

# The Uttar Pradesh Higher Judicial Service Rules, 1975

In exercise of the powers conferred by the proviso to Article 309, read with Article 233, of the Constitution, the Governor, in super session of the existing rules, is pleased to make the following rules regulating the recruitment and appointment to the Uttar Pradesh Higher Judicial Service and conditions of service and of persons appointed thereto.

## PART I

### General

**1. Short title and commencement** – (1) These rules may be called the Uttar Pradesh Higher Judicial Service Rules, 1975.

(2) They shall come into force with effect from the date of their notification in the Official Gazette.

**2. Status of the service** – The Uttar Pradesh Higher Judicial Service is a State Service comprising Class I posts.

**3. Definitions** – In these rules unless the context otherwise requires --

- (a) "Constitution" means the Constitution of India;
- (b) "Governor" and "Government" means respectively the Governor and Government of Uttar Pradesh;
- (c) "The Service" means the Uttar Pradesh Higher Judicial Service.
- (d) "Court" means the High Court of Judicature at Allahabad.

## PART II

### Cadre

**4. Strength of the Service** – (1) The Service shall consist of a single cadre comprising the posts of --

- (a) District and Sessions Judges, and
- (b) Additional District and Sessions Judges;

Provided that against a post of Additional District and Sessions Judge a member of the Uttar Pradesh Judicial Officers Service may be appointed to exercise the powers of Additional Sessions Judge only as laid down in Notification No. 41-13/66-Apptt.-4, dated March 12, 1975 issued under Article 237 of the Constitution.

(2) The strength of the Service shall be such as may be determined from time to time by the Governor in consultation with the Court.

(3) The permanent strength of the Service, shall, unless varied by orders passed in this behalf, be as specified in Appendix "A".

(4) The Governor may, from time to time, in consultation with the Court leave unfilled or hold in abeyance, any vacant post in the Service without entitling any person to compensation or create from time to time, Additional posts, temporary or permanent, as may be found necessary.

## PART III

### Recruitment

**5. Source of recruitment-** [2] The recruitment to the service shall be made---  
(a) by promotion from amongst the Civil Judges (Senior Division) on the basis

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1. Vide Noti. No. 14-13/1966-A, Appointment-4, dated March 21, 1975 (published in U.P. Gazette Part 1-A dated 5.4.1975)

2. Vide Noti. No. 54/II-4-07-36(1)/2005, dated January 9, 2007, (published in U.P. Gazette Part 1-A dated 21.4.2007)

2(a). Vide Noti. No. 174/two-4-2016-36(1)2005 T.C. dated December 20, 2016.

of Principle of merit-cum-seniority and passing a suitability test.

- (b) by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service;
- (c) <sup>[2(a)]</sup> by direct recruitment from amongst the Advocates of not less than seven years standing as on the last date fixed for the submission of application forms.

**6. Quota** -- [ <sup>3</sup> ] Subject to the provisions of rule 8, the quota for various sources of recruitment shall be -

- (i) Uttar Pradesh Nyayik Sewa:
  - (a) from amongst the Civil Judges (Senior Division) on the basis of merit -cum seniority and passing a suitability test ---65%
  - (b) On the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years service --10%

Provided that in case of there being any shortfall in the vacancies to be filled up on the basis of in cadre competitive examination, the short fall of 10% reserved for such promotion will be made good by corresponding increase in the quota reserved for promotion of Civil Judge (Senior Division) referred to in Clause (i) (a).

- (ii) Direct recruitment from Bar ---25%

Provided that where the number of vacancies to be filled in by any of the sources in accordance with the quota is in fraction, less than half shall be ignored and the fraction of half or more shall ordinarily be counted as one:

[4]

**7. Reservation of posts for Scheduled Caste, etc.-** Reservation to posts in the service for the members of the Scheduled Castes, Scheduled Tribes and other categories including women shall be in accordance with orders of the Government for reservation as adopted by the High Court.

Provided that twenty percent horizontal reservation for women to posts in service in direct recruitment from Bar in Uttar Pradesh Higher Judicial Service shall be subject to suitability i.e. if the sufficient number of women candidates is not available, then and in that event the reservation shall not have any operation to the extent of such unavailability.

Provided further that there shall be no carry forward of reservation for women.

**8. Number of appointments to be made** -- (1) The Court, shall, from time to time, but not later than three years from the last recruitment, fix the number of officers to be taken at the recruitment keeping in view the vacancies then existing and likely to occur in the next two years.

Note - The limitation of three years mentioned in this sub-rule shall not apply to the first recruitment held after the enforcement of these rules.

3. Vide Noti. No. 54/II-9-07-36(1)/2005, dated January 9, 2007 (published in U.P. Gazette Part 1-A dated 21.4.2007 ) R/w Noti. No. 1090/II-4-07-36 (1)/2005, dated April 10, 2007 (published in U.P. Gazette dated 23.6.2007.) Substituted vide No. 82/two-4-2014-36(1)/2005 T.C. Dated Lucknow, January 29, 2014.

4. Subs. by Noti. No. 53/II-4-07-36(1)/2005 dated January 9, 2007 (published in U.P. Gazette Part 1-A dated 21.4.2007 )

(2) <sup>[5]</sup>If at any selection the number of selected direct recruits available for appointment is less than the number of recruits decided by the Court to be taken from that source, the Court may increase correspondingly the number of recruits to be taken by promotion from the Nyayik Sewa;

Provided that the number of vacancies filled in as aforesaid under this sub rule shall be taken into consideration while fixing the number of vacancies to be allotted to the quota of direct recruits at the next recruitment, and the quota for direct recruits may be raised accordingly; so, however, that the percentage of direct recruits in the service does not in any case exceed 25% of strength of the service:

**9. Nationality** -A candidate for recruitment to the Service must be ---

(a) a citizen of India, or

(b) a subject of Sikkim, or

(c) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India, or

(d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African countries of Kenya, Uganda, and the United Republic of Tanzania (formerly Tanganayika and Zanzibar) with the intention of permanently settling in India;

Provided that a candidate belonging to category (c) or (d) above shall 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 (c) will also be required to obtain a certificate of eligibility granted by the Intelligence Department (Headquarters), Lucknow, Uttar Pradesh;

Provided also that if a candidate belonging to category (d) above, no certificate of eligibility will be issued for a period of more than one year, and such a candidate may 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 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 subsequently.

**10. Eligibility of Women** -- Women are also eligible for appointment to the service.

**11. Knowledge of Hindi** - A candidate for recruitment to the service must possess a thorough knowledge of Hindi in Devnagri Script.

<sup>[6]</sup>

**12. Age** - A candidate for direct recruitment must have attained the age of 35 years and must not have attained the age of 45 years on the first day of January next following the year in which the notice inviting applications is published;

Provided that the upper age limit shall be higher **by three years** in case of candidates belonging to Scheduled Castes and Scheduled Tribes and such other categories as may be notified by the Government from time to time.

5. Subs. by Noti. No. 54/II-4-07-36(1)/2005 dated January 9, 2007 (published in U.P. Gazette Part 1-A dated 21.4.2007.)

6. Subs. by Noti. No. 54/II-4-07-36 (1)/2005, dated January 9, 2007, (published in U.P. Gazette Part 1-A dated 21.4.2007) R/w Noti. No. 1090/II-4-07-36(1)/2006 dated April 10, 2007, (published

in U.P. Gazette dated 23.6.2007.)

**13. Character** - (1) The character of a candidate for direct recruitment must be such as to render him suitable in the opinion of the Governor, in all respects for appointment to the service.

Note - Persons dismissed by the Union Government, or by a State Government or by a Corporation owned or controlled by the Union or State Government shall not be eligible for recruitment.

(2) The candidates for direct recruitment must produce a certificate of good character from the District Judge of the district in which they have been practising, and in the case of candidates normally practising in the High Court, from the Registrar of the High Court and also from two responsible persons of status (not related to candidates) who are well acquainted with them in private life and are unconnected with their University, College or School.

**14. Marital status** - A male candidate who has more than one wife living, or a female candidate who has married a man already having a wife living shall not be eligible for appointment to any posts in the service.

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

**15. Physical fitness** - No person shall be appointed to the service by direct recruitment unless he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties as a member of the service. Before a person is appointed he shall be required to appear before the Medical Board who will examine him and certify as fit or unfit for appointed to the service.

**16. Selection Committee** - (1) The Chief Justice shall for each recruitment to the Service, appoint a Selection Committee consisting of such number of Judges of the Court, not less than three, as he may decide.

(2) No proceeding of the Selection Committee shall be invalid merely by reason of a vacancy occurring in it, or by a member or members being not present at one or more of its meeting, provided that a majority of the members of the Committee have been present at each meeting.

#### **PART IV Procedure for Direct Recruitment**

**17. Direct Recruitment** - (1) Applications for direct recruitment to the service shall be invited by the Court by publishing a notice to that effect in the leading news papers of State and shall be made in the form prescribed from time to time to be obtained from the Registrar of the Court on payment of the prescribed fee.

(2) The application shall be submitted to the Court by the candidate through the District Judge within whose jurisdiction the candidate has been practising, and in the case of members of the Bar normally practising in the High Court, through the Registrar of the High Court. The application shall be accompanied by certificates of age, academic qualifications, character, standing as a legal practitioner and such other documents as may be required to be furnished.

(3) The District Judge shall forward to the Court all applications received by him along with his own estimate of each candidate's character and fitness for

appointment to the Service.

<sup>[7]</sup>  
**18. Procedure of Selection**--(1) The selection Committee referred to in Rule 16 shall scrutinize the applications received and shall thereafter hold a written examination as prescribed in Appendix (G) for judging the suitability of the candidates. The Committee shall call for interview such of the applicants who in its opinion have qualified for interview after scrutiny and **written** examination.

(1 A)<sup>[7a]</sup> The Selection Committee may hold a preliminary examination for judging the suitability of the candidates to be admitted in the written examination as referred in sub-rule (1). The preliminary examination shall consist of one paper consisting of 100 marks of two hours duration from the syllabus prescribed for the written examination in Appendix "G" of the Rules:

Provided that only those candidates shall be treated to be eligible for the main written examination who secure minimum 45% marks in the preliminary examination subject to 20 times of the number of vacancies category-wise i.e. General, Scheduled Castes, Scheduled Tribes and Other Backward Classes.

(2) In assessing the merits of a candidate the Selection Committee shall have due regard to his professional ability, character, personality and health.

(3) The Selection Committee shall make a preliminary selection and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in its opinion, are suitable for appointment to the Service.

(4) The Court shall examine the recommendations of the Selection Committee and having regard to the number of direct recruits to be taken, prepare a list of selected candidates in order of merit and forward the same to the Governor.

**19. Fee** <sup>[7b]</sup>-- The candidates for direct recruitment shall pay such examination fee as may be determined by the Selection Committee from time to time.

## **PART V**

### **Procedure for Recruitment by Promotion**

<sup>[8]</sup>  
**20. Promotion of *such* members of Nyayik Sewa as referred to in Rule 5(a):-**

(1) Recruitment by promotion of the members of the Nyayik Sewa shall be made by selection on the principle of merit-cum-seniority and on passing such a suitability test, as prescribed in Appendix "G(i)"

(2) The field of eligibility for recruitment by promotion shall be confined to four times the number of vacancies to be filled by promotion. The selection Committee shall prepare a list in order of seniority of the officers eligible under Rule 5(a) of these rules.

(3) The Selection Committee shall, after examining the record of the officers included in the list prepared under sub-rule (2) of this rule make a preliminary selection of the officers who in its opinion are fit to be appointed on the basis of merit-cum-seniority. In assessing the merit of a candidate, the Selection Committee have due regard to his service record, ability, character and seniority. The list shall contain the names of officers twice the number of vacancies required to be filled by promotion of the members of the Nyayik Sewa.

(4) The Selection Committee shall forward the list of the candidates chosen at the preliminary selection to the Chief Justice along with the names of the Officers

who, if any, in the opinion of the Committee have been passed over for promotion to the Service.

7. Subs. by Noti. No. 54/II-4-07-36 (1)/2005, dated January 9, 2007 (published in U.P. Gazette Part 1-A dated 21.4.2007) Read with Noti. No. 1090/II-4-07-36(I)/2006 dated April 10, 2007 (published in U.P. Gazette dated 23.6.2007.)

7a & 7b. Subs. By Noti. No. 388/two-4-2014-36(1)/2005 T.C., dated Lucknow, MAY 08, 2014

8. Subs. by Noti. No. 54/II-4-07-36 (1)/2005, dated January 9, 2007, ( published in U.P. Gazette Part 1-A dated 21.4.2007) read with Noti. No. 1090/II-4-07-36(I)/2006 dated April 10, 2007 ( published in U.P. Gazette dated 23.6.2007.) Substituted vide No. 82/two-4-2014-36(1)/2005 T.C. Dated Lucknow, January 29, 2014

(5) The Court shall examine the recommendations of the Selection Committee and make a final selection for promotion and prepare a list in order of seniority of the candidates who are considered fit for promotion and forward the same to the Governor. The list shall remain operative only till the next recruitment.

## PART VI Recruitment of Judicial Magistrates

[9]

**21. Promotion of such members of the Nyayik Sewa as referred to in Rule 5 (b)** - - (1) Recruitment by promotion of *such* members of Nyayik Sewa as referred to in Rule 5 (b) shall be made by selection, strictly on the basis of merit through a Limited Competitive Examination as prescribed in Appendix 'H'

(2) Application for recruitment to the service from such sources shall be invited by the Court through District Judges.

(3) The District Judge shall forward to the Court all application received by him along with his own estimate of each candidate's character and fitness for appointment to the service.

(4) The selection Committee referred to in Rule 16 shall scrutinize the applications received and shall hold a limited competitive examination, as prescribed in Appendix 'H'.

(5) The Selection Committee shall prepare a select list on the basis of the merit of the successful candidates.

(6) The Committee shall make a preliminary selection and submit the record of all candidates to the Chief Justice and recommend the names of the candidates in order of merit who, in its opinion, are suitable for appointment to the service.

(7) The Court shall examine the recommendations of the Selection Committee and make a final selection for appointment in HJS cadre and prepare a list in order of merit and forward the same to the Governor. The list shall remain operative only till the next recruitment.

## PART VII Appointment, Probation and Confirmation

[10]

**22. Appointment** - (1) Subject to the provisions of sub-rule (2), the Governor shall, on receipt from the Court of the list mentioned in Rules 18, 20 and 21 make appointments to the service on the occurrence of substantive vacancies by taking candidates from the list in the order in which they stand in the respective lists in accordance with the roster.

(2) Appointments to the service shall be made on the basis of roster system, the first post shall be filled from the list of promotees, the second post

shall be filled up by direct recruit, the third and fourth posts shall be filled up from the list of promotees and fifth post shall be filled up by the candidate selected strictly on merit through LDCE (and so on) according to the roster as prescribed in Appendix '1', which will cease to become operative on the date the respective three streams achieve their full allotted vacancies. Thereafter on account of arising any vacancy in quota of respective stream the same could be filled-up from the same stream of which vacancy arises;

Provided that while following the roster at no point of time the respective percentage of posts filled from direct recruit and LDCE shall exceed 25% and 10% of the strength of service. In case the percentage is exceeding the allotted quota, in such eventuality the promotee shall occupy the vacancy which would have gone to the direct recruit or LDCE, had not the same been in excess of 25% and 10% respectively of either of the two.

(3) In the eventuality of delay in making appointment under sub-rule(1) and further if exigency of service so requires, the Governor may, in consultation with the Court, make short term appointment as a stop-gap arrangement from amongst the promotees, in the vacancy in these services till the appointments are made under sub-rules (1) and (2):

Provided that the period of service spent by the promotees on a short term appointment to the service as a stop-gap arrangement shall not be computed under Rule 26.

[11]

**23. Probation** - (1) All persons shall on appointment to the service in substantive vacancies be placed on probation. The period of probation shall, in each case, be two years, provided that the period for which an officer has been continuously officiating immediately prior to his appointment may be taken into account for the purpose of computing the period of probation.

(2) (a) The Court may, in special cases, extend the period of probation up to a specified date:

Provided that the total period of probation shall not ordinarily exceed three years.

(b) An order sanctioning such extension of probation shall specify whether or not such extension shall count for increment in the time scale.

(3) If it appears to the court at any time during or at the end of the period of probation, or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, it may make recommendation to the appointing authority whereupon the appointing authority may revert the probationer to his substantive post, if any, or if he does not hold a lien on any post, his services may be dispensed with.

(4) A person whose services are dispensed with or who is reverted under sub rule (3) shall not be entitled to any compensation.

[12]

**24. Confirmation** - A probationer shall be confirmed in his appointment in the service at the end of the period of probation or at the end of the extended period of probation if the Court is satisfied that he is fit for confirmation and his integrity is unquestionable.

*Explanation* - Officers confirmed on the post of Civil & Sessions Judge (now designated as Additional District and Sessions Judge), or on the post of Additional District and Sessions Judge shall not be required to be confirmed on

the post of District and Sessions Judge.

**25. Appointment and confirmation to be notified in Gazette** - All appointments and confirmations under these rules shall be notified in the State Gazette.

9. Subs. by Noti. No. 54/II-4-07-36 (1)/2005, dated January 9, 2007 (published in U.P. Gazette Part 1-A dated 21.4.2007) read with Noti. No. 1090/II-4-07-36(I)/2006 dated April 10, 2007 (published in U.P. Gazette dated 23.6.2007)

10. Subs. By Noti. No. 3182/II-4-09-36(1)/2005, dated Lucknow, AUGUST 28, 2009 Substituted vide No. 82/two-4-2014-36(1)/2005 T.C. Dated Lucknow, January 29, 2014

11. Rule 23 substituted by Noti. No. 6214/II-36-77 dated 25.10.1977, (published in U.P. Extra Ordinary Gazette dated 26.10.1977.)

12. Rule 24 substituted by Noti. No. 6214/II-36-77 dated 25.10.1977, (published in U.P. Extra Ordinary Gazette dated 26.10.1977.)

[13]

**26 - Seniority** - (1) Seniority of the officers appointed in the Service shall be determined in accordance with the order of appointment in the Service under sub rules (1) and (2) of Rule 22 of these rules.

(2) Seniority of members of the service who have been confirmed in the service prior to the commencement of these rules shall be as has been determined by the order of the Government as amended from time to time.

## PART VIII Other Provisions

[14]

**27. Appointment in the selection grade.**- Appointment to the Selection grade posts (to the extent of 25% of the cadre posts of District Judges) in Service shall be made by the Court from amongst the members of the service who have put in not less than 5 years of continuous service in the cadre on the basis of merit-cum-seniority.

**27-A. Appointment to Super Time Scale.** -- Appointment to Super Time Scale posts (to the extent of 10% of sanctioned cadre strength of the District Judges) in the Service shall be made by the Court from amongst the members of the service holding Selection Grade posts and who have put in not less than 3 years of continuous service as Selection Grade District Judges on the basis of merit-cum-seniority.

**28. Appointment to Special posts.** -- Appointment to special posts (for example, the posts of Judicial Secretary-cum-Remembrancer, Joint L.R., Deputy L.R., Registrar, Additional Registrar and Joint Registrar) shall be in temporary capacity and shall be made on the criteria of fitness of an officer for such appointment.

**29. Scale of Pay.** - The scale of pay admissible to the persons appointed to the service, whether in substantive or officiating capacity or as a temporary measure, shall be as decided by the Government from time to time.

**30. Efficiency Bar.** - (1) No member of the service shall be allowed to cross the first efficiency bar unless in the opinion of the Court his judicial work is good and his integrity is beyond question.

(2) No member of the Service shall be allowed to cross second efficiency bar unless in the opinion of the Court his judicial work and administrative ability are good and his integrity is beyond question.

**31. Fixation of pay.** - (1) (a) The initial pay of a officer promoted to the Service from the Nyayik Sewa shall be fixed at the stage next above the amount



equal to the officers pay, or presumptive pay in the ordinary time-scale of the Uttar Pradesh Nyayik Sewa, plus an increase at the rate of one increment in the time-scale for the U.P. Higher Judicial Service for every three years of service in the Nyayik Sewa subject to a minimum increase of Rs.200 and a maximum increase of Rs. 300;

Provided that when with the prescribed increase calculated as aforesaid, the figure arrived at corresponds to a stage in the time scale for the Service, the pay shall be fixed at that stage and not at the next higher stage.

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13. Subs. by Noti. No. 3245/II-4-95-36(1)-95 dated 23rd Feb. 1996 (published in U.P. Gazette (Extra) Part -4 Sec. (ka) dated 15th March, 1996)

14. Subs. by eighth amendment vide Noti. No. Misc. 1023/Two-4-2012-36(1)/2005 T.C. Dated Lucknow, June 07, 2012

Note - The pay of an officer of the Nyayik Sewa, who is appointed to officiate in the service shall be refixed on each occasion when he gets an increment in his pay in his permanent post as though he has been promoted to the Service on the date of such increment.

(b) The initial pay of an officer appointed from the U.P. Judicial Officers Service shall be fixed at the stage in the scale next above the amount equal to the officers' pay or presumptive pay in the time-scale of the selection grade of the U.P. Judicial Officers Service prescribed for Judicial Magistrates plus an increase at the rate of one increment in the time-scale for the U.P. Higher Judicial Service for every three years of service in the U.P. Judicial Officers Service subject to a minimum increase of Rs.200 and maximum increase of Rs. 300;

Provided that when with the prescribed increase calculated as aforesaid, the figure arrived at corresponds to a stage in the time scale for the Service the pay shall be fixed at that stage and not at the next higher stage:

Provided further that where the pay of an officer who has been promoted to the post of Chief Judicial Magistrate or any other higher post is higher than the pay admissible to him on his appointment to the service as fixed under this sub-rule, the difference between his pay in that post and his pay in the service will be allowed as personal pay to be absorbed in future increment.

Note - The pay of an officer of the U.P. Judicial Officers' Service who is appointed to officiate in the service, shall be refixed on each occasion when he gets an increment in his pay in his permanent post as though he had been promoted to the service on the date of such increment.

(2) In addition to the pay which may be drawn by a member of the service under this rule, he shall while holding a special post, receive the special pay also as may be admissible for such post .

**32. Canvassing** - Any attempt on the part of any person applying for recruitment, to enlist support directly or indirectly for his candidature by an unfair means shall disqualify him for appointment.

**33. Loyalty** - Every person selected for appointment to the service shall, before taking over charge of office take an oath of allegiance or solemn affirmation that he shall be loyal to the Constitution of India and the laws.

**34. Regulation of other matters** - In regard to the matters not specifically covered by these rules or by special orders, persons appointed to the service shall be governed by the rules, regulations and orders applicable generally to Government Servants serving in connection with the affairs of the Uttar Pradesh.

**APPENDIX 'A'**  
**[See Rule 4 (3)]**

The present permanent strength of the service which shall on the commencement of these rules is as follows. "

District and Sessions Judge,  
Additional District and Sessions Judge  
and Sessions Judge (including the posts  
against which Judicial Magistrate are to be  
appointed as Additional Sessions Judges)

**APPENDIX 'G'**  
**[See Rule 18]**

**Syllabus prescribed for the recruitment of the officers in Uttar Pradesh Higher Judicial Service.**

The Examination for Uttar Pradesh Higher Judicial Service will include the following subjects:

**Paper No. 1 General Knowledge** <sup>[15]</sup>

This paper will be of 100 marks and 3 hours duration.

There will be a paper of 'General Knowledge'. The paper may include questions based on topics relating to History of India and Indian Culture, Geography of India, Indian Polity, current national issues and topics of social relevance, India and the World, Indian Economy, International Affairs, and Institutions and Development in the field of Science and Technology, communication and space.

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The nature and standards of questions in these papers will be ***such that a well educated person will be*** able to answer them without any specialised study.

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15 Subs. By Noti. No. 388/two-4-2014-36(1)/2005 T.C., dated Lucknow, MAY 08, 2014

\* Subs. by Noti. No. 1090/II-4-07-36(1)/2005 dated April 10, 2007 (published in U.P. Gazette dated 23.6.2007)

**Paper No. 2 Language** <sup>[16]</sup>

This paper will be of 100 marks and 3 hours duration. It shall comprise four questions as specified below:-

- |  |            |
|--|------------|
| (i) Essay to be written in English                 | - 30 marks |
| (ii) English Precis writing                        | - 30 marks |
| (iii) Translation of passage from Hindi to English | - 20 marks |
| (iv) Translation of passage from English to Hindi  | - 20 marks |

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16 Subs. By Noti. No. 388/two-4-2014-36(1)/2005 T.C., dated Lucknow, MAY 08, 2014

**Paper No. 3: Law-I (Substantive Law)**

This paper will be of 200 marks and 3 hours duration.

The question set will be restricted to the field covered by -

The Law of Contracts, the Law of Partnership, the Law concerning easement and torts, the Law relating to Transfer of Property including the Principles of Equity specifically applicable thereto, the Principle of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law, and Constitutional Law.

There shall be questions of 50 marks in relation to Constitutional Law alone.

**Paper No. 4 Law-II (Procedure and evidence)**

This paper will be of 200 marks and 3 hours duration.

Question set will be restricted to the field covered by -

The Law of evidence, the Criminal Procedure Code, and Code of Civil Procedure, including the principles of pleading. The question set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision and the conduct of cases generally, but will not be restricted to them.

**Paper No. 5 Law III (Penal, Revenue and Local Laws)**

This paper will be of 200 marks and 3 hours duration.

Questions set will be restricted to the field covered by -

Indian Penal Code, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972. U.P. Municipalities Act, U.P. Panchayatraj Act, U.P. Consolidation and Holdings Act, U.P. Urban Planning and Development Act, 1973, together with Rules, framed under the aforesaid Acts.

Answer to the questions of Local Laws will be compulsory. Question pertaining to penal Laws will be of **50 \*\* marks, whereas that of Revenue and Local Laws will be of 150 marks.\*\***

**Clarification** - The candidates will have a choice to answer General Knowledge and Law papers either in Hindi or in English.

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\*\*subs. by Noti. No. 1090/II-4-07-36(1)/2005 dated April 10, 2007 (published in U.P. Gazette dated 23.6.2007).

**Paper No. 6 - Interview** - <sup>[17]</sup>

**The interview will be of 200 marks** - The suitability of the candidate for employment in the U.P. Higher Judicial Service will be tested with reference to his merit giving due regard to his ability, character, personality, and physique.

**Notes -**

- (i) The candidates securing minimum aggregate 45% marks in the written examination shall be called to appear in the interview subject to maximum thrice the number of vacancies category-wise.

The interview shall be in a thorough and scientific manner and shall take any thing between 25 and 30 minutes for each candidates.

(ii) The candidates securing minimum 40% marks in the interview shall only be eligible to be included in the select list. The marks obtained in the interview will be added to the marks obtained in the written papers and the candidate's place in the select list will depend on the aggregate of both.

17 Subs. By Noti. No. 388/two-4-2014-36(1)/2005 T.C., dated Lucknow, MAY 08, 2014

**APPENDIX 'G-(1)**  
**(See Rule - 20)**

**Syllabus prescribed for the suitability test for promotion from amongst the Civil Judges (Senior Division) under Rule-5 (a):**

(A) The subjects for the aforementioned test will include:-

- (i). The Law of contracts, the Law of Partnership, the Law concerning easement and torts, the Law relating to transfer of property including the principles of equity specifically applicable thereto, the Principle of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law, and Constitutional Law.
- (ii). The Laws of evidence, The Criminal Procedure Code, and Code of Civil Procedure, including the principles of pleading. The question set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision, and the conduct of cases generally, but will not be restricted to them.
- (iii). Indian Penal Code, The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972, U.P. Municipalities Act, U.P. Panchayatraj Act, U.P. Consolidation of Holdings Act, U.P. Urban Planning and Development Act, 1973, together with rules framed under the aforesaid Acts.

(B) (a) The suitability test for adjudging the level of the legal knowledge of the candidate and his awareness of the relevant case law on the subjects indicated here-in-above, will consist of two parts-

All candidates will have to appear in a written test carrying a maximum of 100 marks, which will be a test of objective type requiring answering of 50 questions of 2 marks each in one hour duration.

(i) The other part of the suitability test will be for the assessment of the candidate for his continued efficiency which will be adjudged on the basis of his service record of preceding 10 years from the year of the suitability test. This part of the test will also carry a maximum of 100 marks which will be allotted on the basis of grading of the officers reflected in the Court's annual confidential remarks recorded in the character roll providing however for the deduction of marks for adverse entry as indicated below -

<b>Grading</b>	<b>Marks to be allotted</b>
Outstanding	10
Very good	08
Good	06
Average	04
Poor	00

Adverse entry                      Minus 2 marks for each year

(C) The marks secured by the candidate in both parts of the suitability test for being eligible for promotion will not be less than 50% in aggregate i.e.100 marks.

## APPENDIX - "H"

**[See Rule 21]**

### **Syllabus prescribed for the promotion of the Officers from amongst the Officers of Civil Judge (Senior Division) of 5 years qualifying service on the basis of Limited Competitive Examination.**

The examination will include the following subjects:

#### **Paper No. 1: Law-I (Substantive Law)**

This paper will be of 200 marks and 3 hours duration.

The question set will be restricted to the field covered by -

The Law of Contracts, the Law of Partnership, the Law concerning easement and torts, the Law relating to transfer of property including the principles of equity specifically applicable thereto, the principle of equity with special reference to the law of trust and specific relief, Hindu Law and Mohammedan Law, and Constitutional Law.

There shall be question of 50 marks in relation to Constitutional Law alone.

#### **Paper No. 2 Law-II (Procedure and evidence)**

This paper will be of 200 marks and 3 hours duration.

Question set will be restricted to the field covered by -

The Laws of evidence, the Criminal Procedure Code, and Code of Civil Procedure, including the principles of pleading. The question set will relate mainly to practical matters such as the framing of charges and issues, the methods of dealing with the evidence of witnesses, the writing of judgment of session trials, appeals, revision, and the conduct of cases generally, but will not be restricted to them.

#### **Paper No. 3. Law III (Penal, Revenue and Local Laws)**

This paper will be of 200 marks and 3 hours duration.

The question set will be restricted to the field covered by -

Indian Penal Code, the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951, Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972. U.P. Municipalities Act, U.P. Panchayatraj Act, U.P. Consolidation and Holdings Act, U.P. Urban Planning and Development Act, 1973, together with rules, framed under the aforesaid Acts.

Answer to the question of Local Laws will be compulsory. Question pertaining to penal Laws will be of 50 marks, whereas that of Revenue and Local Laws will be of 150 marks.

**Clarification** - The candidate will have a choice to answer Law Papers either in Hindi or in English.

**Paper No.4: Interview.**

**The interview will be of 75 marks** - The suitability of the candidate for employment in the U.P. Higher Judicial Service will be tested with reference to his merit giving due regard to his ability, character, personality, and physique.

**Note** <sup>[18]</sup> – The candidates securing minimum aggregate 45% marks in the written examination shall be called to appear in the interview subject to maximum thrice the number of vacancies.

The interview shall be in a thorough and scientific manner and shall take anything between 25 and 30 minutes for each candidate.

<sup>[19]</sup> The marks obtained in the interview will be added to the marks obtained in the written papers and the candidate's place will depend on the aggregate of both

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18. Subs. By Noti. No. 388/two-4-2014-36(1)/2005 T.C., dated Lucknow, MAY 08, 2014

19. Subs. By Noti. No. 505 /two -4 -2014-36 (1)/ 2005 T.C., dated Lucknow, August 06, 2014

**Appendix '1' [\*\*\*]****(See Rule 22)****The Roster to be followed for appointment in the Uttar Pradesh Higher  
Judicial Service Cadre  
Appointment of Entitlement**

Serial number of post	Promotees 65%	Direct Recruits 25%	LDCE 10%	Stream for which the post is identified
1	2	3	4	5
1	0.65	0.25	0.10	Promotee
2	1.30	0.50	0.20	Direct Recruit
3	1.95	0.75	0.3	Promotee
4	2.60	1.00	0.40	Promotee
5	3.25	1.25	0.50	LDCE
6	3.90	1.50	0.60	Promotee
7	4.55	1.75	0.70	Direct Recruit
8	5.20	2.00	0.80	Promotee
9	5.85	2.25	0.90	Promotee
10	6.50	2.50	1.00	Promotee
11	7.15	2.75	1.10	Direct Recruit
12	7.80	3.00	1.20	Promotee
13	8.45	3.25	1.30	Promotee
14	9.10	3.50	1.40	Direct Recruit
15	9.75	3.75	1.50	Promotee
16	10.40	4.00	1.60	LDCE
17	11.05	4.25	1.70	Promotee
18	11.70	4.50	1.80	Promotee
19	12.35	4.75	1.90	Direct Recruit
20	13.00	5.00	2.00	Promotee
21	13.65	5.25	2.10	Promotee
22	14.30	5.50	2.20	Direct Recruit
23	14.95	5.75	2.30	Promotee
24	15.60	6.00	2.40	Promotee
25	16.25	6.25	2.50	LDCE
26	16.90	6.50	2.60	Promotee
27	17.55	6.75	2.70	Direct Recruit
28	18.20	7.00	2.80	Promotee
29	18.85	7.25	2.90	Promotee
30	19.50	7.50	3.00	Promotee
31	20.15	7.75	3.10	Direct Recruit
32	20.80	8.00	3.20	Promotee
33	21.45	8.25	3.30	Promotee

34	22.10	8.50	3.40	Direct Recruit
35	22.75	8.75	3.50	Promotee
36	23.40	9.00	3.60	LDCE
37	24.05	9.25	3.70	Promotee
38	24.70	9.50	3.80	Promotee
39	25.35	9.75	3.90	Direct Recruit
40	26.00	10.00	4.00	Promotee
41	26.65	10.25	4.10	Promotee
42	27.30	10.50	4.20	Direct Recruit
43	27.95	10.75	4.30	Promotee
44	28.60	11.00	4.40	Promotee
45	29.25	11.25	4.50	LDCE
46	29.90	11.50	4.60	Promotee
47	30.55	11.75	4.70	Direct Recruit
48	31.20	12.00	4.80	Promotee
49	31.85	12.25	4.90	Promotee
50	32.50	12.50	5.00	Promotee
51	33.15	12.75	5.10	Direct Recruit
52	33.80	13.00	5.20	Promotee
53	34.45	13.25	5.30	Promotee
54	35.10	13.50	5.40	Direct Recruit
55	35.75	13.75	5.50	Promotee
56	36.40	14.00	5.60	LDCE
57	37.05	14.25	5.70	Promotee
58	37.70	14.50	5.80	Promotee
59	38.35	14.75	5.90	Direct Recruit
60	39.00	15.00	6.00	Promotee
61	39.65	15.25	6.10	Promotee
62	40.30	15.50	6.20	Direct Recruit
63	40.95	15.75	6.30	Promotee
64	41.60	16.00	6.40	Promotee
65	42.25	16.25	6.50	LDCE
66	42.90	16.50	6.60	Promotee
67	43.55	16.75	6.70	Direct Recruit
68	44.20	17.00	6.80	Promotee
69	44.85	17.25	6.90	Promotee
70	45.50	17.50	7.00	Promotee
71	46.15	17.75	7.10	Direct Recruit
72	46.80	18.00	7.20	Promotee
73	47.45	18.25	7.30	Promotee
74	48.10	18.50	7.40	Direct Recruit
75	48.75	18.75	7.50	Promotee



76	49.40	19.00	7.60	LDCE
77	50.05	19.25	7.70	Promotee
78	50.70	19.50	7.80	Promotee
79	51.35	19.75	7.90	Direct Recruit
80	52.00	20.00	8.00	Promotee
81	52.65	20.25	8.10	Promotee
82	53.30	20.50	8.20	Direct Recruit
83	53.95	20.75	8.30	Promotee
84	54.60	21.00	8.40	Promotee
85	55.25	21.25	8.50	LDCE
86	55.90	21.50	8.60	Promotee
87	56.55	21.75	8.70	Direct Recruit
88	57.20	22.00	8.80	Promotee
89	57.85	22.25	8.90	Promotee
90	58.50	22.50	9.00	Promotee
91	59.15	22.75	9.10	Direct Recruit
92	59.80	23.00	9.20	Promotee
93	60.45	23.25	9.30	Promotee
94	61.10	23.50	9.40	Direct Recruit
95	61.75	23.75	9.50	Promotee
96	62.40	24.00	9.60	LDCE
97	63.05	24.25	9.70	Promotee
98	63.70	24.50	9.80	Promotee
99	64.35	24.75	9.90	Direct Recruit
100	65.00	25.00	10.00	Promotee
NOTE: The above roster shall be implemented in the manner that it should not exceed the respective quota for the respective stream as provided in rule 6 read with proviso to rule 22(2).				

\*\*\*Substituted vide No. 82/two-4-2014-36(1)/2005 T.C. Dated Lucknow, January 29, 2014