

**MADHYA PRADESH STATE LEGAL SERVICES
AUTHORITY OFFICERS AND EMPLOYEES
(RECRUITMENT AND CONDITIONS
OF SERVICE) RULES, 2009**

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**MADHYA PRADESH STATE LEGAL SERVICES AUTHORITY
OFFICERS AND EMPLOYEES (RECRUITMENT AND
CONDITIONS OF SERVICE) RULES, 2009**

Notfn. No. F 17(E) 73-2009-XXI-B(II), dated 9-7-2009, Pub. in M.P. Rajpatra (Asadharan), dated 11-7-2009, p. 641 as amended by Notfn. No. F. 17(E) XXI-B(II), dated 31-10-2009/3-11-2009, Pub. in M.P. Rajpatra, Pt. IV(Gu), dated 13-11-2009, p. 669.-In exercise of the powers conferred by Section 28 read with sub-section (5) and (6) of Section 6, sub-section (5) and (6) of Section 8A, sub-section (5) and (6) of Section 9, sub-sections (3) and (4) of Section 11A of the Legal Services Authorities Act, 1987 (No. 39 of 1987) the State Government in the consultation with the Chief Justice of High Court of Madhya Pradesh, hereby makes the following rules, namely:—

1. Short title and commencement.-(1) These rules may be called the Madhya Pradesh State Legal Services Authority Officers and Employees (Recruitment and Conditions of Services) Rules, 2009.

(2) They shall come into force from the date of their publication in the Madhya Pradesh Gazette.

2. Definitions.-(1) In these rules, unless the context otherwise requires,—

- (a) Act means the Legal Services Authorities Act, 1987 (No. 39 of 1987);
- (b) "Accounts Officer" means the Accounts Officer of the Madhya Pradesh State Legal Services Authority;
- (c) "Appointing Authority" means the Madhya Pradesh State Legal Services Authority or such other authority or officer as may be specified in these rules;
- (d) "Chief Justice" means the Chief Justice of the High Court of Madhya Pradesh and Patron-in-Chief Madhya Pradesh State Legal Services Authority;
- (e) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted under these rules;
- (f) "District Legal Services Authority" means District Legal Services Authority constituted under section 9 of the Act;
- (g) "Employee" means a employee of the Madhya Pradesh State Legal Services Authority or an employee appointed by the Madhya Pradesh State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority, Taluk/Tehsil Legal Services Committee, or an employee holding any post in the services of the State Legal Services Authority by absorption from other Government Department;
- (h) "Examination" means the competitive examination for recruitment conducted under these rules;
- (i) "Executive Chairman" means the Executive Chairman of the Madhya Pradesh State Legal Services Authority;
- (j) "Government" means the Government of Madhya Pradesh;
- (k) "High Court Legal Services Committee" means the High Court Legal Services Committee constituted under section 8A of the Act;
- (l) "Member Secretary" means the Member Secretary of the Madhya Pradesh State Legal Services Authority;
- (m) "Other Backward Classes" means the other backward classes of citizens as specified by the State Government *vide* notification No. F-8-5-XXV-4-84, dated 26th December, 1984 as amended from time to time;

- (n) "Rules" means the Madhya Pradesh State Legal Services Authority Officers and Employees (Recruitment and Conditions of Service) Rules, 2009;
- (o) "Schedule" means the schedule appended to the Madhya Pradesh State Legal Services Authority Rules, 1996 or Schedule appended to these rules, as the case may be;
- (p) "Schedule Caste" means any caste, race or tribe or part of or group within any caste, race or tribe specified as scheduled caste with respect to the State of Madhya Pradesh under Article 341 of the Constitution of India;
- (q) "Scheduled Tribe" means any tribe, tribal community or part of or group within a tribe or tribal community specified as Scheduled Tribe with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India;
- (r) "Service" means the Madhya Pradesh State Legal Services Authority Officers and Employees Service;
- (s) "State Authority" means Madhya Pradesh State Legal Services Authority;
- (t) "Taluk/Tehsil Legal Services Committee" means Taluk/Tehsil Legal Services Committee constituted under section 11A of the Act.

(2) The word and expressions used but not defined in these rules shall have the same meaning assigned to them in the Act and the Madhya Pradesh State Legal Services Authority Rules, 1996.

3. Scope and application.—Without prejudice to the generality of the provisions contained in the Madhya Pradesh Civil Services (General Conditions) Rules, 1961, these rules shall apply to the every member of the service.

4. Constitution of service.—The service shall consist of the following persons, namely:—

- (1) persons who, at the time of the commencement of these rules, are holding any post substantively or officiating as may be specified in the Schedule appended to the Madhya Pradesh State Legal Services Authority Rules, 1996;
- (2) persons recruited to the service before the commencement of these rules; and
- (3) persons recruited to the service in accordance with the provisions of these rules.

5. Classification, Scale of Pay, etc.—The classification of the service, the scale of pay attached thereto and the number of posts included in the service, shall be in accordance with the Schedule appended to the Madhya Pradesh State Legal Services Authority Rules, 1996:

Provided that the Government may, from time to time, add or reduce the number of posts included in the service either on a permanent basis or

temporary basis in consultation with the Chief Justice of the High Court of Madhya Pradesh.

6. Source and method of recruitment to Class IV posts.-(1) The recruitment to the various Class IV posts shall be made as follows:—

S. No.	Name of the post	Method of Recruitment
(1)	(2)	(3)
1.	Peon, Farrash, Waterman, Chowkidar Process Server and Sweeper.	By direct recruitment or by Promotion from amongst the members of the contingency paid employees, who have completed five years service.
2.	Daftari	By Promotion from amongst the Peons, Farrash, Waterman, Chowkidar, Process Server and Sweeper.
3.	Car Driver	By direct recruitment or by Promotion from amongst senior Class IV employees possessing the requisite qualification for the post, as may be determined by the Executive Chairman from time to time.

(2) **Qualification.**-(1) The Peons, Farrash, Waterman, Chowkidar, Process Server and Sweeper must have passed Class V from any recognized Board or Institution.

(2) Driver must have passed Class X from any recognized Board. Must also possess as valid driving license and experience of driving vehicles of all types. Preference will be given to qualified mechanics.

(3) **Criteria for promotion to Class IV Posts.**-The appointing authority shall make selection taking into consideration the service record, the educational qualifications, conduct and character of the candidates, merit being equal, seniority shall prevail.

7. Sources and method of recruitment to Class III, II and I posts.-(1) The recruitment to the various Class III, II and I posts shall be made as follows:—

S. No.	Name of the post	Method of Recruitment
(1)	(2)	(3)
1.	Assistant Grade III (LDC) Computer Operator	(1) By direct recruitment through competitive examinations, as may be prescribed by the appointing authority or by deputation of qualified personnel from other departments.

- (2) By Promotion from amongst Class IV employees to the extent of minimum 15% (not to be carried forward) subject to the suitability.
2. Assistant Grade II (UDC)/ Assistant Protocol Officer

By Promotion from amongst Assistant Grade III/Computer Operator on the basis of Merit-cum-Seniority.
3. Accountant (Trained)

By Promotion from amongst Assistant Grade II/Assistant Protocol Officer, on the basis of Merit-cum-Seniority.
4. Assistant Auditor

By Promotion from amongst Accountants (Trained) or by deputation of person from the office of the Directorate of Treasuries, Pension and Accounts or has been working in accounts for sufficiently long period.
5. Stenographer

By direct recruitment through competitive examination. Qualified personnel of State Legal Services Authority may also be considered for appointment.
6. Personal Assistant

By direct recruitment through open competition, or by Promotion from amongst Stenographers who are graduates and have passed English Shorthand Examination from a recognized Board at the rate of 80 word per minute.
7. Superintendent

By Promotion from amongst Assistant Auditor, Stenographer or Personal Assistant.
8. Senior Computer Programmer/ System Analyst

By direct recruitment from open competition or from deputation. Qualified personnel of State Legal Services Authority may also be considered for appointment.

9. Audit Officer
By Promotion from Assistant Auditor or by deputation of Person from the office of the Directorate of Treasuries, Pension and Accounts or has been working in accounts for a sufficiently long period.
10. Legal Aid Officer
By recruitment as provided under the Madhya Pradesh District Legal Aid Officer (Recruitment) Rules, 2007. The appointing authority shall be the same as mentioned in the said rules.
11. Private Secretary
By promotion from amongst Personal Assistant on merit-cum-seniority and if necessary by direct recruitment or by deputation.
12. Accounts Officer
By Promotion from Audit Officer or by deputation of a person from the office of the Directorate of Treasuries, Pension and Accounts.
13. Under Secretary
By Promotion from Senior District Legal Aid Officers Grade I.
14. Deputy Secretary
By deputation of a person from the cadre of Lower Judicial Service.
15. Secretary, High Court Legal Services Committee.
As per the provisions of the Madhya Pradesh State Legal Services Authority Rules, 1996.
16. Member Secretary
As per the provisions of Legal Services Authorities Act, 1987.

(2) Qualification for direct recruitment.-Academic qualifications for direct recruitment or promotion to the various posts shall be as follows:-

S. No.	Name of the Post	Qualification
(1)	(2)	(3)
1.	Assistant Grade III (LDC)/ Computer Operator	(1) Must have passed Higher Secondary Examination (10+2) from recognized Board.

(2) Must have passed typing examination in Hindi language from any recognized Board and possess knowledge of computer application; or

possess BCA degree from a recognized University.

*[(3) Must have possess any one of the following qualification.—

(i) Diploma in Computer from University recognized by the University Grants Commission; or

(ii) Diploma in Computer from Open University recognized by the University Grants Commission; or

(iii) Diploma in Computer from Institute recognized by DOEACC; or

(iv) Modern Office Management Course from Government Polytechnic College.]

2. Accountant (Trained)

(1) Must be a graduate from any recognized University.

(2) Must have passed Accounts Training from training Centre of the State Government.

3. Stenographer

(1) Must be a graduate from any recognized University.

(2) Must have passed Short Hand Examination in Hindi or English from any recognized Board of Shorthand and Typewriting at the rate of 80 word per minute.

(3) Must have knowledge of Computer Application.

4. Personal Assistant

(1) Must be a graduate from any recognized University.

- (2) Must have passed Short Hand Examination in English from any recognized Board of Shorthand and Typewriting at the rate of 80 word per minute.
- (3) Must have knowledge of Computer Application.
5. Senior Computer Programmer/System Analyst (1) Must be a graduate from any recognized University.
6. Private Secretary (1) Must be a graduate from any recognized University.
- (2) Must have passed Short Hand Examination in English from any recognized Board of Shorthand and Typewriting at the rate of 100 words per minute.
- (3) Must have knowledge of Computer Application.
7. District Legal Aid Officer As provided under the Madhya Pradesh District Legal Aid Officers (Recruitment) Rules, 2007.

*Ins. by Notfn. dated 13-11-2009.

8. Appointing Authority.-(1) The power of appointment by direct recruitment or by promotion to:—

- (a) all Class IV posts shall vest in the Member Secretary or such other person as may be specified by the Chief Justice;
- (b) all Class III posts and the posts of Accountant, Assistant Auditor, Stenographer, Personal Assistant, Superintendent, Senior Computer Programmer/System Analyst, Audit Officer, Private Secretary and Accounts Officer shall vest in the Madhya Pradesh State Legal Services Authority or such other person as may be specified by the Madhya Pradesh State Legal Service Authority.
- (c) the posts of Under Secretary and Deputy Secretary shall vest in the Madhya Pradesh State Legal Services Authority or such other person as may be specified by the Madhya Pradesh State Legal Services Authority.

(2) The procedure and curriculum for holding examination for selection of the candidates shall be prescribed by the appointing authority. Unless and otherwise specifically provided in these rules, the general rules as are

prescribed by the State Government in this regard, shall be applicable.

9. Eligibility for appointment.-(1) A candidate for appointment to a service or post:—

- (a) must be a citizen of India;
- (b) must not be below 18 years and above 35 years of age as on 1st day of January of the year in which the posts are advertised:

Provided that the upper age limit shall be relaxable upto a maximum of three years, if the candidate belongs to Scheduled Castes, Scheduled Tribes or Other Backward Classes:

Provided further that the upper age limit shall be relaxable upto a maximum of 10 years in respect of a woman candidate in accordance with the provisions of the Madhya Pradesh Civil Services (Special Provisions for Appointment of Women) Rules, 1997:

Provided further that the upper age limit shall be relaxable upto five years in respect of the widow, destitute or divorced woman candidates:

Provided also that the upper age limit of a candidate who is a Government Servant (whether permanent or temporary) shall be relaxable upto the age of 38 years.

(2) The candidate appearing in competitive examination must pay the fees prescribed by the appointing authority.

10. Disqualification.-(1) No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living, shall be eligible for appointment to any post.

(2) No candidate shall be appointed to a post unless he has produced the Medical Certificate from the Chief Medical and Health Officer in the prescribed form of his being in good Mental and Physical Health and free from any Physical defect likely to interfere with the efficient discharge of his or her duty.

(3) A person dismissed by the Central or State Government or by Officer of the Central or State Government or by a Local Authority or Corporation, owned or controlled by the Central or State Government, shall not be eligible for appointment.

(4) No candidate shall be eligible for appointment to any of the posts if, after such enquiry as may be considered necessary, the appointing authority is satisfied that he/she is not suitable in any respect for appointment to any of the posts.

(5) No candidate shall be eligible for appointment to the post, who has married before the minimum age fixed for marriage.

(6) No candidate shall be eligible for appointment to the post, who has more than two living children, one of whom is born on or after 26th January, 2001.

prescribed by the State Government in this regard, shall be applicable.

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- (a) must be a citizen of India;
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Provided further that the upper age limit shall be relaxable upto a maximum of 10 years in respect of a woman candidate in accordance with the provisions of the Madhya Pradesh Civil Services (Special Provisions for Appointment of Women) Rules, 1997:

Provided further that the upper age limit shall be relaxable upto five years in respect of the widow, destitute or divorced woman candidates:

Provided also that the upper age limit of a candidate who is a Government Servant (whether permanent or temporary) shall be relaxable upto the age of 38 years.

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(5) No candidate shall be eligible for appointment to the post, who has married before the minimum age fixed for marriage.

(6) No candidate shall be eligible for appointment to the post, who has more than two living children, one of whom is born on or after 26th January, 2001.

11. Reservation of posts for Scheduled Caste, Scheduled Tribes and Other Backward Classes.-(1) 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 Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Tatha Anya Pichhde Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994).

(2) There shall be a reserved post for woman candidate in accordance with the provisions of the Madhya Pradesh Civil Services (Special Provision for Appointment of Women) Rules, 1997.

(3) There shall be 3% reserved posts for disabled candidates provided that they are found competent for the work for which they are being appointed.

12. Certification by the Appointing Authority.-Appointing Authority shall endorse on the appointment order to be issued by him a Certificate to the effect that he has complied with the provisions of Madhya Pradesh Lok Sewa (Anusuchit Jatiyon, Anusuchit Janjatiyon Tatha Anya Pichhde Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994) and the instructions issued in the light of the provisions of the said Act by the State Government.

13. Departmental Promotion Committee.-(1) There shall be a Departmental Promotion Committee to be constituted by the Chief Justice for promotion. Such Committee shall consist of:—

- (1) Chairman,
- (2) Secretary, and
- (3) Member(s).

The Committee shall hold Departmental Examination for Posts for which such examination is prescribed in these rules, at least once in a year and prepare a selection list according to merit and place it for approval before the Chief Justice. The Committee shall also consider eligibility and suitability for promotion of other promotional posts for persons in the feeder categories and prepare a select list and place it for approval before the Chief Justice.

(2) Departmental Examination shall be held for the post of Assistant Grade-III and the criteria for admissibility to the Departmental Examination is that, that the candidate should have completed five years qualified service as Class IV Employee (including service rendered as a contingent employee).

14. Appointment.-All appointments to any of the posts required to be filled by direct appointment, shall be made on probation and the conditions laid down in the Madhya Pradesh Civil Services (General Conditions of Service) Rules, 1961, shall be applicable in this regard, if not expressly provided under these rules:

Provided that the powers, exercisable under the said Rules by the State Government or by the Governor or any subordinate authority, shall

be exercisable by the Chief Justice or by such other authority as may be specified by the Chief Justice.

15. Promotion.-All promotions from one post to another post shall be made on temporary or officiating basis depending upon the nature of the post by the appointing authority on the recommendation of the Departmental Promotion Committee.

16. Conditions of Service.-In respect of all such matters regarding conditions of service of the Officers and Employees of the Madhya Pradesh State Legal Services Authority for which there is no provision or the provisions are insufficient in these rules, the rules and orders for the time being in force applicable to the Government Employees holding corresponding posts, in the State Government, shall be applicable:

Provided that the powers exercisable under the rules and orders of the Government by the Governor, shall be exercisable by the Chief Justice or by such other authority as may be specified by the Chief Justice.

17. Superintendence and Control.-All employees shall be subject to superintendence and control of the Madhya Pradesh State Legal Services Authority or of any person by general or special order authorised by the Madhya Pradesh State Legal Services Authority.

18. Applicability of Civil Services Rules.-The provisions of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 and Madhya Pradesh Civil Services (Conduct) Rules, 1965 shall be applicable *mutatis mutandis* to the Officers and Employees of the Madhya Pradesh State Legal Services Authority subject to the following:—

(a) In regard to the Employees belonging to Class IV, the disciplinary authority shall be the Member Secretary;

(b) In regard to the Employees belonging to Class-I, Class-II and Class-III, the disciplinary authority shall be the person as may be specified by the Madhya Pradesh State Legal Services Authority. The powers exercisable by the State Government under the aforesaid rules shall be exercised in regard to employees of the Madhya Pradesh State Legal Services Authority by the Madhya Pradesh State Legal Services Authority or any person as may be specified by the Madhya Pradesh State Legal Services Authority;

(c) An appeal shall lie to the Executive Chairman against all orders which may be passed by the authority prescribed in clause (a) above;

(d) An appeal shall lie to the Chief Justice against all orders passed by the authority prescribed under clause (b) above;

(e) If any order is passed by the Chief Justice, review shall lie to the Chief Justice;

(f) The enquiring authority shall have power to issue notices to witness to compel them to appear and give evidence or produce documents or both as the case may be.

19. Seniority.—There shall be a gradation list of all the Officers and Employees of the Madhya Pradesh State Legal Services Authority subject to revision after every three years. The decision of the Executive Chairman with regard to any dispute regarding inter se seniority in the gradation list shall be final.

20. Extension.—Ordinarily, extension in Service to any Employee of the Madhya Pradesh State Legal Services Authority would not be granted. However, the Chief Justice and Patron-in-Chief, Madhya Pradesh State Legal Services Authority may, in exceptional cases and in the interest of administration, grant extension beyond the age of superannuation to any employee for one year subject to Physical fitness and outstanding quality of work.

21. Power of Relaxation.—Where the Chief Justice of the High Court of Madhya Pradesh is satisfied that operation of any these rules causes under hardship in any particular case, he may, by order for the 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 Chief Justice of the High Court of Madhya Pradesh the State Government in the Law and Legislative Affairs Department, shall be informed of the same.

22. Removal of doubts.—If any doubt arises relating to the interpretation of these rules, the decision of the Chief Justice of the High Court of Madhya Pradesh shall be final.
