

भाग चार-अ] महाराष्ट्र शासन राजपत्र, फेब्रुवारी १२, १९८७/माघ २३, शके १९०८ १३१

LAW AND JUDICIARY DEPARTMENT

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

79

CONSTITUTION OF INDIA.

No. RTR. 1084/1718 (125)-A-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 posts of Deputy Adviser-cum-Deputy Secretary (Class I) and Assistant Legal Adviser-cum-Under Secretary (Class I) in the Law and Judiciary Department of the Government of Maharashtra, namely :—

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

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

(a) "Assistant Legal Adviser-cum-Under Secretary" means the Assistant Legal Adviser-cum-Under Secretary to Government, Law and Judiciary Department;

(b) "degree" means a degree of a Statutory University;

(c) "Deputy Legal Adviser-cum-Deputy Secretary" means the Deputy Legal Adviser-cum-Deputy Secretary to Government, Law and Judiciary Department;

(d) "Government" means the Government of Maharashtra;

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

(f) "Superintendent" means a Superintendent on the legal side of the Law and Judiciary Department.

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

(a) by promotion of a suitable person on the basis of selection from amongst the persons holding the post of Assistant Legal Adviser-cum-Under 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 the post of an Additional District Judge for a period of not less than five years; or

(c) by nomination from amongst persons who,—

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

(ii) are holding or have held the post not lower in rank than that of Under Secretary to Government on the Legal Side of the Law and Judiciary Department for a period of not less than three years; or

भाग चार-अ—११

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

(iv) are holding or have held a judicial office not below the rank of Civil Judge (Senior Division) in any Judicial Service in India for a period of not less than five years; or

(v) have been advocate or solicitor in a High Court or Courts subordinate thereto for a period of not less than seven 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

(vi) Possess a Degree in Law and thereafter have acquired experience of handling legal matters in an advisory capacity in a Government or Semi-Government Department for a period of not less than ten years.

Explanation 1.—For the purpose of sub-clauses (ii) and (iv), in computing the period during which a person is holding or has held a post not lower in rank than that of Under Secretary to Government on the legal side of the Law and Judiciary Department, or a judicial office not below the rank of Civil Judge (Senior Division) in any Judicial Service, there shall be included any period during which the person has held the post of Assistant Legal Adviser-cum-Under Secretary.

Explanation 2.—For the purpose of sub-clause (v) in computing the period during which a person has been an advocate or solicitor, there shall be included any period during which the person has held the post of Assistant Legal Adviser-cum-Under Secretary or a Judicial office not below the rank of Civil Judge (Senior Division) in any Judicial Service, after he became advocate or Solicitor.

4. *Recruitment of Assistant Legal Adviser-cum-Under Secretary.*—Appointment to the post of Assistant Legal Adviser-cum-Under Secretary shall be made by nomination from amongst persons who,—

(a) unless already in the service of the Government, are not more than 40 years of age; and

(b) are holding or have held the post of Superintendent for a period of not less than five years; or

(c) are holding or have held the post of Under Secretary to Government on the legal side of the Law and Judiciary Department for a period of not less than one year; or

(d) are holding or have held the post of Civil Judge (Junior Division) and Judicial Magistrate of the first class in any Judicial service, for a period of not less than three years; or

(e) have been advocates or solicitors in a High Court or Courts subordinate thereto, for a period of not less than five 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

भाग चार-अ] महाराष्ट्र शासन राजपत्र, फेब्रुवारी १२, १८९७/माघ २३, सके १९०८ १३३

(f) Possess a Degree in Law and thereafter have acquired experience of handling legal matters in an advisory capacity in a Government or Semi-Government Department for a period of not less than seven years.

Explanation.—For the purpose of sub-clause (e), in computing the period during which a person has been an advocate or solicitor, there shall be included any period during which the person has held the post of Civil Judge (Junior Division) and Judicial Magistrate of the First Class in any judicial service, after he became advocate or solicitor.

5. *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 and clause (a) of rule 4 may be relaxed in favour of persons possessing exceptional qualifications or experience or both.

6. *Probation period for appointment by nomination.*—A person appointed by nomination under rules 3 and 4 shall be on probation for a period of two years.

7. *Requirement of passing examinations.*—A person appointed to any 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 has already passed or has been exempted from passing these examinations.

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

B. V. CHAVAN,
Secretary to Government.