

Patna High Court, Patna

Notice

This is for information to all the Civil Judges (Junior Division) upto 30th Batch of Bihar Judicial Service that the departmental examination will be held on 08.04.2023 (Second Saturday) and 09.04.2023 (Sunday) according to the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019 at the Premises of the Patna High Court, Patna in the manner indicated below:

1. Paper I will comprise the Civil Court Rules and the Criminal Court Rules. The examination will be held on 08.04.2023 (Second Saturday) from 10:00 A.M. to 01:00 P.M. There shall be 20 questions carrying five marks each and all of them will be compulsory. Question numbers 1 to 5 will be objective type i.e. multiple choice questions. Books are allowed in this paper. As per Rule, a candidate will have to secure 50 marks or above to be declared pass in the paper.
2. Paper II will comprise Procedural Law and Law of Evidence. The examination will be held on 08.04.2023 (Second Saturday) from 02.30 P.M. to 05.30 P.M. There shall be 20 questions carrying five marks each and all of them will be compulsory. Question numbers 1 to 5 will be objective type i.e. multiple choice questions. Books are not allowed in this paper. As per Rule, a candidate will have to secure 50 marks or above to be declared pass in the paper.
3. Paper III will be the paper of the Judgement writing and the examination will be held on 09.04.2023 (Sunday) from 10.00 A.M. to 01.00 P.M. A candidate will be required to write two Judgements, one in Civil Law and another in Criminal Law, carrying 25 marks each. A candidate will be required to obtain at least 12.5 marks in each judgement and 25 marks in aggregate to be declared to have passed in the paper. Books are not allowed in this paper.

4. The question papers shall be in English and Hindi and the candidate shall be required to write the answer in only one language.
5. The candidate may furnish their willingness/unwillingness to appear in the said examination to their concerned District and Sessions Judge by 31st of January, 2023 and the District and Sessions Judges concerned may forward the same to the Hon'ble Court latest by 10th February, 2023.
6. Procedure for appearance in the examination will be as per Rules 27, 28 and 29 of the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019. (Copy of the Rules is attached with this notice).
7. All the eligible officers are informed that they will have to appear in all the three papers irrespective of the facts that they might have cleared any paper in the last departmental examination.

Further, direction relating to the conduct of the departmental examination shall be issued in due course.

The officers are directed to keep visiting the website of the Hon'ble Court for further updates.

By order,



Registrar General

Patna High Court, Patna,
Dated 12.01.2023

S.O. ADDH / APPH. cell. me
[Signature]
Government Of Bihar
General Administration Department

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Notification

Patna, Dated... 6.3.19

No-7/Astha-04-01/2017GAD.....3067...../In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and amendments made in The Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955, as also proposed repeal of the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination), Rules, 1963, the Governor of Bihar, after consultation with the High Court of Judicature at Patna, is pleased to make the following Rules to regulate the Training and Departmental Examination of Officers of the Judicial Branch of the Bihar Civil Service:-

**The Bihar Civil Service (Judicial Branch)
(Training and Departmental Examination), Rules, 2019**

1. **Short title, extent and commencement.**-(1) These Rules may be called the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019.
(2) It shall extend to whole of the State of Bihar.
(3) It shall come in to force at once.
2. **Definition.**- In these Rules, unless there is anything repugnant in the subject or context,-
 - (a) "Government" means the Government of Bihar;
 - (b) "Probationer" means a Civil Judge (Junior Division) on probation [and notwithstanding anything to the contrary contained in the Bihar Service Code], and for the purposes of these Rules, it includes a Civil Judge (Junior Division) appointed on permanent or temporary basis;
 - (c) "Departmental Examination" means the Departmental Examination prescribed under Rule 26;
 - (d) "Judicial Examination Committee" means the Committee constituted by the Patna High Court as per Rule 3(1).
 - (e) "High Court" means High Court of Judicature at Patna.

3. Constitution, function and powers of the Judicial Examination Committee:-

(1) There shall be a Judicial Examination Committee comprising of the Registrar General of Patna High Court as the Chairman and the Director of the Bihar Judicial Academy and the Registrar (Appointment) of Patna High Court as its members.

(2) The Judicial Examination Committee will be responsible for the conduct of the Departmental Examination. The Departmental Examination will be held at Patna and at such other places as the Committee may, with the prior approval of High Court, decide from time to time.

4. The Judicial Examination Committee will, with the prior approval of the High Court, fix the dates for the Departmental Examination. The examination will usually be held in the months of May or June. The Judicial Examination Committee shall notify the dates in consultation with the High Court and the dates so notified be at least two months in advance of the date fixed, unless, for exceptional reasons to be reported to High Court, they are unable to do so.

5. It will be duty of the Judicial Examination Committee that it may, before each examination, set the questions to be asked from the examinees, determine the order of the examination of each paper and subject, and to arrange all other details of the conduct of the examination and maintained the secrecy of the question papers till the expiry of the examination.

6. The Judicial examination Committee may lay down Rules governing the procedure to be followed in conducting examinations and to ensure a fair and uniform method of ascertaining the proficiency of the examinees in each subject.

7. It shall be the duty of the Judicial Examination Committee to report to the High Court the names of such officers as, in their opinion, have passed the Departmental Examination in one or more subjects.

8. The Judicial Examination Committee will, with the approval of High Court appoint Judicial Officers as Centre Superintendent, for the Departmental Examination to be conducted at each centre, who shall function under the

supervision of the Committee and comply with the directions issued by its Registrar General.

9. A probationer should be given as much experience as possible of judicial (civil and criminal) and revenue work and also of the management and control of an office. He should also master the books, which are set for examination and should study closely the leading legal works, the cases and the authorized law reports.

10. It is the duty of the District Judge to attend to the practical training of probationer placed under him.

11. The minimum period of training of a probationer shall ordinarily be divided between the different branches as follows:-

- (i) Training with Munsif (Civil Judge, Jr. Division) and Subordinate Judge (Civil Judge, Sr. Division)-2 months
- (ii) Training in Revenue work-1 month
- (iii) Training in Magisterial work-3 months
- (iv) Training with District and Sessions Judge-2 months
- (v) Training in Survey and Settlement- 1 month
- (vi) Training at Bihar Judicial Academy-3 months

Training in Office Work.

12. The District Judge shall determine the length of the period to be spent in the office of (i) a Munsif (Civil Judge, Jr. Division), (ii) a Subordinate Judge (Civil Judge, Sr. Division), and shall nominate an efficient officer (or officers) of each class in whose court the probationer should be trained. The aim will be to give the probationer wide experience of the best class of office management and judicial work.

13. Approximately two months time has to be given for experience of Administrative work of a civil/judicial office. The probationer should obtain full knowledge of the work of each department and particularly of-

- (a) the registers maintained in the office of a Munsif (Civil Judge, Jr. Division) and of a Subordinate Judge (Civil Judge, Sr. Division) and in the Nazarat, Accounts, Record Room and Copying Department;

- (b) the classification and arrangement of papers in the records of suits and cases;
- (c) the preparation of monthly, quarterly and annual statements;
- (d) the preparation of decrees;
- (e) the system of distribution of processes in the Nazarat; and
- (f) the arrangement, examination, preservation and destruction of records deposited in the District Judge's Record Room.

14. The probationer must make a careful study of the Civil Court Rules (erstwhile High Court's General Rules and civil Circular, Orders). Particularly he must make a thorough study of the Accounts Rules. He will not be required to work as a clerk or to write up registers, but should towards the end of the period devote some days to office inspection.

Training in Judicial Work (Civil).

15. The probationer should attend the court first of a Munsif (Civil Judge, Jr. Division) and then of a Subordinate Judge (Civil Judge, Sr. Division) during the trial of cases. Subject to the following limitations, the District Judge will give directions in this regard. As a part of his training, the probationer should sit with a Munsif (Civil Judge, Jr. Division) or a Subordinate Judge (Civil Judge, Sr. Division), as the case may be, during the trial of cases, and at least in 12 cases of a Munsif's court and 4 case, of a Subordinate Judge's court, record the depositions of the witnesses, prepare a synopsis of the pleadings, make a summary of the oral and documentary evidence, take notes of the arguments of pleaders, and write a decision discussing the law (including case law) applicable to the fact of the case. At least once during that period of the training of the probationer should be continuous for at least a fortnight, in each class of court, and he should sit throughout the day and make a record of the proceedings. Ordinarily the period of training in judicial work should be about 20 days in each month.

16. The records of cases prepared under Rule 15 will be submitted to the Subordinate Judge or Munsif, as the case may be, who will examine them to see that they are carefully and intelligently prepared and will give suitable directions

and advice. The District Judge should also examine a few records so as to give instructions and to become acquainted with the merits of the officer.

17. The Probationer may also be deputed, but sparingly, to make local inspections and to execute minor commissions (ordinarily such as do not require technical knowledge) whenever feasible and, if so required he will give evidence in connection with his reports.

18. Probationer should study the Indian Evidence Act, Code of Civil Procedure, the Transfer of Property Act, the Contract Act.

Training in Revenue Work.

19. A probationer will be deputed by the District Judge to the office of the Collector for training in general revenue work. It will be the duty of the Collector to arrange for and look after the training, so that the probationer may acquire a general acquaintance with the Rules, practice and procedure of the Revenue Department, in (1) Certificate Procedure, (2) Partition, (3) Land Reforms Officers, and (4) Treasury (Judicial transactions only).

Training in Magisterial Work.

20. During this period, the probationer should read the Criminal Court Rules (erstwhile High Court's General Rules and Circular Orders, criminal) and the important portions of the Indian Penal Code and the Code of Criminal Procedure and take special notes of the procedure in respect of directing or sanctioning prosecution for offences under Chapters XII and XVIII of the Indian Penal Code. Training in criminal court work should be, as far as possible, on the same lines as those prescribed under Rules 13 to 18 of those Rules for the training of a probationer in the court of a Munsif or Subordinate Judge, including inspection of registers and under the orders of the High Court, the probationer may be vested with the powers of Judicial Magistrate of 2nd Class during the first six months of his training. It will be the duty of the Sessions Judge to arrange for the training of the probationer in magisterial work so that he may acquire a sound insight into the law and procedure in criminal trials:

Provided that if the High Court under Rule 25, varies the length of the period of training and the probationer has to undergo training of magisterial work

for more than three months, he may, if the High Court consider it expedient or necessary, be vested with the powers of a Judicial Magistrate of the 1st Class after completion of his training for six months.

Training under the District and Sessions Judge.

21. Training under the District and Sessions Judge will be-

- (a) In judicial (civil and criminal); and
- (b) In administrative work.

As a part of his training the probationer should sit with a District and Sessions Judge during trial of cases, including sessions trial, selected by the District and Sessions Judge for the purpose, and at least in three sessions cases, three criminal appeals and three criminal revisions, record the depositions of the witnesses (in trials only), prepare a synopsis of the pleading (in criminal cases of the complaint of F.I.R.), as the case may be, and written statements of the accused, (if any), make a summary of the oral and documentary evidence, take notes of the arguments of the pleaders and write a decision discussing the law (including case law) applicable to the facts of the case. While attending sessions cases, the probationer should watch the proceedings, so as to acquire familiarity with the practice and procedure of trials. At least once during this period the training of the probationer should be continuous for at least a fortnight and he should sit throughout the day and make a record of the proceedings. The records of the cases prepared under this Rule will be submitted to the District and Sessions Judge, who will examine them and give suitable directions and advice.

22. Opportunity should be afforded to the probationer to become thoroughly familiar with the practical working of the rules and procedure in the various departments of the office of the District Judge. When he has had some experience of the office he may be deputed but for educational purposes only to inspect the offices or specified departments thereof of subordinate courts. His note of inspection should be prepared with special reference to the observance of the General Rules and Circular Orders and should be submitted to the District Judge who shall examine it to see whether the inspection has been carefully and intelligently done, point out mistakes and give suitable directions and advice.

Survey and Settlement Training.

23. The training in survey and settlement under a Settlement Officer will be in traverse and cadastral survey and in attestation and recess work. The primary aims of the course are to secure for the probationer an insight into agrarian life and interest, and a close acquaintance with the preparation of a record-of-rights. Subject to this essential, and to adequate training in each branch of the work, the Settlement Officer has a free hand in training the probationer and utilizing his services.

If the probationer is not able to receive training in traverse and cadastral survey and attestation and recess work in one of survey and settlement operation, he will receive instructions in theoretical and practical survey especially chain survey, compass survey, leveling and theodolite at some Government colleges of engineering in the State. The college and the date of the course will be fixed by the Government.

Academic Training.

24. The probationers shall undergo a training schedule at Bihar Judicial Academy for a period of three months during which emphasis would be on equipping the probationers with skills to help them in writing judgments and orders of good quality. At the same time stress should be on making the probationers understand the intricacies of trial including framing/settlement of issues, framing of charges and noting down deposition of witnesses. For this purpose the probationers may be asked to frame issues/charges, write mock deposition and judgments in weekly test during this training period of three months.

25. Subject to the condition that the aggregate of the period of training shall not be less than one year, the High Court may in its discretion, vary the length of the period of training or dispense with the training of a probationer in respect of any branch of training as prescribed in Rule 11.

Explanation - If the probationer is not able to attend his training for some time within the period of one year from the date of his joining without any fault on his part, in appropriate cases the High Court may exempt him from receiving further training after completion of the said period of one year.

Examinations for Probationers.

26. (a) Every probationer is required to pass an examination in the following subjects :-

(i) the Civil Court Rules and Criminal Court Rules (erstwhile High Court's General Rules and Circular Orders both criminal and civil), as laid down in sub-rule (b) to this rule. The examination will test in particular the extent to which the examinee has acquired practical facility in applying the rules.

(ii) Procedural Law and Law of Evidence as laid down in sub-rule (c) to this Rule.

(b) There shall be one paper with books on the Civil Court Rules and Criminal Court Rules (earlier High Court's General Rules and Circular Orders both criminal and civil). The paper shall be of three hours' duration and shall carry 100 marks. A probationer securing 50 marks or above will be declared to have passed in the paper.

The questions will be set from the following books:-

(i) Civil Court Rules (Criminal) (erstwhile High Court's General Rules and Circular Orders, criminal), Vols. I and II;

(ii) Civil Court Rules (Civil) (erstwhile High Court's General Rules and Circular Orders, Civil), Vols. I and II.

(c) There shall be another paper without books on the Procedural Law and Law of Evidence. – The paper shall be of three hours' duration and shall carry 100 marks. A probationer securing 50 marks or above will be declared to have passed in the paper.

The questions will be set from the following books:-

(i) Code of Civil Procedure.

(ii) Code of Criminal Procedure.

(iii) Indian Evidence Act.

(d) There shall also be a paper on judgment writing of duration three hours carrying 50 marks. A probationer shall be required to obtain at least 25 marks to be declared to have passed in the paper.

27. Procedure for appearance at the examination. – Any probationer desirous of appearing in the Departmental Examination is required to send to his District and Sessions Judge/ Head of the Department, through proper channel, but not later than 15th of May, an intimation in the form given in Appendix I, of his intention to appear at the examination.

28. From the applications referred to in Rule 27 above, each District and Sessions Judge/Head of the Department concerned, will prepare and send a consolidated statement showing the particulars of the probationers and the subjects in which they intend to appear, along with their applications, to the Registrar General to the Judicial Examination Committee latest by the 16th May.

29. On receipt of such applications, the Registrar General to the Judicial Examination Committee shall take necessary steps to inform the Centre Superintendents about the candidates permitted to appear at each centre and may also issue admit cards to the candidates for this purpose.

Confirmation.

30. A probationer will be eligible for confirmation and appointment as a permanent Civil Judge (Junior Division) as provided in Rules 24 and 26 respectively of the Bihar Civil Service (Judicial Branch) (Recruitment) Rules, 1955:

Provided that before recommending a probationer for confirmation or for appointment, the High Court will obtain and consider reports from-

- (i) the District and Sessions Judge under whom he has been trained as to his fitness to be so confirmed or appointed having regard to his mastery of the law and practice of evidence and procedure, and his industry and general efficiency;
- (ii) the Director Bihar Judicial Academy under whom the probationer received academic training with regard to his industry and proficiency.
- (iii) The report referred to in sub-rule (i) & (ii) from the District and Sessions Judge and the Director shall be sent by them direct to the High Court.

An officer, who is not confirmed or appointed on a permanent basis as Civil Judge (Junior Division) would be liable to be discharged from service at any time in consultation with the High Court.

Pay and Advancement in the Time-scale.

31. The prescribed time scale of pay sanctioned for Officers of Bihar Civil Service (Judicial Branch) shall be governed by the Rules, Regulations, Orders and Resolutions issued from time to time by the Government in consultation with the High Court.

32. An officer is entitled to draw the pay of the first stage of the time-scale with effect from the date on which he takes charge of his duties.

33. An officer is entitled to draw the pay of the second stage of the time-scale on the recommendation of High Court after he has completed one year's service and has passed the Departmental Examination in (i) Civil Court Rules and Criminal Court Rules, (ii) Procedural Law and Law of Evidence, (iii) Judgment Writing as prescribed by rule 26.

34. Repeal and saving.- These Rules shall supersede any Rules corresponding to them and in force immediately before the commencement of these Rules, in so far as such Rules are in conflict with the Rules hereby published:

Provided that any order made or action taken under the Rules so superseded, shall be deemed to have been made or taken under the corresponding provisions of these Rules.

APPENDIX I

(See Rule 27)

Form of Application**No.****From:-**

.....

.....

To,

.....

.....

Dated**Sir,**

With reference to Rule 27 of the Rules for the Departmental Examination of Officers of the Bihar Civil Service (Judicial Branch) I have to report my intention to appear at the departmental examination to be held at-

(a)from the (b)....., in the following subjects:-

Subjects

(1)

(2)

(3)

(4)

(5)

Yours faithfully**(Full signature with name and designation)****Office**.....**District**.....**To be clearly written.****(a) Name of Centre**.....**(b) Date**.....

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By order of the Governor of Bihar

322
6.3.19
(Shiv Mahadev Prasad)

Under Secretary to the Govt.

Memo no.-7/Astha-04-01/2017GAD.....3067...../Patna-15, dated 6.3.19.....

Copies in duplicate along with its C.D. forwarded to Superintendent, Govt. Press, Gulzarbagh, Patna and E-Gazette cell, Finance Department, Bihar, Patna for Publication in Forth coming issue of extra ordinary Gazette.

2. Kindly send 200 (Two Hundred) Copies of this notification to General Administration Department.

322
6.3.19
Under Secretary to the Govt.

Memo no.-7/Astha-04-01/2017GAD.....3067...../Patna-15, dated 6.3.19.....

Copy forwarded to the Accountant General, Bihar, Patna/Registrar General, High Court, Patna/Principal Secretary, Cabinet Secretariat with reference to Cabinet item no.-06 dated 05.03.2019/Secretary, Law Department, Bihar/B.P.S.C., Patna/All District & Session Judges/All Departments/All Head of Departments and I.T. Manager, G.A.D. for information and necessary action.

322
6.3.19
Under Secretary to the Govt.

196
03/19

Government Of Bihar
General Administration Department

Notification

Patna, Dated..... 9-1-20

No-7/Astha-04-01/2017GAD..... 279 /In exercise of the powers conferred by the proviso to article 309 of the Constitution of India the Governor of Bihar, after consultation with the High Court of Judicature at Patna to make the following Rules to amend the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019:-

The Bihar Civil Service (Judicial Branch) (Training and Departmental Examination), (Amendment) Rules, 2019

1. **Short title, extent and commencement.**-(1) These Rules may be called the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) (Amendment) Rules, 2019.

(2) It shall extend to whole of the State of Bihar.

(3) It shall come into force at once.

2. **Substitution of Rule 11 of the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019.**-
The existing Rule 11 shall be substituted as follows:-

The minimum period of training of a probationer shall ordinarily be divided between the different branches as follows:-

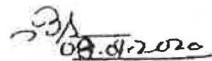
- (I) Training with Munsif (Civil Judge, Junior Division) and Subordinate Judge (Civil Judge, Senior Division) - 02 months.
- (II) Training in Magisterial work - 02 months.
- (III) Training with District and Sessions Judges - 02 months.
- (IV) Training at Bihar Judicial Academy which would include training in Revenue Survey and Settlement work/Laws - 06 months.

3. **Substitution of Rule 24 of the Bihar Civil Service (Judicial Branch) (Training and Departmental Examination) Rules, 2019.-**

The existing Rule 24 shall be substituted as follows:-

Every probationer shall undergo a training schedule at the Bihar Judicial Academy for a period of six months. Such training shall lay emphasis on equipping the probationers with skills to help them in writing judgments and orders of good quality. At the same time stress should be laid on making the probationers understand the intricacies the various aspects of trial including framing/settlement of issues, framing of charges and noting down deposition of witnesses. For this purpose, the probationers may be asked to frame issues/charges, write mock depositions and judgments in weekly tests during this training period of six months.

By order of the Governor of Bihar

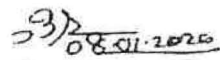

(Shiv Mahadev Prasad)

Under Secretary to the Govt.

Memo no.-7/Astha-04-01/2017GAD.....279...../Patna-15, dated 9-1-20

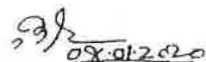
Copies in duplicate along with its C.D. forwarded to E-Gazette cell, Finance Department, Bihar, Patna for Publication in Forth coming issue of extra ordinary Gazette.

2. Kindly send 200 (Two Hundred) Copies of this notification to General Administration Department.


Under Secretary to the Govt.

Memo no.-7/Astha-04-01/2017GAD.....279...../Patna-15, dated 9-1-20

Copy forwarded to the Accountant General (A & E), Bihar, Patna/Registrar General, High Court, Patna/Principal Secretary, Cabinet Secretariat with reference to Cabinet item no.-02 dated 27.12.2019/Secretary, Law Department, Bihar/Secretary, B.P.S.C., Patna/All District & Session Judges/All Departments/All Head of Departments and I.T Manager, G.A.D. for information and necessary action.


Under Secretary to the Govt.