

HIGH COURT, CALCUTTA
APPELLATE SIDE

ADVERTISEMENT NO: 3486 RG.

Dated : Calcutta, The 9th day of April, 2010.

**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, 2010, 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. Answer-scripts shall be evaluated by adopting evaluation method. The pass 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. However, there will be no bench mark for viva-voce/personality test 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).

1. 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 twice 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 is a citizen of India;
 - (b) he 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 has been practising for not less than seven years as an advocate; and

- (d) he has good character and is of sound health and free from any bodily defect which renders him unfit for such appointment.

Number of vacancies: 23 (but likely to vary subject to result of Writ Petition (C) No. 46 of 2007 filed by the West Bengal Judicial Service Association, Civil Appeal No. 1867 of 2006 (Malik Mazhar Sultan's case now pending before the Hon'ble Court of India.) and All India Judges' Case (W.P. © 1022 of 1989),

Pay Scale (unrevised) :

(1) Entry Level – Rs. 16750-400-19150-450-20500/-. (Gross Emoluments – Rs. 40,000/- approximately, if posted in A1 City) plus 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 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. 18750-400-19150-450-21850-500-22850/-;

(3) Super Time Scale (available to 10% of the cadre of District Judges and would be given to those having not less than three years continuous service as Selection Grade District Judges) – Rs. 22850-500-24850/-.

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 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 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 01-01-2010.
5. Sex (Male/Female).
6. Full Postal Address (with Telephone / Mobile Nos., if any) (IN BLOCK LETTERS).
(Mentioning Post Office, Sub-division, District & PIN Code)
(a) Present:

(b) Permanent :
7. Academic Qualification (attach extra sheet if necessary) (attach attested copies of documents).
(Name of examinations passed / Name of Board / University / Institute / Division / Class / Year of passing / %age of marks obtained / Subjects taken)
8. Other Qualifications, if any. (attach attested copies of documents)
9. Date of Enrolment.
(Attach attested copy of Enrolment Certificate under Advocates Act)
10. Practice details as an Advocate.

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

11. 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)
12. Total Experience as a practising lawyer.
13. Nationality.
14. Any other relevant information with reference to the requirement of the post.
(Attach extra sheet, if necessary)
15. 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.

I agree to take my examination at my own risk subject to verification of my eligibility by the authority.

Date :

Place:

Signature of the candidate in full

Note (I) 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.

Note (II) Admission to the examination is purely provisional subject to determination of eligibility in terms of the advertisement.

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 by the candidate (one to be pasted on the top right hand corner of the application and another to be stitched with the application) (c) Documents as mentioned above. (d) Two character certificates from two respectable persons (One must be from the Secretary/President of the Bar Association where the candidate is practising. (e) One self addressed envelope affixing therewith a postage stamp of Rs. 25/-.

The last date for submission of application is by 4.30 p.m. of 30-04-2010.

The applications must be sent in a closed envelope by registered post with A/D or by Speed Post or by Courier Service.

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

By order
Sd/-
(Tarun Kumar Gupta)
Registrar General & Secretary,
Selection Board, High Court,
Calcutta.

HIGH COURT, CALCUTTA
APPELLATE SIDE

N O T I F I C A T I O N

No.3488 - RG.

Dated, Calcutta, the 9th April, 2010.

Applications are invited from the members of the West Bengal Judicial Service belonging to the cadre of Civil Judge (Sr. Divn.) having not less than 5 years qualifying service for filling up some posts of Higher Judicial Service in the rank of District Judge by promotion strictly on the basis of merits through limited competitive examination of such Judicial Officers other than District Judges as mentioned in clause (b) of sub rule (1) of Rule 6 of the West Bengal Judicial (Conditions of Service) Rules, 2004. The panel will be prepared for filling up of 22 vacant posts but the number may vary consequent upon the result of Malik Mazhar Sultan's case (Civil Appeal No. 1867 of 2006), W. P. (C) 46 of 2007 filed by the West Bengal Judicial Service Association and All India Judges' Case (W. P. © 1022 of 1989), now pending before Hon'ble Supreme Court of India and without any prejudice to the rights of any other person. Moreover, by virtue of Judgement of Hon'ble Supreme Court of India in Brij Mohan Lal's case, Fast Track Court judges being in the cadre of Civil Judge (Sr. Divn.) may also apply for the same.

A competitive examination will be held in Kolkata in last week of June, 2010, for selection of the District Judge as referred to in 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. Answer-scripts shall be evaluated by adopting evaluation method. The pass 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) through limited competitive examination. However, there will be no bench mark for viva-voce/personality test 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).

Papers for written examination :

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- 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 twice the number of vacant posts.

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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.

Number of vacancies: 22 (but likely to vary subject to result of Writ Petition (C) No. 46 of 2007 filed by the West Bengal Judicial Service Association, Civil Appeal No. 1867 of 2006 (Malik Mazhar Sultan's case) and All India Judges' Case (W. P. © no. 1022 of 1989), now pending before the Hon'ble Court of India.)

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(2) Selection Grade (available 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. 18750-400-19150-450-21850-500-22850/-;

(3) Super Time Scale (available to 10% of the cadre of District Judges and would be given to those having not less than three years continuous service as Selection Grade District Judges) – Rs. 22850-500-24850/-.

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.

The last date for submission of application is by 4.30 p.m. of 30-04-2010.

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

Note (III) Admission to the examination is purely provisional subject to determination of eligibility in terms of the advertisement.

By Order
Sd/-

(Tarun Kumar Gupta)
Registrar General
&
Secretary, Selection Board.

HIGH COURT, CALCUTTA
APPELLATE SIDE
N O T I F I C A T I O N

No.3489 – R(J.S).

Dated, Calcutta, the 9th April, 2010.

It is notified for general information that out of total 90 vacancies in the cadre of District Judge Entry Level in the West Bengal Judicial Service, as declared on 30-03-2010 by this Office Notification No. 3192-R (JS), 45 posts will be filled in 2010 being 50% of the vacancies meant for promotion of the Judicial Officers in the cadre as mentioned in Rule 6(b) read with Rule 26(b) of the West Bengal Judicial (Conditions of Service) Rules, 2004. This exercise of undertaking of promotion is subject to the result of Malik Mazhar Sultan's case (Civil Appeal No. 1867 of 2006), W. P. (C) 46 of 2007 filed by the West Bengal Judicial Service Association and All India Judges' Case (W.P. © 1022 of 1989), now pending before Hon'ble Supreme Court of India and without any prejudice to the rights of any other person. The panel for such selection by promotion will be made on the basis of merit cum seniority and on passing of a suitability test in terms of said Rule 26(b) from amongst such Judicial Officers other than District Judges as mentioned in clause (b) of Sub-rule (1) of rule 6 of the said rules and in accordance with the solemn order dated 4.1.07 passed by Hon'ble Supreme Court in Civil Appeal No. 1867 of 2006 as subsequently modified. The number of such vacancy may vary consequent upon directions to be given by the Hon'ble Supreme Court in both the aforesaid cases.

Time Schedule :

- | | | | |
|----|--|---|---------------------------|
| 1. | Publication of list of eligible Officers | - | 15-05-2010. |
| 2. | Receipt of 10 Judgments(5 Civil & 5 Criminal) of 2010 from the eligible Officers. | - | 30-05-2010. |
| 3. | Suitability Test including Viva Voce. | - | 15-07-2010 to 31-07-2010. |
| 4. | Declaration of Final select list (Should be double the number of vacancies notified) | - | 31-08-2010. |
| 5. | Issue of appointment letter by Govt. for all existing vacant posts as on date. | - | 30-09-2010 |
| 6. | Last date for joining. | - | 31-10-2010. |

The eligible candidates will be duly intimated through their respective Heads of Office.

By Order
Sd/-

(R. N. Bhattacharya)
Registrar (Judicial Service),
High Court, Appellate Side,
Calcutta

