

MADHYA PRADESH JUDICIAL SERVICE
[RECRUITMENT AND CONDITIONS OF SERVICE] RULES, 1994
(AS AMENDED TILL DATE)

1. **Short title, commencement and application-**

- (1) These rules may be called **The Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules 1994.**
- (2) They shall come in to force on the date of their publication in the "Madhya Pradesh Gazette".
- (3) They Shall apply to all the members of the Madhya Pradesh Judicial Service.

2. **Definitions-** In these rules, unless the context otherwise requires :-

- (a) "**Commission**" means Madhya Pradesh Public Service Commission.
- (b) "**Direct Recruitment**" means direct recruitment to the posts in Category (1) of rule 3(1) in manner prescribed in rule 5(1) of the Rules;
- (c) "**Government**", "**Governor**" and "**State**" means respectively the Government Of Madhya Pradesh, The Governor of Madhya Pradesh and the State of Madhya Pradesh.
- (d) "**High Court**" means the High Court of Madhya Pradesh;
- (e) "**Service**" means the Madhya Pradesh Judicial Service;

3. **Constitution of Service-**

[1] The service shall consist of the following categories, namely;-

- | | |
|---|---|
| (i) <u>Civil Judge [Entry Level]</u> | Now revised as
27700-770-33090-920-40450-1080-44770 |
| Rs. 9000-250-10750-300-13150-350-14550 | |
| (ii) <u>Civil Judge Grade-II</u> | Now revised as
33090-920-40450-1080-45850 |
| Rs. 10750-300-13150-350-14900 | |
| [On completion of 5 years continuous service from the date of entry, first stage of Assured Career progression (ACP) Scale] | |
| (iii) <u>Civil Judge Grade-I</u> | Now revised as
39530-920-40450-1080-49090-1230-54010 |
| Rs. 12850-300-13150-350-15950-400-17550 | |
| [On completion of another 5 years continuous service in Grade-II. Second stage of Assured Career Progression (ACP) Scale]. | |
| (iv) <u>Senior Civil Judge-</u>
(Promotion Cadre) | Now revised as
39530-920-40450-1080-49090-1230-54010 |
| Rs. 12850-300-13150-350-15950-400-17550) | |

- (v) Senior Civil Judge/Chief Judicial Magistrate / Additional Chief Judicial Magistrate Grade-II (On completion of 5 years continuous service in the cadre of Senior Civil Judge). First Stage of Assured Career Progression (ACP) Scale.

Rs. 14200-350-15950-400-18350

Now revised as

43690-1080-49090-1230-56470

- (vi) Senior Civil Judge/Chief Judicial Magistrate / Additional Chief Judicial Magistrate Grade-II (On completion of 5 years continuous service in the cadre of Senior Civil Judge). First Stage of Assured Career Progression (ACP) Scale.

Rs. 16750-400-19150-450-20500

Now revised as

51550-1230-58930-1380-63070

[2] The service shall consist of following person;-

- (a) Person who, at the time of commencement of these rules, are holding substantially or in officiating capacity, the post of Civil Judge.
- (b) Persons entitled to the service in accordance with the provision of these rules.

4. **Strength of service-**

The strength of service shall be as determined by the government from time to time in consultation with the High Court;

Provided that the number of posts in categories (iv), (v) and (vi) taken together in the cadre of senior Civil Judge shall be 40 percent of the total number of posts in the cadre of Civil Judges.

5. **Method of appointment and the appointing authority-**

- (1) All Appointment to category (i) of Rule 3(1) shall be made by the Governor by direct recruitment in accordance with the recommendation of the High Court on selection.

Candidates shall be selected on the basis of Written Examination conducted by the High Court and Viva-voce thereafter and the procedure and curriculum for holding examination for the selection of the candidates shall be prescribed by the High Court.

- (2) Examination shall be conducted by the High Court every year as far as possible on the basis of availability of vacancies for selection of candidates.

- (3) Appointment to the cadre of Senior Civil Judge shall be made by the High Court by selection on the basis of merit-cum-seniority from amongst the civil Judges who have completed 5 years of continuous service.

- (4) Appointment to the post of Chief Judicial Magistrate/Additional Chief Judicial Magistrate under Section 12 of the Code of Criminal Procedure, 1973, shall be made from amongst the senior Civil Judges, by the High Court, on the basis of merit-cum-Seniority.

- (5) ACP scales as provided in categories (ii), (iii), (v) and (vi) under sub-rule (1) of rule 3, shall be granted by the High court to the members of the service on appraisal of their work and performance and on completion of requisite continuous period of service as indicated in that sub-rule.

6. Reservation of posts for Scheduled Castes, Schedule Tribes and Other Backward Classes-

Posts for direct recruitment shall be reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes in accordance with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke liye Arakshan) Adhiniyam, 1994 (No.21 of 1994).

7. Eligibility

No person shall be eligible for appointment by direct recruitment to posts in category (i) of Rule 3 (1) unless: -

- (a) he is a citizen of India;
- (b) he has attained the age of 21 years and not completed the age of 35 years on the first day of January of the next following year in which application for appointment are invited;

Provided that the upper age limit shall be relaxable up to a maximum of three years if a candidate belongs to Schedule Castes Schedule Tribes or Other Backward classes;

Provided further that the upper age limit of a candidate who is a Government Servant (whether permanent or temporary) shall be relaxable up to 38 years;

Provided further that upper age limit of a candidate shall be relaxable by appropriate number of years, if no recruitment takes place for one year or more, to the Madhya Pradesh Lower Judicial Service.

- (c) he possess a degree in Law of any recognized University;
- (d) he has good character and is of sound health and free from any bodily defect, which renders him, unfit for such appointment.

8. Disqualification-

Any attempt on the part of the candidate to obtain support for his candidature by any means may be treated as a disqualification for his selection to the examination.

9. Finality of High Court's decision about the eligibility of a candidate -

The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the examination shall be final.

10. List of the candidates recommended by the High Court-

- (1) The High court shall forward to the Government a list arranged in order of merit of the candidates selected for recruitment by the High Court. The list shall be published for general information.
- (2) Subject to the provisions of these rules and the Madhya Pradesh Civil Services (General conditions of service) Rules, 1961, the candidates will be considered for appointment to the available vacancies, in the order in which their names appear in the list.

11. Probation-

- (a) A person appointed to category (i) of rule 3(1) shall, from the date on which he joins duty, be on probation for a period of two years.
- (b) The High court may, at any time, extend the period of probation, but the total period of probation shall not exceed three years.
- (c) It shall be competent for High Court at any time during or at the end of the period of probation in the case of Civil Judge (Entry Level) to recommend termination of his service and in the case of Senior Civil Judge, to revert him on account of unsuitability for the post.
- (d) On successful completion of probation, the probationer shall, if there is permanent post available be confirmed on the service or post to which he has been appointed and if no permanent post is available, a certificate shall be issued by the High court to the effect that he would have been confirmed, but for the non-availability of the permanent post and as soon as permanent post become available, he will be confirmed, if the High court decides that he has successfully completed the period of probation and he is suitable to hold the post.

12. Postings and transfers -

All postings and transfers of persons appointed in the service shall be made by the High court.

13. Seniority -

The seniority of persons appointed to the service shall be determined in accordance with the provisions of the M.P. Civil services (General conditions of service) Rules, 1961.

14. Pay, allowances and other conditions of service -

- [1] The dearness allowance of the members of Lower Judicial Service be governed by the Madhya Pradesh Judicial Service Revision of Pay Rules, 2003 and the same D.A. formula as being adopted at Central Government be followed.
- [2] The basic pay of Civil Judge and Senior Civil Judge shall be 42.3% and 58.5% respectively of the salary of High Court Judge.

15. Interpretation-

If any question arises relating to the interpretation of these Rules, the decision of the High Court shall be final.

16. **Superannuation-**

Subject to the provision contained in the Rule 56(3) of the Fundamental Rules and Rule 42(1)(b) of M.P. Civil Services (pension) Rules, 1976, the age of superannuation of a member of service shall be 60 years.

16-A. ***Resignation with Lien.-**

In-service Civil Judge, who is eligible for being appointed as direct recruit under clause (c) of rule 7 of the Madhya Pradesh Higher Judicial Services (Recruitment and Conditions of Service) Rules, 1994, may resign with prior permission of the Competent Authority to keep lien for a period of one year on the post held by him."

*[*Note - This provision has been inserted vide Govt. of M.P. Notification F.No. - 17(E) 40-88-XXI-B (one)-1803 dated 13.08.2015]*

17. **Oath-**

Every person appointed to the service before he joins, shall make and subscribe before such person as may be specified by the Chief Justice, Oath or affirmation in the following form:-

"I, having been appointed as a member of the Madhya Pradesh Judicial Service, do swear in the name of God/solemnly affirm, that I will bear true faith and allegiance to the constitution of India as by law established, that I will uphold the sovereignty and integrity of India that I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the constitution and the laws."

18. **Deputation -**

Any member of service may with the concurrence of the High Court be deputed for not exceeding the continuous period of 4 years to perform the duties of any post in the Central Government or the State Government or to service in any organization, which is wholly or partly owned or controlled by the Government.

19. **Power to relax.-**

Where the High Court is satisfied that the operation of any of these rules causes undue hardship in any particular case [or class of cases], it may for reasons to be recorded in writing dispense with or relax the particular rule to such extent and subject to such exceptions and conditions as may be deemed necessary;

Provided that as and when any such relaxation is granted by the High Court the Governor shall be informed of the same.

20. **Repeal-**

All rules corresponding to these rules, Orders and Resolutions, if any, and in force immediately before their commencement are hereby repealed in respect of matters covered by these rules;

Provided that any order made or action taken under the rules, orders and resolutions so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

BY ORDER AND IN THE NAME OF THE GOVERNOR
OF MADHYA PRADESH
SECRETARY

मध्यप्रदेश शासन, विधि और विधायी कार्य विभाग

अधिसूचना

फा. क्रमांक 17 (ई) 40/88/21-ब (एक), 2913- भारत के संविधान के अनुच्छेद 309 के परन्तुक के साथ पठित अनुच्छेद 234 द्वारा प्रदत्त शक्तियों को प्रयोग में लाते हुए, मध्यप्रदेश के राज्यपाल, उच्च न्यायालय के परामर्श से एतद्द्वारा, मध्यप्रदेश न्यायिक सेवा (भर्ती तथा सेवा की शर्तें) नियम, 1994 में निम्नलिखित और संशोधन करते हैं, अर्थात् :-

संशोधन

उक्त नियमों में,-

1. (क) नियम 7 में, खण्ड (ख) में, प्रथम परन्तुक के स्थान पर, निम्नलिखित परन्तुक स्थापित किया जाए, अर्थात् :-

" परन्तु अनुसूचित जाति, अनुसूचित जनजाति अन्य पिछड़ा वर्ग एवम् दिव्यांग व्यक्तियों के अभ्यर्थियों के लिए उच्चतर आयु सीमा अधिकतम तीन वर्ष तक शिथिल किया जाएगा।"।

- (ख) खण्ड (घ) के पश्चात्, निम्नलिखित टिप्पण जोड़े जाए, अर्थात् :-

"टिप्पण: नियम 7 के अधीन लाभ चाहने के लिए दिव्यांग व्यक्तिय निम्नानुसार होंगे :-

- (एक) इस उपबंध का लाभ प्राप्त करने के प्रयोजन के लिए, केन्द्रीय/राज्य सरकार के चिकित्सा बोर्ड द्वारा जारी किया गया प्रमाण पत्र वैध होगा।

- (दो) पद के लिए आवेदन करने की तारीख को, आवेदक की दिव्यांगता 40 प्रतिशत से कम नहीं होगी।"।

NOTIFICATION

F.No. 17 (E) 40/88/21-B(1), 2913- In exercise of the powers conferred by article 234 read with the proviso to article 309 of the Constitution of India, the Governor of Madhya Pradesh in consultation with the High Court hereby makes the following further amendments in the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994, namely:-

AMENDMENTS

In the said rules,-

- (a) in rule 7, in clause (b), for the first proviso, the following proviso shall be substituted, namely:-

“Provided that the upper age limit shall be relaxable up to a maximum of three years, if a candidate belongs to Scheduled Castes, Scheduled Tribes, Other Backward Classes and specially abled persons.”

- (b) After clause (d), the following Notes shall be added, namely:-

“Note: The eligibility criteria for seeking benefits under Rule 7, for specially abled persons shall be as under:-

- (i) For the purpose of getting benefit of this provision, the certificate issued by the Medical Board of central/State Government shall be valid;
- (ii) On the date of submitting the application for the post, the applicant's specially ableness shall not be less than 40%.”

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार

o/c (आर.के. वाणी)

सचिव

मध्यप्रदेश शासन, विधि और विधायी कार्य विभाग

फा. क्रमांक 17 (ई) 40/38/21-ब (एक), 2913
प्रतिलिपि :-

भोपाल, दिनांक 28.10.2016

1. रजिस्ट्रार जनरल म0प्र0 उच्च न्यायालय, जबलपुर को उनके अर्द्ध शासकीय पत्र क्रमांक 14/आर.जे.-III, दिनांक 02.08.2016 के संदर्भ में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. उप नियंत्रक, शासन केन्द्रीय मुद्रणालय, भोपाल, की ओर सूचनार्थ एवं म0प्र0 राजपत्र के आगामी अंक में प्रकाशनार्थ प्रेषित।

o/c (आर.के. वाणी)

सचिव

मध्यप्रदेश शासन, विधि और विधायी कार्य विभाग