

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Bombay 400 032, dated the 2nd December 1986.

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CONSTITUTION OF INDIA.

No. RTR. 1084/1718 (125) B-II.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra is hereby pleased to make the following rules regulating recruitment to the post of Legal Adviser-cum-Joint Secretary (Class I) in the Law and Judiciary Department of the Government of Maharashtra, namely :—

1. *Short title.*—These rules may be called the Legal Adviser-cum-Joint Secretary in the Law and Judiciary Department (Recruitment) Rules, 1986.

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

(a) “Deputy Legal Adviser-cum-Deputy Secretary” means the Deputy Legal Adviser-cum-Deputy Secretary to Government, Law and Judiciary Department ;

(b) “Government” means the Government of Maharashtra ;

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with corrigendum dt 23/6/87

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(c) "Law and Judiciary Department" means the Law and Judiciary Department of the Government;

(d) "Legal Adviser-cum-Joint Secretary" means the Legal Adviser-cum-Joint Secretary to Government, Law and Judiciary Department.

3. *Recruitment of Legal Adviser-cum-Joint Secretary.*—Appointment to the post of Legal Adviser-cum-Joint Secretary shall be made either,—

(a) by promotion of a suitable person on the basis selection from amongst the persons holding the post of Deputy Legal Adviser-cum-Deputy Secretary for a period of not less than one year (exclusive of the period of probation); or

(b) by transfer of a suitable person from amongst the persons holding a judicial office not below the rank of a District Judge; or

(c) by nomination from amongst persons who,—

(i) unless already in the service of the Government, are not more than 45 years of age; and

(ii) are holding or have held the post of Deputy Legal Adviser-cum-Deputy Secretary for a period of not less than one year (exclusive of the period of probation); or

(iii) are holding or have held a judicial office not below the rank of a District Judge; or

(iv) have been advocates or solicitors in a High Court or courts subordinate thereto, for a period of not less than ten years; preferably possessing adequate experience of advising on matters relating to land tenures, administrative law, Constitutional Law, Municipal Administration and such other subjects as are relevant to the work in the Law and Judiciary Department; or

(v) possess a degree in Law of a Statutory University and thereafter have acquired experience of handling legal matters in a Government or semi-Government department in an advisory capacity for a period of not less than ten years :

Provided that, a person qualified for appointment under clause (c) may be appointed on contract basis in consultation with the Maharashtra Public Service Commission.

Explanation.—For the purpose of sub-clause (iv) in computing the period during which a person has been an advocate or solicitor, there shall be included any period during which the person had held the post of District Judge or Deputy Legal Adviser-cum-Deputy Secretary, after he became advocate or solicitor.

4. *Relaxation of condition of age in certain cases.*—Notwithstanding anything contained in these rules, the age limit mentioned in sub-clause (i) of clause (c) of rule 3 may be relaxed in favour of persons possessing exceptional qualifications or experience or both.

5. *Probation period for appointment by nomination.*—A person appointed to a post by nomination under rule 3 shall be on probation for a period of two years.



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6. *Requirement of passing examination.*—A person appointed to a post under these rules, whether by promotion or by transfer or by nomination, shall be required to pass examinations in Hindi and Marathi according to the rules made in that behalf, unless he had already passed or has been exempted from passing these examinations.

7. The provisions of rules 5 and 6 shall not apply to persons appointed on contract basis under the proviso to clause (c) of rule 3.

By order and in the name of the Governor of Maharashtra,

B. V. CHAVAN,
Secretary to Government.

(2) on page 468—

(a) in second line of first proviso of rule 4 for the word "Microscopic" read "Microscopic";

(b) in rule 5—

(i) in lines 5 and 6 for the word "beonging" read "belonging";

(ii) in line 7 for the word "Benitified" read "Denotified";

(c) in rule 7—

(i) in line 2 after the words "by promotion" read "or";

(ii) in line 3 for the word "Extmination" read "Examination".

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Bombay 400 032, dated the 25th June 1987.

CORRIGENDUM

CONSTITUTION OF INDIA.

No. RTR. 1084/1718(125)-A-II.—In Government Notification, Law and Judiciary Department, No. RTR. 1084/1718(125)-A-II, dated the 2nd December 1986, published in the *Maharashtra Government Gazette*, Part IV-A, dated the 12th February 1987, on page 131, in the preamble, for "Deputy Adviser-cum-Deputy Secretary (Class I)" read "Deputy Legal Adviser-cum-Deputy Secretary (Class I)".

By order and in the name of the Governor of Maharashtra,

B. V. CHAVAN,
Secretary to Government.

