

26/7/21

Revised Scheme for Engagement of Law Assistants in the High Court of Judicature at Patna, 2021

1. Object

This Scheme is formulated with a view to encourage committed Law Graduates to join the legal profession and to give them exposure to various facets of legal practice and research in the High Court.

2. Terms of Engagement

- (i) Each Hon'ble Judge of this Court shall be provided maximum 02 (two) Law Assistants. The Hon'ble Judge may either engage both the Law Assistants from the approved panel selected by the committee or both by choice or one from the approved panel selected by the committee and the other as per choice of Hon'ble Judge. In all cases, the Law Assistant must fulfill the minimum requisite qualifications and conditions of engagement.
- (ii) If the Hon'ble judge finds that the Law Assistant assigned to him from the approved panel is not performing to his satisfaction and His Lordship conveys his unwillingness to continue with the assigned Law Assistant within one month of his/her engagement, then the selection/ engagement of that Law Assistant shall be cancelled and the Hon'ble Judge will be given a Law Assistant from the existing Reserve Pool of Law Assistants.
- (iii) If, any selected Law Assistant does not turn up for taking the assignment or despite giving willingness does not turn up on the scheduled date and time, his/ her selection/ engagement will be cancelled without any further intimation.
- (iv) Law Assistant, while continuing to work as such, shall not take up any individual, independent legal work even if he/ she is enrolled with the Bar Council as an Advocate nor shall he/ she work with or under any advocate for any remuneration or otherwise.
- (v) He/ She shall maintain strict confidentiality in respect of work assigned to him/ her by the Judge concerned even after his/ her engagement has ended and without the permission of the judge assigned will not divulge any information gained in course of his/ her engagement to any third party at any time.

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3. Assessment of vacancy for selection through advertisement:

- (i) In each calendar year, before initiation of selection process for engagement of Law Assistant, Registrar (Establishment) through the Assistant Registrar-cum- Secretary to the Hon'ble Judges of the Court will ascertain the willingness of the respective Hon'ble Judge to engage a Law Assistant by way of selection through advertisement, for assessment of the actual number of vacancies to be advertised for engagement process.
- (ii) A reserve pool of upto 06 (six) Law Assistants may be prepared at the time of selection through the Advertisement, for meeting any exigencies of the Court.
- (iii) The tenure of such Law Assistants in reserve pool shall be for a period of six months only and will be terminated automatically on completion of six months period unless they are assigned to an Hon'ble Judge in lieu of a Law Assistant whose engagement has been terminated by the Hon'ble Judge as being not satisfactory or who has left the engagement.

4. Eligibility

[A] For selection through advertisement:

- (i) Law Graduate/ Post Graduate (on the date of interview) from a University/ College recognized by the Bar Council of India shall be eligible to apply/ serve as Law Assistant provided the applicant has passed LLB/LLM Examination within two years from the date of advertisement for such selection.
- (ii) Candidates having familiarity with computer application shall be preferred.
- (iii) Their candidature must be recommended by a designated Senior Advocate of this Court or by the Head of the last Law School/College/University attended by him/her.
- (iv) A final year Law student pursuing 03 year/ 05-year Law Course shall be eligible to apply for the post of Law Assistant subject to production of provisional degree certificate on the date of his/her interview for being considered for selection. Such applicants will have to submit/ upload the copies of marksheet/ gradesheet attested

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by the Head/Dean/ Director of institution/ department of all preceding years (02 years/ 04 years) alongwith their application forms.

[B] For recommendation of name as per choice:

Law Graduate/Post Graduate from a University/College recognized by the Bar Council of India shall be eligible to serve as Law Assistant provided the candidate has passed LLB/LLM Examination and has been issued provisional degree certificate on the date of recommendation of his/her name by an Hon'ble Judge.

Besides, the LLB/LLM degree should have been obtained within two years from the date of recommendation by the Hon'ble Judge.

5. Selection:

[A] Through Advertisement:

- (i) Pursuant to advertisement / notice for selection as Law Assistant, eligible candidates shall apply online and if and when called shall appear for interview before the Selection Committee on the date fixed. The Selection Committee shall comprise of two or more Hon'ble Judges of the High Court nominated by Hon'ble the Chief Justice, who shall consider the merit of the applicants on the basis of interview .
- (ii) After interview, select list prepared by the Selection Committee shall be placed for approval before Hon'ble the Chief Justice and with his Lordship's approval, the engagement letter shall be issued by the Registrar General of this Court.
- (iii) The Law Assistants selected shall be assigned to the Hon'ble Judge of the High Court as per seniority under orders of Hon'ble the Chief Justice.

[B] As per choice of Hon'ble Judge:

Hon'ble Judge can recommend the name of a candidate for engagement as Law Assistant as per choice subject to the condition that the candidate fulfills eligibility criteria for such engagement.

6. Mode of Selection:

- (i) In the month of January every year, online applications will be invited from eligible Law Graduates in the prescribed format against the calculated vacancies.

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- (ii) Application fees as decided by the "Committee for selection/ engagement of Law Assistants" shall be required to be paid for submission of online application.
- (iii) Applications complete in all respect fulfilling required eligibility criteria and supported with legible appropriate recommendation shall only be considered fit for further processing.
- (iv) High Court shall have discretion to conduct a Screening Test of the eligible Law Assistants followed by an interview for selection of suitable candidates for engagement as Law Assistant.
- (v) The interview shall as far as possible be held in the month of June/July every year in the High Court premises at Patna.

7. Tenure of Engagement

[A] For those selected through advertisement:

The engagement shall be for a period of six months, initially, which could be extended upto a maximum period of two years from the date of engagement on the recommendation of Hon'ble Judge to whom the Law Assistant is assigned.

Provided that the tenure of engagement may be extended, reduced and/or terminated before its expiry at the instance of Hon'ble the Chief Justice.

[B] For those engaged as per choice of Hon'ble Judge:

The engagement shall be for a period of six months, initially, which could be extended upto a maximum period of two years from the date of engagement on the recommendation of Hon'ble Judge to whom the Law Assistant is assigned.

Provided that the tenure of engagement may be extended, reduced and/or terminated before its expiry at the instance of Hon'ble the Chief Justice.

[C] The engagement shall not confer upon the Law Assistant any right/claim for regular appointment or continuance in assignment beyond the period contemplated in these Rules.

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[D] A Law Assistant intending to leave engagement before the end of his/her tenure shall be required to give prior notice in writing at least one week in advance through the Assistant Registrar-cum-Secretary to the Hon'ble Judge, with whom he/ she is attached.

8. Attendance and Leave:

- (i) The Law Assistant shall not be entitled to any paid leave during their tenure of engagement, except Court's Holidays.
- (ii) The Hon'ble Judge with whom the Law Assistant is attached shall be the Competent Authority to sanction his/ her leave.
- (iii) No honorarium shall be paid for unauthorized absence as also for days exceeding permissible leave.
- (iv) The Assistant Registrar-cum- Secretary to the Hon'ble Judge to whom such Law Assistant is attached shall maintain proper account of the attendance and leave of absence of the Law Assistant and will send such report on last working day of each calendar month to Accounts General Department of High Court for record and Payment of honorarium under intimation to Registrar (Establishment).

9. Duties and Responsibilities:

An engaged Law Assistant will have to:-

- (i) Prepare brief summary of cases as per direction of Hon'ble Judge.
- (ii) Attend the Court during hearing of regular matters and take notes of the facts and arguments.
- (iii) Carrying out research work assigned to him by Hon'ble Judge in relation to cases.
- (iv) Assist the Hon'ble Judge in preparing speeches, draft judgments and academic papers.
- (v) To discharge the above responsibilities and/or any other work assigned through digital mode, as directed by the Hon'ble Judge.

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10. Duty hours:

Law Assistant may be required to attend Residential Office of Hon'ble Judge in addition to the normal duty during office hours. He/ She may also be directed to attend Office/ Residential Office even on gazetted/ local holidays.

11. Honorarium of the Law Assistant

- (i) Each Law Assistant will be paid a consolidated amount of Rs.30,000/- per month as honorarium for his/ her assignment or such higher amount as may be prescribed by the State Government from time to time in this regard.
- (ii) The Law Assistant shall not be entitled to any other allowance and / or remuneration and will not be treated as a permanent or otherwise employee of the High Court or the State Government.

12. Dress code

For Males: Black full pant, white shirt (full sleeves) with black tie and black shoes.
Black coat in winters.

For Females : White blouse with light colour saree.

(Or)

White Shalwar-kameez with black dupatta. Black coat in winters.