

In exercise of the powers conferred by clause (2) to Article 229 of the Constitution, the Chief Justice, after approval of the Governor as required by the proviso to the said clause is pleased to make the following rules regulating the appointment and other conditions of service of the Private Secretaries in the High Court:

THE ALLAHABAD HIGH COURT PRIVATE SECRETARIES (CONDITIONS OF SERVICE) (AMENDMENT) RULES, 2019

1. Short title, application and commencement: -

(i) These Rules may be called as “**The Allahabad High Court Private Secretaries (Conditions of Service) (Amendment) Rules, 2019.**”

(ii) These Rules mean “**The Allahabad High Court Private Secretaries (Conditions of Service) Rules, 2001**”.

(iii) These rules shall come into force with effect from 28.04.2017 and amended provisions shall be deemed to have remained continuous, as such, from the date of the said amendment.

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

(a) '**appointing authority**' means the Chief Justice or such other Judge or Officer of the High Court as the Chief Justice may direct;

(b) '**Chief Justice**' means the Chief Justice of the High Court;

(c) '**Government**' means the State Government of Uttar Pradesh;

(d) '**Governor**' means the Governor of Uttar Pradesh;

(e) '**High Court**' means the High Court of Judicature at Allahabad;

**(f) 'members of service' means Private Secretaries who shall discharge duties with the Judges and Additional Private Secretaries (nomenclature changed from 'Personal Assistant' to 'Additional Private Secretary' vide G.O. No. 1055/VII-Nyaya-1-2015-228/2014, dated 14.08.2015) who shall discharge duties with Officers of the Registry, of the High Court;*

(g) '**Registrar General**' means the Registrar General of the High Court;

(h) '**service**' means all categories of the posts of Private Secretaries which consist of Group “A” and “B” posts.

3. Strength of Service: -

1. The number of permanent posts in various categories in the cadre of Private Secretaries of the High Court shall be such as may be determined by the Chief Justice from time to time with the approval of the Governor.

2- Deleted vide order dated 13.09.2019 of Hon'ble the Chief Justice (published in U.P. Official Gazette dated 28.09.2019.

3. The strength of various categories of posts in the service at the time of the commencement of these rules shall be such as is shown in Schedule-I to these rules.

4. The Chief Justice may, from time to time, with the approval of the Governor, create such temporary posts, as may be considered necessary.

5. The Chief Justice may leave unfilled or may hold in abeyance any vacant post without thereby entitling any person to compensation.

SOURCES AND METHOD OF RECRUITMENT TO PRIVATE SECRETARIES GRADE-I AND ADDITIONAL PRIVATE SECRETARIES.

***4. The post of Private Secretary Grade-I and Additional Private Secretary shall be a Class-II post.**

(I) Sources of recruitment-

(a) **Private Secretary Grade-I** – 85 per cent by direct recruitment through competitive examination and interview, and 15 per cent by way of promotion from amongst permanent Additional Private Secretaries, as provided in Rule 5(i).

(b) **Additional Private Secretary** – By direct recruitment through competitive examination.

(II) **Qualification-** Must possess a Bachelor's degree from a University established by law in India or a qualification recognized as equivalent thereto:

Provided that in addition to the above qualifications, candidates must possess good knowledge of English shorthand and typewriting with minimum speed of 100 and 40 words per minute, respectively.

Provided further that knowledge of Data Entry, Word Processing & Computer Operation would be an essential qualification.

(III) Method of direct recruitment to the post of Private Secretary Grade-I and Additional Private Secretary-

(a) Whenever it is required to make direct recruitment to fill up vacancies existing or likely to occur on the post of **Private Secretary Grade-I and Additional Private Secretary** during the course of the year of recruitment, the Appointing Authority shall ascertain the number of vacancies, including vacancies, if any, to be reserved for the candidates belonging to the Scheduled Castes and others as specified in Rule 4-A.

(b.) The Appointing Authority shall invite applications for admission to the competitive examination and admit to the examination such candidates as on scrutiny of applications are found eligible for recruitment to the post.

(c.) The procedure and syllabus relating to the competitive examination shall be as follows or as prescribed by the Appointing Authority from time to time:

Syllabus for Examination (Objective Type):

1. General Studies:

Marks: 200; Time: 03 Hours

- (A) General Science,
- (B) History of India,
- (C) Indian National Movement,
- (D) Indian Polity, Economy and Culture,
- (E) Indian Agriculture, Commerce, and Trade,
- (F) Population, Ecology and Urbanisation (in Indian Context),
- (G) World Geography & Geography and Resources of India,
- (H) Current National and International Important Events,
- (I) General aptitude,
- (J) Special Knowledge regarding Education, Culture, Agriculture, Industry, Trade, Living and Social Traditions of Uttar Pradesh,
- (K) Knowledge of General English and General Hindi of Graduation Level,
- (L) Elementary Knowledge of Computers.

(d) The merit list shall be prepared on the basis of the marks obtained in the written examination including shorthand, typing and performance in computer operation, if any. The list shall hold good for one year or until the next selection whichever is earlier.

(e) Fee: Candidates must pay to the Registrar General, High Court, Allahabad fees prescribed below or such fees as may be prescribed by the Chief Justice from time to time-

Category	Fees
General & Other Backward Classes	Rs. 750/-
Scheduled Castes and Scheduled Tribes of U.P.	Rs. 500/-

(IV) The Appointing Authority for the post of Private Secretary Grade-I shall be the Chief Justice and for the post of Additional Private Secretary shall be the Registrar General;

Provided that the exercise of **power by the Registrar General** shall always be subject to any general or special order of the Chief Justice.

(V) Whenever it is required to make direct recruitment on the post of Private Secretary Grade-I and Additional Private Secretary under these rules, the posts shall be filled up after giving wide publicity, by advertisement in at least two daily newspapers, one in Hindi and one in English having wide circulation in the State and also in Employment News and other like publication including the website of the High Court. In addition to the above, the names may be requisitioned from Employment Exchange also. The advertisement apart from containing other necessary particulars shall also specify in clear terms, the number of posts available for selection and recruitment, the qualifications and other eligibility criteria for such posts as also the rules under which such recruitment and selection is to be made.

(VI) The Appointing Authority shall undertake the exercise of recruitment under these on a regular basis and at least once in a year for existing vacancies or vacancies likely to occur during the course of the year of recruitment.

RESERVATION AND QUALIFICATIONS

4-A. Reservation for Scheduled Castes, etc.- (i) Reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes- In direct recruitment to the various categories of posts in the establishment, the following percentages of vacancies to which recruitments are to be made shall be reserved in favour of the candidates belonging to Scheduled Castes of U.P., Scheduled Tribes of U.P. and Other Backward Classes of U.P.-

(a)	In case of Scheduled Castes	21%
(b)	In case of Scheduled Tribes	02%
(c)	In case of Other Backward Classes	27%

(II) Horizontal Reservation in favour of Women, Dependent of Freedom Fighters, Ex-servicemen and Physically Handicapped- In direct recruitment to the various categories of posts in the establishment, for the purpose of implementation of horizontal reservation in favour of women, dependent of freedom fighters, physically handicapped and ex-servicemen, the following percentages shall apply -

(a)	Women	20%
(b)	D.F.F.	02%
(c)	Ex-servicemen	05%
(d)	Physically Handicapped	03%

Explanation:- The expression dependent of freedom fighters, physically handicapped and ex-servicemen shall be as defined as under the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen), Act, 1993 and its subsequent amendments enacted from time to time.

Provided that reservation for direct recruitment for various categories of posts in the establishment shall be in accordance with the orders issued by the Chief Justice from time to time.

4-B. Recruitment for sportsperson- One percent of vacancies in the cadre of Additional Private Secretary on the establishment of the Court shall be reserved at the stage of direct recruitment for such skilled players and sports persons as may have represented on behalf of any State in India or the Country as a whole in National or International games at least for two years and in International competitions for one year or who have represented their Universities at least for three years in Inter Universities Tournaments organized by the Inter Universities Sports Board or who have represented their Schools in International Sports Meets organized by the all India Schools Sports Board in Badminton, Basket Ball, Cricket, Football, Hockey, Table Tennis, Volley Ball, Tennis, Weight Lifting, Wrestling, Boxing, Judo, Gymnastics and Rifle Shooting.

4-C. Nationality- A candidate for recruitment to the establishment must be:

- (a) a citizen of India, or
- (b) a Tibetan refugee who came over to India before the 1st January, 1972, with the intention of permanently settling in India, or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government.

Provided further that a Candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh.

Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year and such a candidate can be retained in service after a period of one year only if he has acquired Indian citizenship.

Note- A Candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

***4-D. Age**: A candidate for direct recruitment to the post of **Private Secretary Grade-I** and Additional Private Secretary must have attained the age of 21 years and must not have attained the age of more than 35 years on the 1st day of July of the year in which the advertisement is published;

Provided that the maximum age limit shall, in the case of candidate of the Scheduled Castes, Scheduled Tribes, dependents of Freedom Fighters and Backward classes, be greater by five years.

Provided further that Uttar Pradesh Government Servants shall be eligible for direct recruitment to the post of Personal Assistant up to the age of 45 years.

Provided also that in the case of members of the High Court staff a relaxation by five years may, in suitable cases be made by the Chief Justice.

Provided also that no candidate shall, by virtue of relaxation in age under this rule, have more than three opportunities to appear at the competitive examination or selection.

4-E. Age of superannuation and extension in Service: Except as otherwise provided in this rule, every employee in the High Court Establishment shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years;

Provided firstly that an employee in the High Court Establishment whose date of birth is the first day of a month shall retire from service in the afternoon of the last day of the preceding month on attaining the age of 60 years.

Provided, secondly that an employee in the High Court Establishment who has attained the age of 58 years and is on extension in service shall retire from service on his attaining the age of 60 years.

Provided, thirdly that if, keeping in view the service rendered, experience and utility of any employee in the establishment of the High Court, his extension in service is found to be in public interest, he may be given extension in service.

4-F. Preferential qualification.- A candidate (i) who has served in the Territorial Army for a minimum period of two years or (ii) who has obtained a 'B' certificate of the National Cadet Corps shall, other things being equal, be given preference in the matter of direct recruitment to the establishment.

4-G. Character.- The character of a person for direct recruitment to the service in the opinion of the Appointing Authority must be such so as to render him suitable in all respects for appointment to the service. The opinion of the Appointing Authority in this regard shall be final.

Note: Persons dismissed by the Union Government or by a State Government or by a Local Authority or a Government Corporation owned or controlled by the Central Government or State Government will be deemed to be ineligible for appointment under these rules.

4-H. Marital Status.- A male candidate who has more than one wife living or a female candidate who has married a person already having a wife living shall not be eligible for recruitment to the establishment;

Provided that the Chief Justice may, if satisfied that there are any special grounds for doing so, exempt any person from the operation of this rule.

4-I. Physical Fitness.- No person shall be recruited to the establishment unless he/she be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his official duties. Before a candidate recruited directly is finally approved for appointment to the establishment, he shall be required to produce a certificate of physical fitness from Chief Medical Officer, and in absence thereof, concerned authority equivalent thereto.

APPOINTMENT, PROMOTION AND CONFIRMATION

4-J. Method of selection for all promotional posts:-

(i) Selection for promotion to the posts mentioned in Rule 5 shall be made by a Selection Committee constituted by the Chief Justice.

(ii) Criterion for selection shall be seniority subject to rejection of unfit.

(iii) The ex-cadre posts mentioned in Rule 6 shall be filled in by the Chief Justice in his sole discretion.

5. Source of appointment to various promotional posts: Appointment to the various categories of promotional posts in the service shall be made from the following sources, namely:-

***(i) Private Secretary Grade I- Fifteen per cent post of Private Secretary Grade-I shall be filled** by promotion from amongst permanent Additional Private Secretaries having to their credit, on the first day of July of the year of recruitment, a minimum period of ten years' continuous service, including temporary and officiating service, as Additional Private Secretary in the establishment of the High Court;

Provided that if suitable candidates are not available, the field of eligibility may be extended to include substantively appointed Additional Private Secretaries who have completed five years' service as such on the first day of the year of Recruitment.

Provided further that if more number of suitable candidates than the quota prescribed for promotion from the post of Additional Private Secretary to Private Secretary Grade-I are available, the number of posts to be so filled by promotion shall be increased by decreasing the number of posts to be filled by direct recruitment.

Provided further that if Additional Private Secretaries suitable for promotion are not available for promotion in Private Secretary Grade-I, remaining unfilled vacancies of Private Secretary Grade-I shall also be filled in by direct recruitment.

(ii) Assistant Registrar-cum-Private Secretary Grade-II- By promotion from amongst Private Secretaries Grade-I who have put in at least five years' continuous service (including temporary and officiating service) as Private Secretary Grade-I on the first day of July of the year of recruitment;

Provided that if suitable candidates are not available, the field of eligibility may be extended to include substantively appointed Private Secretaries Grade-I who have completed three years' service as such on the first day of the year of recruitment.

(iii) Deputy Registrar-cum-Private Secretary Grade-III.- By promotion from Assistant Registrar-cum-Private Secretary Grade-II.

(iv) Joint Registrar-cum-Private Secretary Grade-IV.- By promotion from Deputy Registrar-cum-Private Secretary Grade-III.

(v) Registrar-cum-Principal Private Secretary-** By promotion from Joint Registrar-cum-Private Secretary Grade-IV.

6. Selection to ex-cadre posts-

(I) Joint Registrar-cum-Joint Principal Private Secretary-

From amongst the Private Secretaries Grade-III, or Private Secretaries Grade-IV

(II) Principal Private Secretary (Administration)-**

From amongst the Registrar-cum-Principal Private Secretary.

(III) Chief Private Secretary-**

From amongst the Principal Private Secretary (Administration) and Registrar-cum-Principal Private Secretary.

Provided that if at any point of time the Chief Justice chooses not to retain the officer as Chief Private Secretary, Principal Private Secretary or Joint Registrar-cum-Joint Principal Private Secretary, he will be repatriated to his original post and pay scale.

7. Pay and Allowances : -

1. The scales of pay admissible to various categories of posts of Private Secretaries of the High Court at commencement of these rules are given against the concerned post in Schedule-I to these rules.

2. Allowances payable to persons holding a post specified in Schedule-I to these rules shall be such as are admissible to the corresponding categories of Private Secretaries in the Uttar Pradesh Civil Secretariat under a Government Order.

3. Whenever any revision or modification in the scales of pay or allowances admissible to any categories of Private Secretaries in the Uttar Pradesh Civil Secretariat is made by the Government, the Chief Justice may make admissible such revised or modified scales of pay or allowances to the corresponding categories of the Private Secretaries of the High Court in accordance with the provisions of Art. 229 of the Constitution.

** amendment made vide notification no.51 dated 18.09.2019 published in official gazette dated 28.09.2019 of Uttar Pradesh.*

***Inserted vide amendment notification no.174 dated 16.02.2019*

8. Appointment:- On the occurrence of vacancies in any categories of posts of Private Secretaries of the High Court the appointing authority shall make appointment of the persons, duly selected, in the order in which their names appear in the select list.

9. Probation: -

1. A candidate on initial appointment to a post shall be placed on probation for a period of one year.

2. The appointing authority may, for reasons to be recorded in writing, extend the period of probation:

Provided that, in no case, the total period of probation including the extended period of probation shall exceed three years.

3. If a probationer fails to make sufficient use of opportunities during his probation or extended period of probation, the appointing authority may revert him to his substantive post.

10. Confirmation:- A probationer shall be confirmed at the end of his period of probation, or extended period of probation, if his work and conduct is found to be satisfactory and his integrity is certified.

11. Seniority:- Seniority in each category of post of Private Secretaries shall be determined by the date of the order of appointment and where more than one person are appointed together, by the order in which their names are arranged in the said order:

Provided that the seniority of the incumbents inter se as it existed prior to appointment or promotion under these rules, shall be maintained until ordered expressly otherwise by the appointing authority.

12. Regulation of other matters: -

(1) All the persons appointed in any categories of posts of Private Secretaries, shall be subject to the superintendence and control of the Chief Justice.

(2) In respect of all matter, not provided for in these rules, regarding their conduct, control and discipline, the rules and orders for the time being enforce and applicable to the Government servants holding the corresponding posts in the Government, shall apply to the Private Secretaries of the High Court :

Provided that the said powers exercisable under the rules and orders of the Government by the Governor, shall be exercised by the Chief Justice or by such officer, as he may direct:

Provided further that no order containing modifications, variations or exceptions in rules or orders relating to salaries, allowances, leave or pension shall be made by the Chief Justice except with the approval of the Governor.

13. Residuary Powers: - Nothing in these rules shall be deemed to affect the power of the Chief Justice to make such orders, from time to time, as he may deem fit in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for.

Provided that if any such order relates to salaries, allowances, leave or pension, the same shall be made with the approval of the Governor.

MISCELLANEOUS

14. Repeal:- The provisions of the Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, shall, insofar as they relate to **Additional Private Secretaries and** Private Secretaries of the High Court, **stand repealed.**

15. General Rules- All notifications issued, orders passed, appointments made or powers exercised by the Chief Justice or the Registrar prior to the commencement of these rules shall be deemed to have been issued, made and exercised respectively under the corresponding provisions of these rules.

Note: The expression "Registrar", used in any notification, order passed, appointment made by or the power exercised by the Chief Justice or the Registrar prior to 10.04.2000 shall after 10.04.2000 be read as substituted by the expression 'The Registrar General'.

16. General Rules- Notwithstanding anything contained in these rules, the Chief Justice shall have the power to make such orders, as he may consider fit, in respect of recruitment, promotion, confirmation or any other matter.

Schedule-I

Cadre Posts:

Sl. No.	Designation	Number of Posts	Scales of Pay
(i)	Additional Private Secretary		

(ii)	Private Secretary (Grade-I)	77	6,500-200-10,500
(iii)	Private Secretary (Grade-II)	42	10,000-325-15,200
(iv)	Private Secretary (Grade-III)	30	12,000-375-16,500
(v)	Private Secretary (Grade-IV)	7	14,300-400-18,300
	Ex cadre posts		
(i)	Joint Principal Private Secretary	2	14,300-400-18,300
(ii)	Principal Private Secretary	2	16,400-450-20,000