. Name (In Block Letter).**
- 2. Father's /Husband's Name.**
- 3. Date of birth.**
(According to Madhyamik or equivalent examination certificate) (Attach attested copy of certificate).
- 4. Actual age as on 01-01-2013.**
- 5. Actual age on the date of application.**
- 6. Sex (Male/Female).**
- 7. Full Postal Address (with Telephone / Mobile Nos., if any) (IN BLOCK LETTERS).**
(Mentioning Post Office, Sub-division, District & PIN Code)
(a) **Present:**
(b) **Permanent :**
- 8. Academic Qualification (attach extra sheet if necessary) (attach attested copy of documents).**
(Name of examinations passed / Name of Board / University / Institute / Division / Class / Year of passing / percentage of marks obtained / Subjects taken)
- 9. Other Qualifications, if any. (attach attested copy of documents)**
- 10. Date of Enrolment.**
(Attach attested copy of Enrolment Certificate under Advocates Act)

11. Practice details as an Advocate.

(Attach original certificate of experience at the Bar given by the President/Vice-President/Secretary of the concerned Bar and countersigned by the District Judge in case of District & Sub-divisional Bar. In case, the candidate practices in the High Court, no countersignature is necessary)

12. Do you belong to SC/ ST of West Bengal:

[if so, i) Mention your sub caste, ii) Designation of issuing authority of SC/ST certificate] (Attach attested copy of the certificate).

13. Total Experience as a practicing lawyer. (attach relevant attested documents)

14. Nationality.

15. Any other relevant information with reference to the requirement of the post.

(Attach extra sheet, if necessary) (attach attested copy of documents).

16. List of Documents enclosed.

Declaration

I hereby declare that all statements made in this application are true, complete and correct to the best of my knowledge and belief and in the event of any information being found false my candidature is liable to be cancelled.

Date :

Place:

Signature of the candidate in full

Note (II) The candidate should fill in the application form in his/her own handwriting. Incomplete applications with defect or application not accompanied by requisite documents or received after the due date are liable to be rejected summarily. Admission to the test / examination will be deemed provisional, subject to verification and determination of the candidate's eligibility and suitability in all respect. If at any stage of the process, a candidate is found to be ineligible for admission to the test in terms of the notice his/her candidature shall be cancelled without making any reference to him/her and without assigning any reason.

Each application must be accompanied by (a) Application Fee of Rs.700/- (Rs. seven hundred only) and Rs.350/- (Rs. three hundred fifty only) for SC / ST candidates only by Bank Draft which must be purchased on or after the date of publication of this advertisement and before the last date of submission of application and drawn in favour of Registrar General & Secretary, Selection Board, High Court, Calcutta. (b) Two recent and identical passport size photographs duly signed on the frontal side of photographs by the candidate (one to be pasted on the top right hand corner of the application and another to be stitched with the application)(another identical photograph should be preserved for issuance of duplicate Admit Card, if necessary) (c) Documents as mentioned above. (d) Two character certificates, in original, from two respectable persons (One must be from the President / Vice-President / Secretary of the Bar Association where the candidate is practicing. (e) One self addressed envelope affixing therewith a postage stamp of Rs. 40/-. (f) Self-attestation in all respect will be allowed.

The last date for submission of application is by 4.30 p.m. of 30-04-2013.

The applications must be sent in a closed envelope by registered post with A/D or by Speed Post or by Courier Service. Application reaching the office concerned after the due date and time shall not be considered, even though the same are posted well in advance.

Note (III) Any form of solicitation for selection by or on behalf of any candidate will lead to outright rejection of his/her candidature.

By order

Sd/-

Ranjit Kumar Bag
Registrar General & Secretary,
Selection Board, High Court,
Calcutta.