

CHAPTER XXXI

ESTABLISHMENT

Appointments

577. (i) The appointments to all posts in the Classes III and IV of the Subordinate Judicial Service in the Civil Courts in each District shall be made by the District Judge from the lists of candidates selected by the Advisory Committee formed for the purpose in each District.

(ii) An Advisory committee should be formed in each District to assist the District Judge, in making appointments to Class III and Class IV services in the Judicial Department, Such Committee should consist of the District Judge, the Joint District Judge, the Additional District Judge, the Chief Judicial Magistrate and the Civil Judge, Senior Division.

In a District, where there is no Joint District Judge, the Advisory Committee should consist of the aforesaid Judges excluding the Joint District Judge.

(iii) The rules for the recruitment of candidates to Class III and Class IV services in Subordinate Judicial Service are contained in the Appendix attached to Government Resolution, Home Department, No.Misc.1055/62546-III, dated 26th December 1957, as amended by Government Resolution, Law and Judiciary Department, No.DCE. 5265/3643-J, dated the 22nd February 1971. These Recruitment Rules are included in Appendix `A' at the end of this Chapter.

578. The bailiffs are concerned with service of various kinds of Writs and processes etc., at distant places and are, therefore, required to travel over wide areas of extensively. Therefore, while selecting candidates for appointment as bailiffs, the selection should be made particularly with reference to the following aspects of personality :-

(i) He should possess the minimum educational qualification of not lower than a pass in the examination of Standard VIIth ;

(ii) He should be physically fit, mentally alert and energetic ;

(iii) He should be intelligent and matured in understanding and behaviour ;

(iv) He should have sense of good behaviour and initiative so as to complete the procedural formalities in performance of his duties in the shortest possible period or particularly within a specified time.

No one should, therefore, be selected who is lacking in any of these qualities.

Promotion

579. (a) The District Judge shall maintain a separate Confidential File in respect of each Class III Servant on the establishment of his district. This file should contain a compilation of the Confidential Reports concerning such member made and completed in accordance with the provisions contained in Paragraph 584 below.

(b) The District Judge shall also maintain a Confidential Register for all Class IV servants on the establishment of his district in the form set out herein below and in the manner indicated in sub paragraph (c) below :-

FORM OF CONFIDENTIAL REPORT FOR CLASS IV GOVERNMENT SERVANTS

Full Name	..	..	..
Father's Name	..	..	..
Date of birth	..	..	..
Place of birth (Village/Town/Taluka/District	..		
Nationality and Religion	..	..	..
Whether belongs to Scheduled Castes/Scheduled Tribes/Other Backward Classes ?			
Home of Family	..	..	..
Permanent Address	..	..	..
Whether any immovable property held ?	..		
If so, what and where ?	..	..	..
Date of joining Government service	..	..
If service is not continuous, details of previous Government service	..		
Mother tongue	..	..	..

Languages known
Educational Qualifications Examination. Year.

PART II

Estimate of general ability and character

Name
Period of report
Post or posts held
(1) Physical Fitness
(2) General intelligence
(3) Technical ability (where relevant)
(4) Integrity and character
(5) Special aptitude
(6) Obedience
(7) Punctuality
(8) Penalties/Awards, if any
(9) Fitness for promotions
General Assessment

Date : Signature, Name and Designation
Place : of the Reviewing Officer.

PART III

(1) Length of service under Reviewing Officer.

(2) Do you agree with the Reporting Officer or
Do you wish to modify or add to his assessment ?

Date : Signature, Name and Designation
Place : of the Reviewing Officer.

(c) The names of Class IV servants required to be mentioned in column (2) of the Confidential Register should be arranged cadrewise, each cadre being separately and in order of seniority. The remarks in the said Register should be entered by the District

Judge himself or an Additional District Judge, or Civil Judge, Senior Divisions, named by the District Judge for the said purpose on the basis of the reports received from the Judicial Officers under whom the Class IV servants may have been working. Such remarks should be entered in the said Register every year in the month of April.

580. In the matter of promotions and confirmations, the District Judge should take into consideration the following principles :-

(i) All clerks who pass the Lower Standard Departmental Examination should be confirmed immediately in the existing vacancies. Such confirmations should not be deferred till the passing of the said examination by their seniors.

(Vide High Court Circular No.B-10135/50, dated the 5th December 1950)

(ii)(a) Whenever vacancies to be filled by promotion are available, the District Judge shall consider for promotion thrice the number of eligible employees according to their seniority.

(b) The District Judge may, if, for reasons to be recorded in writing, he considers it to be so desirable, appoint a Committee to subject the employees within the Zone of consideration to an appropriate test, and may also consider the result of such test.

(c) While selecting an employee for promotion, the District Judge shall take into consideration :-

(i) The entire service record, and more particularly annual confidential reports for the previous 5 years;

(ii) Leave and punctuality record for the previous 5 years;

(iii) Special reports called from the officers under whom the employees within zone of consideration are currently working;

(iv) Nature of duties of the promotional post vis-a-vis the abilities of employees within zone of consideration.

(d) In case promotion are not made according to seniority, a minute indicating reasons for selection shall be recorded by the District Judges.

The seniority of Senior Clerks should be determined from the date of their appointment to the post i.e. The Senior Clerk and not reference to seniority in the cadre of Junior Clerk.

(iii) If a clerk who is junior in service has passed the Lower Standard Departmental Examination before a clerk who is senior in service, the clerk junior in service should be confirmed, if there is a permanent vacancy, in preference to the clerk senior in service who has not passed the examination.

581. The District Judge shall maintain separate Gradation Lists in the form set out herein below for each cadre of Class III and Class IV servants on the establishment of his district showing the position on the Gradation List of the various members on the establishment as on the 1st of April in order of seniority, and revise such lists every year in the month of April. As soon as such revision is completed, typed copies of such revised lists shall be circulated for information to all the members of the staff concerned in the district, and written acknowledgments of the list having been circulated to the members of the staff concerned shall be obtained from them and preserved in the office;

Form of Gradation List

Serial No.	Name	Educational qualifications, departmental and ad-hoc examinations passed and other special qualifications	Date of birth	Date of entry into Government Service
1	2	3	4	5

Date of continuous Officiation in the post	Date of Confirmation in the post	Pay on 1 st April of the year concerned	Due date of next increment	Remarks
6	7	8	9	10

582. The duplicates of Service Books and Service Rolls should be supplied to all members of Class III and Class IV services free of charge.

583. District Judge shall invariably consult the Judicial Officer under whom the employee is working in the matters concerning the promotion of members of the establishment and Judicial Officers should be encouraged to write frankly as to the fitness, or otherwise for promotion of any members of their establishment. Or any case of special merit.

584. (a) The Additional District Judge, a Civil Judge or a Judicial Magistrate should report to the District Judge, confidentially upon Class III and Class IV servants working under him, on or before the 31st of March, each year, or on his own transfer or on the transfer of such servant (unless he has already submitted his report within the previous three months). The Confidential Reports concerning Class III servants should be in the form prescribed by Government in the schedule attached to the Government Resolution, Political and Services Department, No. CFR. 1256, dated the 15th October 1956 or such other form as the Government may hereafter prescribe for the said purpose with the approval of the High Court. The Confidential Reports concerning Class IV servants should be made in the form set out in paragraph 595 above, or in the form, if any, which Government may hereafter prescribe for the said purpose with the approval of the High Court. While reporting about Class III servants, the reporting Officer should also bear in mind the instructions contained in the aforesaid Government Resolution as modified from time to time or any instructions which Government may hereafter issue in that behalf.

(b) In respect of Class III and Class IV servants working in the District Court, the District Judge should himself write the Confidential Reports referred to in subparagraph (a) above.

(c) The District Judge may add on the confidential reports received by him from the Additional District Judges, Civil Judges and Judicial Magistrates his own remarks from observations made by him personally.

(d) Adverse or favourable remarks, if any, should be communicated by the District Judge to the persons concerned, either orally or in writing, in accordance with the directions and principles laid down in Government Resolution, General Administration Department, No. CFR 1261-D, dated 8th January 1962 or in accordance with the directions or principles which Government may hereafter lay down, unless the Additional District Judge, the Civil Judge or the Judicial Magistrate concerned intimates that he has already communicated such remarks to the person concerned.

(e) The District Judge or the Additional District Judge or a Civil Judge or a Judicial Magistrate, shall also maintain an ephemeral roll for each Class III servant working under him in the form and for the purpose laid down in Government Circular, Political and Services Department, No. CFR. 1256-D, dated the 4th April 1957.

(f) Testimonials should not be given to any members of the establishment except-

(i) When such person has applied for a post elsewhere and his confidential reports cannot be supplied to the appointing authority, or

(ii) When he is retiring from service.

585. Section 9 of the Bombay Civil Courts Act, XIV of 1869, provides that the District Judge shall have general control over the establishments of all the Courts in his district. The District Judge has general Control, while the Small Causes Court Judge, Civil Judge and Judicial Magistrate have direct control over the establishments of their own Courts.

586. The Judge is responsible for the distribution of duties amongst the various members of the establishment and for enabling each member of his establishment to receive proper instruction in the duties he has to perform. He may do this through the agency of the Clerk of the Court and the Nazir but he must satisfy himself that it is properly done.

587. Every District Judge, Civil Judge and Judge of a Court of Small Causes in the mofussil must insist on the punctual attendance in office of all members of the establishment at the proper office hours and on the prompt and regular dispatch of all official business by the member concerned.

588. Civil Judge should bear in mind that administrative work is no less important than judicial work. It is the duty of a Civil Judge to see that every office register, diary or book is regularly kept and every official paper is kept in its proper place. It is also a part of his duty to make proper arrangements for due preservation of all Government books and records entrusted to his care. He may, however, with the sanction of the District Judge, sell or destroy absolute books and those which are of no use.

Punishment

589. (a) The Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, shall apply to all the members of Class III and IV Services of the Subordinate Judicial Service.

(b) In cases governed by the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, a Civil Judge may impose-

(i) any penalty specified in Rule 5 of the said rules upon members of Class IV service in his Court, and

(ii) any penalty other than dismissal or removal from service, specified in rule 5 of the said rules upon members of Class III service in this Court.

Leave and Transfer

590. Casual leave and other leave when substitutes have not to be provided may be granted by Civil Judges to the members of their establishments.

591. Every member of the staff belonging to Class III establishment of the District is liable to be transferred after he has served at one place for 5 years.

Having regard to the rising number of women employees in the Subordinate Courts, of late the question of their transfers in the wake of general transfers of the staff, has become more acute. As such, subject to the sole criterion of the Administrative convenience, in case of transfer of women employees, as far as possible, they should not be posted to inconvenient or far off stations, in view of the hazards of in security to which they may be subjected in case of remote or inconvenient places, separated from their family members or relatives.

Duties of the Establishment and Distribution of Work

592. Many of the matters to be done by the Court can be delegated by the Judge to a subordinate officer. Under the Code, certain matters can be done only by an officer appointed for the purpose but there are others which are to be done only by a subordinate.

593. The general provision as to delegation in this State is contained in section 40 of Act XIV of 1869 which runs as follows :-

“There may be appointed to any Civil Court under this Act a Clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High

Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.”

594. The Code itself provides explicitly or impliedly that the Court may appoint an officer,-

- (1) to receive plaints (Order IV, rule 1),
- (2) to register plaints (Order IV, rule 2),
- (3) to sign summonses to defendants and witnesses (Order, V, rule 1 and (3) and rule 10),
- (4) to serve summonses (Order V, rule 9),
- (5) to sign letters substituted for summonses (Order V, rule 30),
- (6) to satisfy himself as to the correctness of copies produced and mark the original documents for the purpose of identification (Order VII, rule 17),
- (7) to receive applications for summonses to witnesses (Order XVI, rule 1),
- (8) to receive applications for execution (Order XXI, rule 10),
- (9) to sign process for execution (Order XXI, rule 24),
- (10) to conduct sales (Order XXI, rule 65),

The Code also provides by rule 9(4) of Order VII, that the chief ministerial officer of the Court shall satisfy himself as to the correctness of and sign the following papers :-

- (i) List of documents produced along with the plaint.
- (ii) Copies of the plaint.
- (iii) Concise statements.

595. The old rule framed by the High Court under section 40 of Act, XIV of 1969 is as follows :-

“In addition to the duties set forth in section 40 of Act XIV of 1869 the Judge, of a District or subordinate Court may authorize the Clerk of his Court to perform all or any of the following duties, namely :-

- (a) authenticate translations,
- (b) sign receipts for papers received in the Court,
- (c) have charge of and affix the seal of the Court,

(d) sign registers and books of proceedings and notices on the notice board,

(e) receive and register all applications and papers accompanying them, being bound to refer such as he considers should be refused or amended for the orders of the Judge.

(f) receive and dispose of all merely formal applications which are presented in due time, and must prima facie be granted as a matter of course : e.g. Applications for adjournment made on the ground that the summons was not served on defendant or that service must be proved, or that a notice may be served on the legal representative of a deceased defendant or a guardian ad litem of minor defendant, or with consent of both sides that a compromise may be effected,

(g) receive written statements under order VIII, rule 1, of the Civil Procedure Code.

(h) in the temporary absence of the Judge, adjourn proceedings, make orders for the re-attendance of witnesses and take bail, from an apprehended witness under Order XVI, rule 18, of the Civil Procedure Code and from judgment-debtors arrested under Order XXI, rule 38.

In addition to the above duties, the Clerk of the Court may in a District Court,-

(i) receive and register appeals and papers accompanying them,

(ii) sign Roznamas,

(iii) sign 'by order' and after taking the order of the Judge, correspond with the Civil Judges relating to leave of absence, establishment, pay and allowances, contingent bills, periodical returns or statements, budget estimates, and similar matters of administration.

(iv) exercise a general control over the Record Keeper, in providing for the proper sorting and destruction of records, in accordance with the rules in force regarding the permanent or temporary preservation of such records.

Nothing in section 40 of the Bombay Civil Courts Act or in the above rules should be construed to affect the power of the presiding officer of each Court under order IV, rule 1; order VII, rule 17; Order V, rule 1, 10 and 30(1); Order XVI, rule 1; and order XXI, rule 10 and 24, of the Civil Procedure Code to appoint an officer who need not be the Clerk of the Court, for the duties mentioned in the said rules as capable of delegation to an officer appointed in that behalf.”

The above rule is still in force so far as it is consistent with the Code, and it should be followed.

In the temporary absence of the Clerk of the Court, a Civil Judge may appoint a senior clerk to authenticate copies and translations “for the Clerk of the Court.”

596. In addition to the duties mentioned in paragraph 595 a District Judge may delegate or assign to his Clerk of the Court all or any of the following duties on being satisfied that the said Clerk of the Court is competent to discharge the same.

I. Quasi-Judicial

(i) Determining the nature of summons to be issued under order V, rule 5, Civil procedure Code.

(ii) Receiving documents produced by parties on the day fixed for the first hearing under Order XIII, rule 1 (2) Civil Procedure Code.

(iii) Requiring the return of documents and substituting certified copies in their places under Order XIII, rule 9, Civil Procedure Code.

(iv) Calling for records on the application of parties under Order XIII, rule 10 (1), Civil Procedure Code.

(v) Calling upon the applicant-judgment-creditor to produce a certified copy of the decree when it is not already produced with the darkhast under Order XXI, rule 11 (3), Civil Procedure Code.

(vi) issuing a certificate when the Court authorizes a judgment-debtor to raise the decretal amount by sale of the attached property under Order XXI, rule 83(2), Civil Procedure Code.

II. Non-judicial

(i) Calling upon the parties to deposit money to cover expenses of witnesses under order XVI, rule 4 (1), Civil Procedure Code.

(ii) Furnishing certified copies of judgments and decrees under Order XX, rule 20, Civil Procedure Code.

(iii) Issuing a sale certificate to purchaser under Order XXI, rule 94, Civil Procedure Code.

Other Non-judicial or Administrative Duties.

(i) Calling for reports and accounts from the private guardians.

(ii) Assisting the District Judge in the inspection of lower Courts.

(iii) To perform such duties and exercise such powers in relation to the appointment and transfer of the members of the District Judge's establishment as the District Judge may by general or special order determine.

(iv) Supervision over the establishment, clerical as well as menial, under the District Judge.

(v) Arranging the board, fixing the appeals, etc., for hearing.

(vi) Returning of original documents, etc., produced by the parties in Court whenever they apply for their return.

597. In addition to the powers conferred and duties imposed under the Provincial Small Cause Courts Act, 1887, and also in addition to the duties of the Clerk of the Court of the District Judge and Civil Judge, the Registrar of the Court of Small Causes may perform the following duties :-

(1) Issuing processes on changed addresses.

(2) Passing orders regarding payments of amounts deposited in the Court in decided proceedings.

(3) Passing orders regarding payments of amounts deposited in the Court in pending proceedings when the party depositing the amounts consents to the payment being made.

(4) Signing refund certificates.

(5) Revalidating refund orders.

(6) Carrying on routine correspondence with officers below the rank of a

District Judge.

(7) Authenticating amendments in the register of suits.

598. All registers, processes, etc., should be legibly and neatly written. Corrections in words or figures should not be written over the original but above it, the incorrect words or figures being cancelled by a line drawn neatly through it and initialled by the officer making the corrections.

599. Files should be maintained and indexed. Dead stock register should be maintained and verified according to the standing orders on the subject.

600. There should ordinarily be two superior officers in each subordinate Court, a Clerk of the Court and a Nazir. The clerk of the Court shall be the chief ministerial officer of the Court for the purpose of Court work, and the Nazir the chief ministerial officer for the purpose of execution work, service of processes and accounts. Both should be experienced and intelligent men thoroughly acquainted with the Civil Procedure Code, the Bombay Civil Courts Act, the Bombay Court-fees Act, the suits Valuation Act, the orders and circulars of the High Court and the relevant orders and Circulars of Government. They should be capable of performing accurately and intelligently the duties described in this Manual in regard to the examination of plaints, the drawing up of decrees, the examination of applications for execution and the scrutiny of the work of bailiffs or other officers of the Court engaged in execution work. The clerk in charge of accounts and establishment of each Court must have sufficient knowledge of the Civil Service Regulations and Civil Account Code deal with leave applications, pension cases, service books of the members of the establishment and other matters requiring an understanding of the orders of Government.

601. There should also be a Record Keeper of the District Court who should be a man of intelligence and be familiar with the Code of Civil Procedure, the Bombay Civil Courts Act, the Bombay Court-fees Act, the orders of High Court and the relevant orders of Government.

602. The Nazirs of District Courts, Small Causes Courts and subordinate Courts the Registrars of Small Causes Courts, the Record Keepers of the above Courts, clerks and bailiffs in the offices of the Nazirs, clerks in charge of the library, and all members of the establishment who have to handle Government money shall furnish security for the prescribed amount and in the prescribed manner. If any securities have been deposited, such securities and the security bonds shall be forwarded for safe custody to the Treasury

Officer at the headquarters of the District Court and it shall be the duty of the Clerk of the Court, District Court in each District to satisfy himself that the security or security bonds furnished by all concerned officers within the District are forwarded for safe custody to the District Treasury and to report to the District Judge about such verification. No practising lawyer shall be accepted as surety.

Note :- (i) The following amounts of security to be taken from different officers are prescribed under High Court (Confidential) letter No. A(Cri.) 1067/76, dated the 30th November 1977. While actually accepting the amount of security from any officer, the change, if any, therein should be verified from the relevant record in that behalf and the latest amount of security prescribed should alone be accepted.

Name of the Court	Designation of the post	Prescribed amount of security to be taken now
1. District Court		Rs.
	(1) Nazir	10,000
	(2) Deuty Nazir	4,000
	(3) Asst. to Nazir or Clerk to Nazir	1,000
	(4) Record Keeper	4,000
	(5) Senior Clerk	4,000
	(6) Accounts Clerk	4,000
	(7) Junior Clerk, doing the work of Library or incharge of postage stamps, incharge of stationery, incharge of muddemal or incharge of Government money dealing with monetary transactions.	1,000
	(8) Section-Writers dealing the copying fees	1,000
	(9) Bailiff	300
2. Additional District Judge's	(1) Clerk of the Court	4,000
	(2) Nazir	4,000
	(3) Junior Clerk incharge of Government Money or muddemal or library or postage stamps etc.	1,000

Name of the Court	Designation of the post	Prescribed amount of security to be taken now
3. Civil Court, Senior Division	(1) Nazir	10,000
	(2) Clerk to Nazir	1,000
	(3) Accounts Clerk	1,000
	(4) Junior Clerk dealing with Government money or muddemal or Library book or Stationery or postage stamps etc.	1,000
	(5) Section-Writers dealing with copying fees	1,000
	(6) Bailiff	300
4. Small Cause Court	(1) Nazir	10,000
	(2) Junior Clerk to Nazir	1,000
	(3) Registrar	4,000
5. Chief Judicial Magistrate's Court	(1) Senior Clerk	4,000
	(2) Junior Clerk dealing with Government money, postage stamps, stationery or library books etc.	1,000
6. Civil Court, Junior Division	(1) Nazir	4,000
	(2) Clerk of the Court	4,000
	(3) Nazir's Assistant	1,000
	(4) Senior Clerk	4,000
	(5) Junior Clerk dealing with Government money or muddemal or postage stamps or stationery or library books etc.	1,000
	(6) Bailiff	300
7. Judicial Magistrate, F.C.	(1) Senior Clerk	4,000
	(2) Junior Clerk dealing with Government money or muddemal or postage stamps or stationery or library books etc.	1,000

Note :- (ii) One surety would suffice in the case of clerks and bailiffs in the offices of Nazirs of District Courts and subordinate Court. (Vide Government Resolution, Home Department, No. 1229/2, dated the 16th October 1929).

Note :- (iii) No surety is necessary if sufficient cash or other securities are deposited.

Note :- (iv) No fresh bond is necessary on transfer to another post or place in the same district unless the new post requires higher security.

Note :- (v) If the position of the sureties deteriorates or their solvency to meet the obligations becomes doubtful, then a fresh surety bond should be taken.

603. Every Court shall maintain a list containing the names of sureties and their address in respect of the members of their establishment and shall make due inquiries about the solvency etc., of the sureties in December, every year, and every subordinate Civil Court shall submit its report to the District Judge on or before the 15th of January.

Enquiry as to the solvency of the sureties shall be made annually in the month of January by the District Judge, who shall certify in writing that he has satisfied himself about the solvency of sureties and report the fact to the High Court.

604. The Court may in its discretion delegate to the Nazir the authority to sign summonses in execution proceedings and to sign processes for execution. It should be borne in mind that wherever possible the ministerial responsibility in execution proceedings should rest with the Nazir.

605. A notice setting out the duties assigned to the Clerk of the Court and the Nazir, should be affixed to the Court Notice Board.

606. (a) Each Section-Writer shall daily type or copy and compare 7,000 words from documents in English or 5,000 words from documents in regional languages or, in case wherein the copies are required to be prepared in hand writing, shall daily copy and compare 3,000 words from documents in regional languages, and shall maintain a day to day diary in Form `A' given at the end of this paragraph showing particulars of copying and comparing work done by him. The diary shall be checked and signed daily, after verifying its correctness, by such officer as the officer presiding over the Court may appoint in this behalf.

(b) A statement in Form `B' given at the end of this paragraph showing the daily out turn as also the balance of copying work shall be prepared and submitted daily in the District and Sessions Court by the Record Keeper to such officer as the District and Sessions Judge may appoint in this behalf. In the Court of the Civil Judge or of the Civil Judge and Judicial Magistrate, such statement shall be submitted by the Clerk of the Court and in the Court of the Judicial Magistrate by the Senior Clerk daily to the presiding officer of the Court. The officer to whom such statements are submitted shall

examine whether the out turn of work is satisfactory and given such directions as he may deem necessary.

(c) A register in Form `C' given at the end of this paragraph shall be kept in every Court by such person as the officer presiding over the Court may direct in that behalf indicating the movement of the applications for copying. The said register shall be kept in three parts, Part I relating to applications which are sent to other Courts for supplying the record of the required case or for supplying the copy after copying, Part II relating to applications which are forwarded to the Record Keeper for supplying the record of the required case, and Part III relating to applications which are given to the Section-Writers with the necessary originals for copying. Where the Court concerned is doing both Civil and Criminal work, such registers should be maintained separately for applications received in Civil Matters and for applications received in Criminal Matters.

(d) The Courts of the Civil Judges and Judicial Magistrates should submit every month to the District and Sessions Court a statement in Form `D' given at the end of the this paragraph showing the outturn and the balance of copying work in their Courts. The District and Sessions Judge should scrutinize these statements and then issue such directions as he may deem proper and necessary.

FORM A

Name of the Section-Writer

Date	Paper book work		Certified copies work		
	Distinctive Number of the Appeal of Revision of which the paper books is prepared	Description of the document or the Exhibit number copied	Serial No. of the application in the copying Register	Distinctive Number of the Case or proceeding	Description of the document or the Exhibit number copied
1	2	3	4	5	6

Total number of words typed		Total number of words written		Total number of words compared		Work other than copying and comparing	Remarks
English	Regional Language	English	Regional Language	English	Regional Language		
7	8	9	10	11	12	13	14

Note.- (1) If the Section-writer is an English Section-Writer, the letter E should be inserted before his name within brackets and if he is a Regional language Section-writer, the letter R should be inserted before his name within brackets.

(2) In columns 7 to 12, show the total of copying as well as paper book work, if any.

FORM B

Outturn and Balance of Copying work on

Kind of work	Balance of the previous working day	Received during the day	Total for disposal	Disposed during the day	Balance pending at the close of the day	
					Pending over ten days	Pending over twenty days
1	2	3	4	5	6	7

Applications for Copying
Paper Books

FORM C

PART I

(Relating to applications sent to other Court)

Serial No.	Number of the application in the copying Register	Name of the Court to which the application is sent for making the record of the case available or for preparing the copy	Date on which the application is sent	Date on which application is received back with or without the record or the copy	Remarks
1	2	3	4	5	6

PART II

(Relating to applications sent to the Record Keeper)

Serial No.	Number of the application in the copying Register	Name of the Record Keeper or the Record Clerk to whom the application is sent for making the record of the case available	Date on which the application is sent	Date on which the application is returned with or without the record	Remarks
1	2	3	4	5	6

PART III

(Relating to applications given to the Section-writers for copying)

Serial No.	Number of the application in the copying Register	Name of the Section-writer to whom the application is given with the original	Date on which the application is given	Date on which the copy is prepared	Remarks
1	2	3	4	5	6

FORM D

PART I

(Monthly Outturn)

Serial No.	Name of the Section-writer	Number of working days	Total number of words copied and compared		Average number of words copied and compared per day		Work other than copying and comparing	Remarks
			English language	Regional language	English language	Regional language		
1	2	3	4	5	6	7	8	9
Total ..								

N.B.--(1) In Column No.2, show the letter (E) in brackets against the name of the English Section-Writer and the letter ® against the name of the Regional language Section Writer.

(2) In Columns 6 and 7 against the item "Total", show the average number of words copied and compared per day per Section-Writer.

PART II

(Monthly balance)

Number of applications pending at the beginning of the month	Number received during the month	Number disposed of during the month	Balance pending at the end of the month	Serial Numbers of applications pending for more than ten days with reasons for delay in each of them
1	2	3	4	5

Number of applications pending at the beginning of the month	Number received during the month	Number disposed of during the month	Balance pending at the end of the month	Serial Numbers of applications pending for more than ten days with reasons for delay in each of them

Duties of Bailiffs and Supervision over them

607. Bailiffs are commonly entrusted with the service of summonses and notices and orders and with the enforcement of processes for execution of decrees and orders.

608. There is no prescribed method for apportioning and supervising the duties of bailiffs. The District Judge may adopt any suitable method for his district having regard to the nature and volume of work, and the particular requirements of the district.

609. It would generally be convenient to divide the jurisdiction of the Court into beats for execution of processes. The bailiffs must try to execute the processes independently of the parties, on their own information and knowledge. They must also understand that if they return a process unserved, they will be repeatedly sent back till it is served.

610. Some useful instructions have been given in the Bailiff's Manual which should be followed by the bailiffs. It is the duty of the Nazir or other officer appointed by the Judge for that purpose to give instructions and directions to the bailiffs in regard to their work and duties. The Nazir should also keep a watch over the work of the bailiffs and see that the bailiffs perform their duties satisfactorily and obey the directions given to them.

611. The Nazir of the Court should submit to the Presiding Officer for his orders every day all the processes returned unserved. The Presiding Officer should scrutinise the reasons for non-service in every case and if they are unsatisfactory, he may take such action as he deems fit.

612. Although the legitimate work of the bailiffs is the service of processes, the District Judge may assign to them any other reasonable work when they are not engaged on the work of service of processes.

The work of bringing tapal, taking money and boxes containing valuables to and bringing the same from Treasury, calling out parties in Court, etc. may reasonably be considered to fall within the scope of duties assigned to bailiffs, but the work of doing night watch duty in the court buildings may not be assigned to the bailiffs after sanction of all the posts of peons and watchmen as per the recommendation of the Study Group.

613. (i) Nazir has to see :-

(a) that the process to be given to the bailiff is accurately drawn,

(b) that the bailiff is given all the papers to be sent along with the process e.g., a copy of the plaint, summons, notice, etc.,

(c) that the bailiff is given the necessary amount of money for the purpose of the service of the process, and,

(d) that a reasonable time is fixed for his return having regard to the distance and the nature of the work.

(ii) After the process is brought back or sent by post by the bailiff, it is the duty of the Nazir or a clerk working under him,

(a) to scrutinize his report and ascertain whether the bailiff has done his work properly,

(b) to ascertain whether all the details required by the kamgiri book are mentioned in the bailiff's report, and,

(c) to scrutinize carefully the bailiff's diaries.

(iii) The scrutiny of the reports and the diary should be intelligent and constant and not merely mechanical and casual. It would be enough if the Nazir signs the bailiff's report in token of scrutiny, if he considers them satisfactory and has no remarks to make.

(iv) The return required under Order V, rule 23, in amended Form No.10 in Appendix B, Schedule I, of the Civil Procedure Code, should be made under the signature of the Judge after the scrutiny by the Nazir.

614. It is the duty of bailiffs to explain failure to serve any process and to report, as required by rule 25 of Order XXI on all processes in execution.

615. The Nazir should make careful enquiry of the bailiff, in execution matters as to whether the decree has been adjusted or satisfied wholly or in part.

616. If the reports of a bailiff are not sufficiently clear, the Nazir should examine him about any matter which requires an explanation or a clarification.

All matters of doubt or difficulty and all cases of negligence, laziness or misconduct on the part of bailiffs should be referred to the Judge.

617. Where a man sent with a bailiff to indentify a judgment-debtor has represented that he does not wish to point out the judgment-debtor or to attach his property, he shall be required to sign an endorsement to that effect on the warrant.

618. No bailiff charged with service of a process is entitled to call upon the party interested in the service to point out the person to be served.

It is the duty of the bailiff to use his best efforts to effect the service and it is only when he fails, in spite of such efforts, that the Court may order the party to render help to him.

Where the serving officer does not know the individual on whom the process is to be served, but such individual is pointed out to him, the person who points out the individual served should be asked to make an endorsement on the process.

619. Villages Officers have been instructed by Government to give every assistance to bailiffs when serving processes.

620. Bailiffs should be required to keep diaries in the standard form No. 'Civil B 38'.

621. Forms of the bailiffs' patrol book may be obtained from the Superintendent, Yeravda Prison Press, on indent by the Collector.

Form of Bailiffs' Patrol book

Signature of officer	Date of arrival	Date of departure	Summary of work done	To what village proceeding next

622. Whenever bailiff visits a village, he should ascertain from the patrol book the name of the bailiff who had visited it immediately before him and the date of his visit, and should make a note of the same in his diary. The Nazir should check these notes, from time to time, in order to ascertain the correctness of the diaries of other bailiffs.

623. Permission is given to District Judges and to Civil Judges (subject to any general instructions from the District Judge) to allow their bailiffs to return processes by post in cases in which it may be convenient to do, so. Processes, however, should not be posted in village boxes which are cleared at irregular intervals. When sent by post, they may be sent “Service bearing” and the postage should be paid out of the Court's contingent allowance. The presiding officer of each Court, in which the system may be introduced, should carefully watch its working, and should discontinue it, if found objectionable.

624. The official directly responsible for the work of the bailiffs is the Nazir. In order to see whether that responsibility is fully realized, the presiding Judge must occasionally inspect the bailiff's work. As illustrating one of the ways in which this may be done, the following mode of inspection is suggested. Taking :-

- (a) the “Kamgiri book” :
- (b) the Nazir's book (attendance roll which should show what bailiffs were in attendance on the Court each day and were engaged in outside work);
- (c) the Darkhast Register ;
- (d) the Bhatta Book ;
- (e) the Memo book for Darkhasts.

The Civil Judge can in a short time trace several execution proceedings and very soon see whether the subordinate officials promptly and accurately do their work and whether the Nazir recognizes his responsibility.

Similar investigations should be made by the District and Additional District Judges when on inspection circuit, serious notice also should be taken of all irregularities on the part of the execution establishment which may be brought to light in the course of any judicial investigation.

Close supervision should be exercised over the conduct of process servers in executing warrants of arrest. This branch of work should be closely scrutinized, and persistent default in arresting judgment-debtor should be a ground for either dispensing with the services of the process-server or his reduction or stopping his promotion and good work in this direction should be a ground for special advancement.

625. (1) There shall be two examinations called respectively the “Lower Standard” and the “Higher Standard”.

(2) No candidate selected for appointment to a clerical post in accordance with Government Circular, Home Department, No. 8977/3-II, dated the 16th March 1939 shall be confirmed in his appointment as a Clerk unless he has passed the “Lower Standard” Examination.

Note :- The above shall not apply to candidates who were selected before 16th March 1939.

(3) No Clerk shall be promoted to an appointment to the post of Sheristedar, Assistant Superintendent and above unless he passes the Higher standard Departmental Examination or to an Appointment to the post of Senior Clerk unless he passes the Lower Standard Departmental examination.

(3) (i) “The Members of the Staff of the Subordinate Courts who have completed the age of 45 years are exempted from appearing and passing the Higher Standard Departmental Examination.”

(4) No Clerk shall be permitted to appear for the “Higher Standard Departmental Examination” until he has completed 3 years of service and after he completes 10 years of service as a Clerk. No candidate shall be permitted to appear for the “Lower Standard Departmental Examination” until he has completed one year's service as a clerk.

(5) To be deleted.

(6) The examinations shall be in English and shall-consist of written papers and oral and practical tests.

(7) The examinations shall be held each year in July, on 2nd Saturday and following Sunday either in Court premises or any other convenient place likes school, college near District Court.

(8) At least three months' notice of the exact dates fixed for holding the examination shall be given by the High Court by publication in the Maharashtra

Government Gazette.

(9) "The Examination Committee in each district shall consist of the District Judge, the Civil Judge (Senior Division) and a third officer who should be an Additional District Judge, a Judge of the Small Cause Court or a Civil Judge as the District Judge may think fit to appoint. In other Courts, the committee shall consist of the principal Judge and two other members as the Principal Judge may subject to approval of the High court appoint. However, having regard to the number of candidates appearing for Lower and Higher Standard Departmental Examinations, District Judge may include as many. Judicial Officers in the committee as deemed necessary. The Adjudication of Answer Books shall be done by such Examination Committee of another district as may be directed by the High Court.

(10)(a) The question papers for both the Higher and Lower Standard Departmental Examinations for all cadres of Subordinate Judiciary, shall be drawn up in the form of Question Banks, duly approved by the High Court and the same shall be sent to the District Judges and the Chief Judge, Small Causes Court, Mumbai for being circulated to the Candidates/Examinees, by taking out sufficient number of its xerox copies well in advance. The Candidates/Examinees, are expected to study the entire Question Bank of each paper and to go through the relevant provisions of the Acts/Rules for the purposes of preparation of the Examinations.

On the day fixed for the Examination, the District Judges/Chief Judge, Small Causes Court, Mumbai shall take out the Question Bank of the papers fixed which is already circulated to the Candidates/Examinees and shall call upon any candidate in the examination hall to pick up such number of questions by lot as is required and mentioned in the notes/instructions given on the question paper and those questions only should be solved/answered by the Examinees of that Court/District. Thus, for every District different questions will be taken out by random system, for being answered by the Examinees.

After the examination of each paper is over, the concerned District Judge shall take necessary steps to get the Answer Books properly sealed and shall safely keep the same in his custody till the same are taken up for evaluation.

For the year 2004, and for subsequent years the same Question Bank shall be used for holding the Departmental Examinations, until the Question Banks are duly revised by the High Court.

(b) The Answer Papers shall be Evaluated/Examined by forming the Evaluation Committee consisting of sufficient number Judges working at the District Headquarter and Taluka Places, by the concerned District Judge/Principal Judge. All the Answer Books shall be centrally examined on 4th Saturday and Sunday in the month of July every year at the District Headquarter and it shall not be necessary to send the same to the High Court.

For the purposes of evaluation of Answer Books, Key/Model Answers of each Question Bank, duly approved by the High Court, shall be supplied to the District Judges/Chief Judge, Small Causes Court, Mumbai and same shall be circulated to the Members of the Evaluation Committee as a guide for the purpose of evaluation of the Question Papers. Sufficient number of its zerox copies should be drawn up for this purpose. However, after the work of evaluation is over the District Judges/Chief Judge, Small Cause Court, Mumbai shall ensure that none of the members of the Adjudication Committee or Staff deployed on duty retain copy of the question Bank or its key and the same shall be collected back from them and should be kept in a sealed cover in the safe custody of the District Judges and the Chief Judge, Small Cause Court, Mumbai, or Principal Judge, as the case may be.

The same Question Bank shall be used for the next subsequent years and should be supplied to examinees every year in the month of May for preparation. The Examination shall be held every year on 2nd Saturday and Sunday, as scheduled.

Every Member of the Evaluation Committee formed by the District Judges is expected to evaluate about 20 or more Answer Books depending upon the total Number of Answer Books.

On the day of the evaluation, the sealed bundles containing the answer books shall be opened one after the other and the Answer Books should be distributed in chronological order to all the evaluators ensuring that nobody can anticipate to get any particular Answer Book. After the evaluation of all the papers from one bundle, the next bundle shall be opened and so on till the Answer Books are evaluated.

The District Judge should ensure and impress upon all the members of the Evaluation Committee to evaluate Answer Books strictly and impartially. Even slight deviation, if any committed by any member of Evaluation Committee should be reported to the High Court by the District Judge/Principal Judge.

(c) After evaluation of all Answer Books is over the Adjudication Committee shall thoroughly re-check all the Answer Books for re-totalling of Marks and then shall prepare the Mark Sheets. The signature with name and designation of each Member of the Evaluation Committee who has evaluated a particular paper should be obtained on the top of the Paper. Re-checking/re-totalling of Marks allotted is necessary to ensure that no request for re-checking would be entertained thereafter.

The result of the examination should be declared by the District Judges/Chief Judge, Small Causes Court, Mumbai immediately on the next working day after evaluation of Answer Books, under intimation to the High Court, and the same should be communicated in writing to the Examinees.

(11) The number of questions which a candidate is required to answer in each paper shall be limited to ten and the time allowed shall be three hours.

(12) The syllabus for the Examinations and the marks for each paper and for the practical and oral tests shall be as under :-

(i) The syllabus for the examinations and the marks for each paper and for the practical and oral tests for the State of Goa shall be as under :

Lower Standard

A. Written :-

	Marks
(i) Questions to test the examinee's knowledge of such parts of the Code of Civil Procedure as refer to matters coming within the scope of a Clerk's duties. (with books).	100
(ii) Questions to test the examinee's knowledge of (a) the Limitation Act, the Indian Stamp Act, 1899 and the Court-fees Act, 1870 (All Central Acts), (b) Goa Government Amendments/Notifications to on the latter two Acts and (c) the Civil Manualk (with books).	100

	Marks
<p>(iii) Questions to test the examinee's knowledge of (1) The Criminal Procedure Code and (2) The Criminal Manual (with books).</p> <p>Syllabus for Lower Standard Departmental Examination of the employees of the Court of Small Causes :-</p> <p>(a) Presidency Small Cause Courts Act, 1882.</p> <p>(b) Maharashtra Rent Control Act, 1999 and all rules and sections 18, 20, 24 and 28 of Bombay Rent Control Act, 1947.</p> <p>(c) Bombay Municipal Corporation Act, 1888.</p> <p>(d) Bombay Money Lenders Act, 1947.</p> <p>(e) Payment of Wages Act, 1936.</p> <p>(f) Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.</p> <p>(g) Indian Oaths Act, 1969.</p>	100

B. Written :-

Higher Standard

		Marks
<p>(i) (a) The Fundamental and Supplementary Rules, excluding Chapters VI to X in Fundamental Rules and Supplementary Rules, Vol. IV.</p>		
<p>(b) Central Civil Service Pension Rules, 1972.</p> <p>(c) Central Civil Service (Classification, Control and Appeal) Rules, 1965.</p> <p>(d) The Central Civil Service (Leave) Rules, 1972.</p> <p>(e) The Central Civil Service (Conduct) Rules, 1964. (With Books).</p>	As in force in State of Goa.	0
<p>(ii) Questions to test the examinee's knowledge (a) the Limitation Act, the Stamp Act and the Bombay Court Fees Act and (b) Government Notifications on the letter two Acts and (c) the Civil Manual (d) the City Civil Courts Rules for employees of the City Civil Court (with books)</p>	As in force in State of Goa.	100

	Marks
(iii) Questions to test the examinee's knowledge (1) the Criminal Procedure Code and (2) The Criminal Manual, (3) City Civil and Sessions Court Rules (Criminal Section) for Employees of City Civil and Sessions Court (with books).	100

(C) Oral--

Questions relating to accounts rules for maintenance, preservation and destruction of records and general questions connection with current rules and practice.	100
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(13) An examinee must, in order to pass, obtain not less than 35 percent, of the maximum marks in each written papers.

For the purpose of this Rule, Test in Type-writing and the Oral Test will be considered as “Written papers”.

Note :- (1) A candidate who obtains 75 percent of the total maximum marks shall be declared and notified to have passed the examination “with credit” and a note to that effect shall be made in his service book.

Note :- (2) Committee shall not give any grace marks to any candidate..

(14) (a) “Any clerk who has passed LL.B Examination of any recognised University with the Civil Procedure Code and Code of Criminal Procedure as subjects shall on an application made by him in this behalf to the District Judge, be exempted from appearing for Paper-I and III (on the Civil Procedure Code, Criminal Procedure Code, 1973 and Criminal Manual) of the Lower Standard Departmental Examination. If such exemption is granted, he will not be entitled to be declared to have passed the examination with credit, under the note below to sub para (13) above.

Such a clerks who are to be granted exemption under this rule shall be required to answer the questions in Part (b) of Paper-III of the Higher Standard Departmental Examination within one hour only.”

(b) A candidate appearing for any of the examination may be exempted

appear in any of the subjects in which he had secured minimum 40 percent marks in the said subject in his earlier attempt.

626. (a) The rules, given in Appendix B at the end of the Chapter, have been framed by the High Court under section 41-A of the Bombay Civil Courts Act, (Act XIV of 1869), for licensing of the petition writers in Civil Courts. These rules are brought into force with the following directions :-

(b) notwithstanding the supersession of the former rules by clause (a) above, where the District Judge has already brought into force in all or any of the civil courts of the District (other than Mamlatdars, Courts) the former rules by the issue of a notification as required under the former rules and where such rules continue to be in force on the date of the publication of this notification, the former rules shall continue to be in force until they are superseded by the issue of the necessary notification under the new rules by the District Judge and the new rules are brought into force :-

(c) that the supersession of the former rules shall not, -

(i) affect the previous operation of any of the former rules of anything duly done or suffered thereunder, or

(ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under any of the former rules, or

(iii) affect any penalty or forfeiture or punishment incurred in respect of any offence committed against any of the former rules, or

(iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the new rules had not come into force; and

(d) any license issued to a petition-writer under the former rules shall continue to remain in force even after the new rules are brought into force, unless already cancelled by a competent authority, and shall be deemed to have been issued under the new rules.

Miscellaneous

627. A Court official should not be appointed as Trustee or Administrator under

the Indian Trusts Act or under the Indian Succession Act or a Administrator of Devasthan but may be appointed as manager of the estates of lunatics.

628. The Court official appointed manager of the estate of a lunatic or trustee of an estate in accordance with a scheme framed under section 92 of the Civil Procedure Code or otherwise should be remunerated by a commission on the income of the estate, the rate of the commission being within the discretion of the Court which appoints the official as the manager of the lunatic or the trustee. In no case should the official appointed a manager or lunatic or a trustee be remunerated by a percentage charge upon the realisation of the principal.

APPENDIX A

(Paragraph 677) (iii)

Recruitment Rules for recruitment to Class III and Class IV Services in the Subordinate Judicial Service

Rule 1. (a) Recruitment to the posts of (i) Stenographers, (ii) Clerks, (iii) English Section Writers, (iv) Regional Language Section Writers, (v) Bailiffs, (vi) Peons, (vii) Watchmen, (viii) Gardeners and (ix) Sweepers in Civil and Criminal Courts in a District shall be made by the District Judge, strictly in order of seniority from a list of candidates to be prepared as hereinafter provided.

(b) In preparing the list, the District Judge shall act upon the advice of a committee known as the Advisory Committee.

(c) Such list shall contain names of candidates for recruitment to the different categories referred to above, in separate parts for each category.

(d) Subject to Rule 3 below, no candidate whose name is not on such list shall be employed in any of the above categories in any Civil or Criminal Court.

(e) The list prepared by the Advisory Committee shall be final.

Rule 2. The Advisory Committee shall consist of the District Judge as the Chairman, Additional District Judge (for the time being working) in the district and the

Civil Judge, Senior Division (for the time being working) in the district and if there is no Additional District Judges working in the district, then the Committee shall consist of the District Judge as the Chairman and a Civil Judge, Senior Division. If there is no Additional District Judge or a Civil Judge (Senior Division), the Committee shall consist of the District Judge as the Chairman and a Civil Judge (Junior Division) and Judicial Magistrate to be nominated by the Chairman :-

Note :- The expression “the District Judge” appearing in this Rule where such District Judge is an Inspecting District Judge and when he is out of his District Headquarters on inspection shall mean and include the Joint Judge posted at such place.”

Rule 3. (i) The District Judge may appoint. -

(a) a Regional (Language) Section Writer to the post of an English Section Writer : and

(b) a Regional (Language) Section Writer or an English Section Writer to the post of a clerk.

Provided that he is properly qualified and is, in opinion of the District Judge, fit for such an appointment.

(ii) District Judge may, after following guidelines contained in para 580 & 583 of Civil Manual, promote :-

(a) A Peon, Watchman, Gardner, Sweeper to the post of Bailiff/Driver.

(b) Bailiff to the post of Head Bailiff or Driver.

(c) A Peon, Watchman, Gardner, Sweeper, Bailiff, Head Bailiff, Driver, Xerox Operator, Book Binder to the post of Junior Clerk , Stenographer Lower, Grade / Higher Grade / Stenotypist / interpreter.

(e) Stenotypist, Steno Lower Grade to the of Steno Higher Grade / interpreter.

(f) Senior Clerk to the post of Assistant Superintendent.

(g) Assistant Superintendent to the post of Superintendent.

(h) Superintendent to the post of Registrar.

(i) From any other post in lower pay scale to post in higher pay scale.

Provided that he is properly qualified and is, in the opinion of the District Judge, fir for promotion to the higher post.

Rule 4. The number of candidates to be enlisted annually in such category specified in rule (1) shall be such as to make the total number in each category equal to

(a) the average temporary vacancies which occurred during the previous two years plus
(b) the expected permanent vacancies during the year for which the enlistment is proposed to be made and (c) an addition of 20 per cent of (a) and (b) to meet unexpected contingencies and wastage.

Rule 5. (a) Every year preferably in the month of June, the Advisory Committee shall scrutinise the list of candidates, and subject to rule 11, strike off from the list the names of (i) those who have become ineligible for appointment and (ii) those who have failed to accept the appointment without good cause even though an intimation was sent to them.

(b) The Advisory Committee shall then decide having regard to the provisions of rule (4) above the number of candidates required to be added to the list for each category.

(c) If the number of candidates remaining on the list for any category is found to be sufficient for a particular year, the Committee shall not enlist any candidate for such category.

Rule 6. (a) The additions to the list shall be made annually in August. The number of candidates in each category proposed to be enlisted shall be advertised in the local news papers of wide publicity and by exhibiting notices in the various offices of the Department in the manner prescribed in para 5 of Government Resolution, Finance Department, No. 5011, dated the 26th March 1928. The Advisory Committee shall also call for lists of eligible candidates from the local Employment Exchange and the District Social Welfare Officer.

(b) The Selection of the candidate shall be made by the Advisory Committee after considering the applications and lists so received, if necessary, by holding a test. The final selection shall not be made without interviewing the candidates.

(c) The selection shall be made in such a manner that, as far as possible, at any particular time, a sufficient number of Backward Class candidates shall always be available for appointments so as to satisfy the percentage prescribed for the purpose by Government from time to time.

Rule 7. (a) The Committee shall fix the seniority of each selected candidate on merit and merit being equal on age and prepare a list of candidates in separate parts as provided in rule 1. Such list shall be signed and dated by the members of the Advisory Committee and shall continue to remain in force till it is exhausted.

(b) The seniority once assigned to a candidate in the list shall be final and shall not be disturbed on any account. While making additions to the list, the seniority

fixed on the previous occasion shall not be disturbed.

Rule 8. The necessary educational and other qualifications which would qualify a candidate for being enlisted in the various parts of the list are as follows :-

Stenographer. (i) Not lower than a pass in the S.S.C. Or other examination recognised as equivalent to the S.S.C. Examination.

(ii-a) Stenographer (Higher Grade) ; minimum shorthand speed of 120 wpm and minimum English typing speed of 40 wpm

(ii-b) Stenographer (Lower Grade) Minimum shorthand speed of 100 words per minute and minimum typing speed of 40 words per minute.

(ii-c) Stenotypist Minimum shorthand speed of 80 words per minute and minimum typing speed of 40 words per minute.

Clerks. (i) Not lower than a pass in the S.S.C. Or other examination recognised as equivalent to the S.S.C. Examination.

(ii) A reasonably good speed in typing.

(iii) Adequate knowledge of the regional language of the Court in the District.

English Section Writers. (i) Not lower than a pass in the S.S.C. Or other examination recognised as equivalent to the S.S.C. Examination.

(ii) A reasonably good speed in typing.

Regional Language Section Writers.-- Not lower than a pass in the Regional Language Final Examination or in the Examination of Standard VII of a recognised school with Marathi as the medium of instruction.

Bailiffs. (i) Not lower than a pass in the Regional Language Final Examination or in the Examination of Standard VII of a recognised school with Marathi as the Medium of instruction.

(ii) Active habits and temperament.

Peons.-- Not lower than a pass in the Examination of Standard IV.

Watchman. (i) Not lower than a pass in the Examination of Standard IV in the regional language.

(ii) Good physique and active habits.

Gardeners and Sweepers.-- Good physique and ability to carry out the duties attached to the post.

Rule 9.-- Age limit – For appointment to Class III and Class IV posts specified in Rule 1, the minimum age limit shall be 18 years while the maximum age limit shall be 28 years.

Provided that in the case of candidates belonging to the Backward Classes, an upper age limit shall be 33 years.

Rule 10.-- No candidate who has not passed the Lower Standard Departmental Examination prescribed by the High Court shall be confirmed as a Clerk.

(ii) A candidate shall be required to pass the Lower Standard Departmental Examination within a period of three years from the date of his continuous officiation as a Clerk. The District Judge may, in suitable cases, extend this time limit by a period of two years. Further extension of the time limit shall be in the discretion of the High Court.

(iii) A candidate who fails to pass the Lower Standard Departmental Examination prescribed by the High Court within the time permitted by clause (ii) above shall be liable to lose his seniority as a clerk and to be reverted as English or Regional Language Section Writer.

Rule 11.-- If a candidate who is otherwise eligible to officiate intermittently in short term vacancy while within the age limit, becomes age barred before he gets an opportunity to officiate continuously, his case shall be referred to the High Court for relaxation of the upper age limit :

Provided where the upper age limit in the case of any such candidate has been once relaxed by High Court, it shall not be necessary to approach High Court once again,

for relaxation of age if such candidate is subsequently discharged and has to be appointed again.

Rule. 12 (a) A confidential sheet shall be maintained for each candidate appointed to a Class III post by each Judicial Officer under whom the candidate is to work on every appointment even though such appointment may be for a very short duration. Such sheet shall be maintained in the same form as the one prescribed by Government for the maintenance of the confidential record of a Class III Government servant.

(b) For a candidate appointed to a Class IV post, such confidential sheet shall be maintained by each Judicial Officer under whom he works on every appointment even though such appointments may be for a very short duration in the form prescribed in para. 579 of Chapter XXXI of the Civil Manual.

Rule 13.-- The District Judge shall examine the confidential record so maintained of each candidate from time to time but at least once in very year and shall remove from the list the name of any candidate, who on the material date, is not officiating in any vacancy, if, in the opinion of the District Judge, he is below the average standard of conduct, character or efficiency.

Rule 14. -- The District Judge shall give a candidate an opportunity of being heard and shall record brief reasons before ordering the removal of his name from the list, under rule 13 above.

Rule 15.-- An appeal shall lie from the decision of the District Judge to the High Court in respect of matters connected with the rank in candidates' list, removal from the list or seniority acquired on previous officiating service.

Rule 16.-- Notwithstanding anything contained in the aforesaid rules, the High Court of its own motion or otherwise may call for a list or lists of candidates prepared by the Advisory Committee or papers relating to the selection or appointment of a candidate and where it has reason to believe that there has been an infringement of any of the aforesaid rule, it may --

(a) cancel or modify any list or lists prepared by the Advisory Committee;

(b) cancel or modify an order passed by the District Judge removing from any such list the name of a candidate.

Rule 17.-- These rules shall come into operation at once.

APPENDIX B

(Paragraph 626)

Rules for licensing of Petition-Writers in Civil Courts.--

(i) The District Judge may from time to time by notification, duly published in the Maharashtra Government Gazette, direct that from such date as he may prescribe these rules shall be in force in all or any of the Civil Courts of the district (other than Mamlatdars' Courts) and may by like notifications suspend their operation in any such Courts.

(ii) When these rules are in force in any Court, no person other than a duly qualified lawyer entitled to practise in the Court or his clerk holding the necessary permit under the rules made in that behalf shall be permitted to prepare or write pleadings, applications, affidavits, or any other legal documents within the precincts of such Court, unless he shall first have obtained from the Judge presiding over the Court a petition-writer's licence, which, if issued in any Court subordinate to the District Court or in Small Cause Court, shall be subject to confirmation by the District Judge.

(iii) The District Judge shall in consultation with the Judge presiding over the Court fix the maximum number of petition-writers to be licensed in each Court.

(iv) Subject to the provisions of rule (iii), the Judge presiding over the Court may in his discretion issue to selected applicants licences in the form given below which shall remain in force till suspended or cancelled by competent authority. Temporary licences may be issued to fill temporary vacancies.

(v) No such licence shall be granted to any clerk, bailiff or peon in the service of Government or to the clerk of any lawyer practising in the district.

(vi) Every applicant for a licence shall produce a certificate of good character signed by two lawyers practising in the Court or other reputable and responsible persons known to the Judge presiding over the Court.

(vii) Every licensed petition-writer shall attend the Court daily during office hours and shall not absent himself without leave. He shall charge such fees only as may be sanctioned by the Judge presiding over the Court not exceeding the scale hereto annexed. He shall subscribe his name on every document written by him and shall note thereon the date and the fee charged. He shall keep a register in the following form and shall show it to the Judge presiding over the Court when required :-

Date	Name of the client and the opponent, if any	Nature of document written (e.g., plaint, affidavit, etc.)	Fee charged
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(viii) No licensed petition-writer shall act as a law tout or receive any fee for introducing clients to lawyers.

(ix) No licensed petition-writer shall directly or indirectly bid for any property sold at a Court-sale.

(x) Any person committing a breach of the provisions of rule (ii) shall be liable to a fine not exceeding fifty rupees which may be imposed by the Judge presiding over the Court. The Judge presiding over the Court may also impose a fine not exceeding twenty-five rupees on any petition-writer or suspend or cancel the licence of any petition-writer who commits any breach of the provisions of rules (vii), (viii) and (ix) or who is guilty of any other misconduct. All punishments inflicted under this rule shall be inflicted by an order in writing, after giving the person affected there-by an opportunity of being heard in his defence, and all such punishments excepting fines not exceeding two rupees imposed by a Judge presiding over any Court subordinate to the District Court shall be subject to an appeal to the District Judge. No appeal shall lie from an order, whether original or appellate, passed by the District Judge.

Provided that the Judge presiding over the Court of the District Judge, may, for reasons to be recorded in writing, suspend the petition-writer, pending inquiry with regard to his misconduct, if it is expedient to do so in the interest of administration.

(xi) A copy of these rules shall be hung up in a conspicuous place in each Court in which they are in force.

Maximum Scale of Fees

	Description of the Document	Maximum Fees Rs. Ps.
1	<p>Plaint or Written Statement ---</p> <p>(a) In suits of the nature of Small causes where no Second Appeal lies and in suits for rent or arrears of land revenue.</p> <p>(b) In all other suits.</p>	<p>4.00</p> <p>6.00</p>
2	<p>Memorandum of Appeal (Regular and Miscellaneous)--</p> <p>(a) From a decree in a suit described at Item No.1(a) above and from an Order (Section 104 and Order XLIII, Rule 1 of the Civil Procedure Code).</p> <p>(b) From a decree in a suit described at Item No.1(b) above.</p>	<p>4.00</p> <p>5.00</p>
3	<p>Memorandum of Objections under Order XLI, Rule 2 of the Civil Procedure Code.</p>	<p>5.00</p>
4	<p>Applications --</p> <p>(a) For execution of a decree in a suit mentioned at Item No.1 (a) above.</p> <p>(b) For execution of a decree in a suit mentioned at Item No.1 (b) above.</p> <p>(c) Not otherwise provided for.</p>	<p>4.00</p> <p>4.00</p> <p>2.00</p>
5	<p>Any other legal document, such rate as may be agreed on or in the absence of agreement.</p>	<p>5.00</p>

	Description of the Document	Maximum Fees Rs. Ps.
6	For additional copies of document mentioned at any of the Items No. 1 to 5 above.	Half of the fees prescribed for the original, for the first copy and 1/4 th of the fee for the additional copy, if the copy made by hand or by typing separately and half of the fees prescribed for the original for every set of two additional copies if the copies are made with the help of carbon paper by hand or by typing.
7	For copies of documents not covered by Item No. 6 above.	Re.1 for per full page or part thereof if the copies made separately by hand or by typing and Re.1 for every set of two copies if the copies are made with the help of carbon paper by hand or by typing.

Note :- (1) The above fees are inclusive of paper cost and shall apply to documents and copies in English language as well as in the regional language.

(2) The above amendment will come into force from the date of publication of this Notification in Maharashtra Government Gazette.

FORM OF LICENCE TO PETITION WRITER

In the Court of

To,

You are hereby appointed a petition-writer in the Court of
subject to the rules framed by the High Court in this respect.

Seal.

Civil Judge.

CHAPTER XXXI-A

Summons Service through Courier

628-A. The following are the guidelines as regards service through Courier of service of Summons when given to the plaintiff for service :-

(i) The District Judge shall prepare a panel of courier agency for the purpose of sub-rule (i) of Rule 9 of Order V, Keeping in view reputation of courier agency, annual turn over, income tax payment and the tangible assets thereof. The empanelling of reputed Courier agencies shall be made by the Advisory Committee of each District.

(ii) The summons may be sent through courier agency only when it is proved to the satisfaction of the Court, on the basis of affidavit filed by the concerned party, that the defendant is avoiding to accept summons.

(iii) In case of service through courier agency. If defendant does not appear and the suit is to be set exparte. It would be necessary for concerned Courier agent to file affidavit about due delivery of the courier packet / parcel containing the summons to the defendant or member of his family. Such affidavit of Courier agent shall contain name of the person to whom the summons was delivered, the name of the persons who were present at that residence of the defendant, at the time of service, and a brief identification / topography of the residential premises where the delivery was made.

(iv) The courier agent shall be informed that in case such affidavit filed by the agent / servant is found to be false, then the servant and the owner or directors of the courier company shall be liable for criminal prosecution on charge of perjury and will be sentenced after a summary trial as provided under section 344 of Criminal Procedure Code and in addition such Courier Agency may be black listed.

(v) The Advisory Committee of the District Court shall as far as possible, empanel the Courier Agency having computerized system to track done progress of the courier parcel / packet through transit and up to the stage of service.

(vi) Where the summons is given to the plaintiff for service on defendant, it shall be necessary for plaintiff to visit residence of the defendant in the presence of at least one reputed witness.

(vii) Where the plaintiff is allowed to undertake service of summons on

defendant, then the plaintiff shall give his affidavit about service and shall give details of the time of his visit to the residence of the defendant, persons who were present at such residence, topographical account of the residential premises and the name of person who had accompanied him at the time of service.

(viii) Where the plaintiff is given the work to effect service of summonses on defendant, the court may direct him to take help of Junior Advocate and such Advocate shall file affidavit about the service instead of the affidavit of plaintiff and / or his witness, and the same manner as stated above.