

IN THE HIGH COURT OF BOMBAY

APPELLATE SIDE

Press Advertisement

No.A.5504/2013

Applications in the prescribed form are invited **online** from eligible candidates for 24 vacancies for the posts of **District Judge**, in the Judicial Service of the State of Maharashtra in the pay scale of Rs.51550-1230-58930-1380-63070 + dearness allowance and other allowances as admissible under the Rules.

Eligibility criteria

1) A candidate must be (a) a citizen of India or (b) a subject of Nepal or (c) a subject of Bhutan or (d) a Tibetan refugee who came over to India before 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 (formerly Ceylon), or 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 categories (b), (c), (d) and (e) must be a person in whose favour a certificate of eligibility has been given by the Government of Maharashtra. Candidate if selected, will first be appointed initially on probation for a period of two years.

2) A candidate must be -

(a) a holder of Degree in Law

(b) practising as an Advocate in the High Court or Courts subordinate thereto for not less than seven years on the date of publication of Advertisement and in computing the period during which a candidate has been an Advocate there shall be included any period during which he has held the post of a Public Prosecutor or Government Advocate or Judicial Officer.

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OR

Must be working or must have worked as Public Prosecutor or Government Advocate for not less than 7 years in the post or posts on the date of publication of advertisement. In computing the period of 7 years, the period during which the candidate has worked as an Advocate shall also be included.

Provided that a full time salaried Public Prosecutor, Assistant / Additional Public Prosecutor, Law Officer of the Central Government or State Government or of any Public Corporation or Body constituted by Statute, would not be eligible for the post of District Judge. **(Please see the note on Page No. 9)**

(c) Age:- Must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and forty-five years in the case of others, as on the date of publication of Advertisement.

(d) Knowledge of Marathi:- Must be certified by the Officers/Authorities, mentioned under clause 3 (ix) below, to have sufficient knowledge of Marathi to enable him to speak, read, write and translate with facility from Marathi into English and vice-versa.

3) Candidates should not send any certificates at the stage of submitting application for the post. A candidate, who is likely to be called for viva-voce, must submit to the Registrar General of the High Court, within 8 days from the date of receipt of the letter to that effect, attested copies of certificates or the originals, as the case may be, showing:-

i) his/her age as on the date of publication of Advertisement. e.g. Secondary School Certificate, School Leaving Certificate etc.

- ii)** his/her standing as Practitioner in Court (original).
- iii)** that he/she is of good moral character from two respectable persons (original).
- iv)** that he/she is certified to have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate into English and vice versa (original).
- v)** the copy of the Mark Sheet and Degree certificate of LL.B. Examination.
- vi)** income tax returns, if any, in respect of the immediate preceding three years.
- vii)** a candidate belonging to backward class must also produce the certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the service under the Government of Maharashtra.
- viii)** copy of Sanad issued by Bar Council.
- ix)** declaration as to Small Family as appended to the Advertisement. (original).

Certificates under clause (ii) and (iv) above may be signed in the case of the High Court by the Registrar General, High Court, Bombay or by the Registrar/Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars of the High Court Benches at Nagpur, Aurangabad or Registrar, Panaji-Goa, as the case may be and in case of Courts other than the High Court by the Principal Judicial Officer in which the Applicant has practised and should state the period during which the candidate has actually practised.

The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above.

4) **Disqualification for appointment in the service:**

No person shall be eligible for appointment to the service-

(a) if he is compulsorily retired, removed or dismissed from judicial service or from service in Government or statutory or local authority or failed to complete probation period in judicial service on any post, or in Government or statutory or local authority; or

(b) if he has been convicted for an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(c) if he directly or indirectly influences the recruiting authority by any means for his candidature; or

(d) if he is a man, has more than one wife living and if a woman has married a man already having another wife; or

(e) if he has more than two children.

Explanation :- For the purposes of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

Provided that, a person having more than two children on the date of commencement of Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28.04.2005, shall not be disqualified for appointment under this clause so long as the number of children he had on the date of such commencement does not increase.

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Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such a commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

A candidate shall fill up a declaration as to small family appended to the advertisement.

5) For the purpose of shortlisting the candidates, the High Court, if necessary, may hold preliminary examination comprising of multiple choice objective type questions and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for final written examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off marks as fixed by the High Court for maintaining ratio of 1 : 10, all such candidates would be called upon to appear for final written examination. The marks secured by the candidates in the preliminary examination will not be taken into consideration for final selection and will not be displayed or communicated to the candidates.

6) The Written Examination shall comprise of two papers carrying 100 marks each having duration of 3 hours each, on Civil Law and Criminal Law respectively. The medium of written examination shall be English. The High Court would hold viva-voce carrying 50 marks of the candidates who secure not less than 50 marks in each paper of written examination and not less than 60% of marks in aggregate. Provided that Scheduled Caste / Scheduled Tribe candidates, who secure not less than 45 marks in each paper and not less than 50% of marks in aggregate, shall be eligible for the viva-voce **(Please see the**

note on page No. 9). Provided that the High Court may call the candidates for viva-voce in the ratio of 1:3 of the available vacancies. Provided that if there are more than one candidates who secure identical marks, for maintaining the ratio of 1:3, all such candidates would be called upon to appear for viva-voce. Provided further that the candidate who obtains not less than 40% marks in viva-voce shall be eligible for selection.

7) The preliminary and written examinations will be conducted at Mumbai, Nagpur and Aurangabad. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the examinations. The choice of centre once given cannot be allowed to be changed.

8) The candidates will have to appear for preliminary examination, written examination and for viva-voce at their own cost and shall not be entitled to claim traveling allowance or any expenses from the High Court. A candidate, who is found indulging in unfair practices viz., copying or mis-conduct during the course of examination, using electronic gadgets, question papers' tampering, influencing any official concerned with the written examination or viva-voce, will be debarred from appearing for preliminary examination, written examination or viva-voce, as the case may be for that time or for any number of years or permanently. The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the preliminary examination, written examination and viva-voce shall be final.

9) A candidate who could not successfully pass the written examination in three attempts consecutively shall be debarred from appearing for further examination (**Please see the note on Page No.10**).

10) The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work in the post for a period of 3 years from the date of joining, in default the candidate himself, his legal heirs, legal representatives, executors and assignees are liable to pay/forfeit to the Government said amount.

11) At the time of appointment, the selected candidate will have to give an undertaking that for a period of two years from the date on which he ceases to be in service, will not practise in any Court over which he had presided over or the Courts subordinate thereto.

12) The candidates shall submit their applications **online** only in the prescribed format through the High Court website i.e. **<http://bombayhighcourt.nic.in>** till **16th December, 2013 upto 5.30 p.m.**, after which the link will be disabled. The format of application is available for downloading on the High Court website.

13) Before starting filling in online application, a candidate must have his latest passport size photograph and signature duly scanned in separate files in the .jpg format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the online application form.

14) The fees in the sum of Rs.1,000/- for General Category candidates and Rs.500/- for Backward Class candidates should be paid in the form of demand draft payable at par at Bombay and be sent by Registered Post A.D. in favour of “Assistant Registrar, for Registrar General, High Court, Appellate Side, Bombay”, so as to reach the office of the Registrar General, High Court, Fort, Mumbai – 400032 on or before **26th December, 2013**. Fees shall not be refunded in any case. The Name and Registration I.D. Number of the candidate as appearing on the acknowledgment slip, after submitting the

application online, should invariably be mentioned overleaf the Demand Draft so as to enable the office to attach it with the respective application. The candidate shall also annex copy of the Acknowledgment slip with the Demand Draft. The candidate shall further submit a printout of his online application. The candidate shall also prepare a Annexure duly typewritten, containing the information regarding Clause No. 28 of the online application and submit the same alongwith printout of online application.

15) The applications containing incomplete/incorrect information will be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to participate in the selection process and if appointed, will be liable to be dismissed. The willful suppression of any material fact will be similarly treated.

16) The eligibility of the candidate, who is likely to be called for viva-voce in view of the marks obtained by him in the written examination, shall be finally decided after scrutiny of the documents produced by him within 8 days on receiving the letter to that effect from the High Court. It is only when he is found eligible on scrutiny of the documents, he will be called to appear for viva-voce.

17) If the candidate failed to produce the attested copies of certificates and / or the originals, as the case may be, as required in clause 3 above, within 8 days from the date of receipt of the letter to that effect, he will not be called for viva-voce.

18) The selection will be made strictly on merit on the basis of the marks secured by the candidates in the written examination and viva-voce.

19) The prescribed format of application is available on the website of the High Court i.e. <http://bombayhighcourt.nic.in>.

20) Success in the examinations and resultant selection shall confer no right of appointment to the candidate and unless the Government in consultation with the High Court, is satisfied after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he would not be appointed to the post.

Note:-

I) It is hereby informed that amendments to the Maharashtra Judicial Service Rules, 2008 (Rules of 2008) have been proposed as follows :

1) Below mentioned proviso to Rule 5 Table 'C' Sr. No. (1)(c) has been proposed to be deleted (Refer Clause 2(b) of the Advertisement) :-

“Provided that a full time salaried Public Prosecutor, Assistant / Additional Public Prosecutor, Law Officer of the Central Government or State Government or of any Public Corporation or Body constituted by Statute, shall not be eligible for the post of District Judge.”

2) Rule 6 (1) (e) and its first proviso have been proposed to be amended as follows (Refer Clause 6 of the Advertisement) :-

“The candidate applying for being appointed by nomination who secures not less than 50 marks in each paper shall be eligible for viva-voce carrying 50 marks :

Provided that the Scheduled Castes and Scheduled Tribes candidates who secure not less than 45% marks in each paper shall be eligible for the viva-voce“

3) Below mentioned proviso to Rule 6 (2) (b) has been proposed to be deleted (Refer Clause 9 of the Advertisement) : -

“ A candidate who could not successfully pass the competitive written examination in three attempts, consecutively, shall be debarred from appearing for such examination.”

II) Candidates who are full time salaried Public Prosecutor, Assistant / Additional Public Prosecutor and candidates who could not successfully pass the competitive written examination in three attempts, consecutively, may also apply. However, their eligibility shall be subject to the approval of the proposed amendments by the Government.

III) If the proposed amendments are not approved, the applications covered by the proposed amendments shall stand rejected.

Sd/-

Dated: 19th November, 2013

**(C.V. Bhadang)
Registrar General,
High Court, Bombay.**

DECLARATION

FORM – A

I, Shri/Smt./Kum. _____
son/daughter/wife of Shri. _____
aged _____ years, resident of _____
do hereby declare as follows : -

1. That I have applied for the post of _____
2. I have _____ (Number) living children as on today
out of which No. of children born after 28th April, 2005 is

3. I am aware that, if total number of living children are more than
two due to the children born after 28th April, 2006 I am liable to
be disqualified for the said post.

Place :

Date:

(Signature)