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Part III—Section 1(b)

**Service Rules including Ad hoc Rules, Regulations, etc.,
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NOTIFICATIONS BY GOVERNMENT

HOME DEPARTMENT (Courts-I)

AMENDMENTS TO THE TAMIL NADU STATE JUDICIAL SERVICE (CADRE AND RECRUITMENT) RULES

[G.O. Ms. No.877, Home (Courts-I), 24th November 2017, கார்த்திகை 8, ஹேவிளம்பி,
திருவள்ளூர் ஆண்டு-2048.]

No. SRO B-72(a)/2017.

In exercise of the powers conferred by Articles 233, 233-A, 234, 235 and the proviso to Article 309 of the Constitution of India, the Governor of Tamil Nadu, in consultation with the High Court, Madras, and the Tamil Nadu Public Service Commission hereby makes the following amendments to the Tamil Nadu State Judicial Service (Cadre and Recruitment) Rules, 2007, as subsequently amended:-

AMENDMENTS

In the said Rules,-

(1) in the Schedule to rule 5,-

(a) against serial number 3 in column (1),-

(i) in column (3), for clause (iii), the following clause shall be substituted, namely:-

(ii) 25 percent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the Preliminary Examination, Main Examination and viva-voce Test, prescribed and conducted by the High Court in accordance with the procedures prescribed in Annexure-I to these Rules”;

(ii) in column (4) against clause (iii) in column 3 , as so substituted, for clauses (1) and (3), the following clauses shall, respectively be substituted, namely:-

“1. Must possess a Degree in Law of a University in India established or incorporated by or under a Central Act or a State Act or an Institution recognized by the University Grants Commission, or any other equivalent qualification and got enrolled in the Bar Council of Tamil Nadu or in the Bar Council of any other State” and.

"3. Must have attained the age of 35 years and must not have attained the age of 48 years in the case of SC/ST and 45 years in the case of others as on 1st July of the year in which the notification for recruitment to the post was issued";

(2) against Serial Number 9 in column (1),-

(a) for the entry in column (3), the following entry shall be substituted, namely:-

"By direct recruitment on the basis of Preliminary Examination, Main Examination and viva-voce test conducted by the Tamil Nadu Public Service Commission in accordance with the procedures prescribed in Annexure-II to these Rules.";

(b) in column (4),-

(A) for clause (1), the following clause shall be substituted, namely:-

"(1) Must possess a degree in Law of a University in India established or incorporated by or under a Central Act or a State Act or an Institution Recognized by the University Grants Commission, or any other equivalent qualification and got enrolled in the Bar Council of Tamil Nadu or in the Bar Council of any other State";

(B) in clause (2), for the expression;

"Must be practicing as an advocate or Pleader in the High Court or Courts subordinate thereto and must have so practiced for not less than 3 years on the date of the Commission's Notification for recruitment to the post", the following shall be substituted, namely:-

"Must be practicing as an Advocate or Pleader in any court on the date of Notification for recruitment to the post and must have so practiced for a period of not less than 3 years on such date";

(C) in clause (3) for the Explanation, the following Explanation shall be substituted namely:-

"Explanation-

(1) Persons who have enrolled as an Advocate, but do not possess three years of practice at the Bar would be eligible to appear in the recruitment for the post of Civil Judge, under the category of Fresh Law Graduates, provided they satisfy the other requisite eligibility criteria.

(2) Provisions contained in clause (ii) of sub-section (8) of Section 20, Section 63 and Section 64 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil Nadu Act 14 of 2016) shall not apply to this recruitment";

(3) for Annexure-I and Annexure-II, the following Annexures shall be substituted, namely:-

ANNEXURE-I

(See rule 5)

DISTRICT JUDGE (ENTREY LEVEL) BY DIRECT RECRUITMENT

(1) The Government, in consultation with the Madras High Court, shall invite applications for filling up of the post of District Judge (Entry Level), by direct recruitment.

(2) A candidate shall, along with his application,-

(a) if he/she is an Advocate or Pleader, produce from the Presiding Officer of the Court in which he/she is actually practicing, a Certificate indicating the length of his/her practice;

(b) if he/she is an Assistant Public Prosecutor, Grade I or an Assistant Public Prosecutor, Grade II, produce from the Collector of the District concerned, a Certificate indicating the length of his/her service; and

(c) produce a Certificate of good character, from a Senior Advocate or counsel and another from a responsible person, not being a relative but who is well acquainted with him/her in his/her private life;

(d) birth Certificate or any other authentic Certificate showing the date of birth of the candidate.

(3) The High Court shall conduct the competitive examination for direct recruitment to the post of District Judge (Entry Level), in three stages, as specified below:—

(a) Preliminary examination (objective type question paper) to be conducted either by way of online test or by way of on-paper test, in Optical Mark Recognition Paper (OMR paper);

(b) Main Examination ; and

(c) Viva-voce test.

(4) The minimum marks for a pass in the Preliminary Examination shall be as follows:—

(1)	(2)	(3)
1.	For the candidates belonging to Scheduled Caste, Scheduled Caste (A) and Scheduled Tribe	30 Marks
2.	For candidates belonging to Backward Class (OBCM), Backward Class (M) and Most Backward Class/Denotified community.	35 Marks
3.	For others	40 Marks

All the successful candidates in the Preliminary Examination, shall be called upon for Main Examination.

(5) After the Main Examination, the High Court shall fix, at its discretion, the cut-off marks, for each paper separately, which shall in any event, be not less than the marks as follows:-

(1)	(2)	(3)
1.	For the candidates belonging to Scheduled Caste, Scheduled Caste (A) and Scheduled Tribe	35% of marks in each paper.
2.	For the candidates belonging to Backward Class (OBCM), Backward Class (M) and Most Backward Class / Denotified community	40% of marks in each paper.
3.	For others.	45% of marks in each paper.

The High Court shall then call upon such number of the successful candidates to appear for viva-voce test, as it deems fit and proper, keeping in view the available vacancies:

Provided that if more than one candidate secure identical cut-off marks as fixed by the High Court, all such candidates shall be called upon to appear for viva-voce test.

(6) From the candidates who have appeared for viva-voce test, the final selection of the candidates shall be made based on the combined marks secured by the candidates in the Main Examination and viva-voce test. The maximum marks allotted for the Main Examination and viva-voce test shall be 75% and 25%, respectively.

(7) The Notification enlisting the successful candidates shall be published in the *Tamil Nadu Government Gazette* and it shall cease to be operative from the date of publication of the next list of successful candidates in the *Tamil Nadu Government Gazette*.

ANNEXURE-II

(See Rule 5)

CIVIL JUDGE BY DIRECT RECRUITMENT

(1) The Tamil Nadu Public Service Commission (hereinafter referred to as the 'Commission') shall invite applications for direct recruitment to the post of Civil Judge, with reference to the vacancies reported by the Government, through one English daily and one Tamil daily, having wide circulation in the State.

(2) A candidate who applies for direct recruitment to the said post should send along with his application, copies of all the essential certificates and documents specified in the Notification issued by the Commission. Besides the above, he should send the following along with his application:-

(a) In the case of a member of the Bar, the Degree Certificate, Enrollment Certificate issued by the Bar Council and a Certificate of Practice from the authorities specified below:-

(1) In the case of candidates practicing in the High Court, such Certificate should be obtained from the Registrar (Judicial) at the Principal seat or at the Madurai Bench of the High Court, as the case may be.

(2) In case of candidates practicing in the High Courts of other States and the Supreme Court of India, New Delhi, such Certificate should be obtained from the Registrar, who is incharge of the Judicial side of respective High Court or the Supreme Court of India, New Delhi.

(3) In case of advocates, practicing in Subordinate Courts, such Certificate should be obtained from the Presiding Officer of the Court in which the candidate is/has been practicing.

(b) In the case of an Assistant Public Prosecutor or a Government Pleader, the appointment order as Assistant Public Prosecutor or Government Pleader and a Service Certificate from the Head of Department specifying the number of years of qualifying service.

(c) In the case of a fresh Law Graduate, Law Degree Certificate issued by the University concerned.

(d) Birth Certificate or any other authentic Certificate showing the date of birth of the candidate.

(3) The competitive examination for selection to the post of Civil Judge by direct recruitment shall consist of 3 stages i.e.:

(a) Preliminary Examination;

(b) Main Examination; and

(c) Viva-Voce test.

(4) The syllabi for the examinations shall be as follows:-

(a) Preliminary Examination (Objective type—Maximum marks: 100), to be conducted either by way of online test or by way of on-paper test, in Optical Mark Recognition Paper (OMR paper):

Part-A-The Code of Civil Procedure, 1908,

The Negotiable Instruments Act, 1981;

The Transfer of Property Act, 1882;

The Indian Contract Act, 1872;

The Specific Relief Act, 1963;

The Constitution of India; and

The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960.

Part-B-The Code of Criminal Procedure, 1973,

The Indian penal Code, 1860;

The Indian Evidence Act, 1872;

The Criminal Law Amendment Acts/Ordinances containing

The Criminal Law (Amendment) Act, 1908,

The Criminal Law (Amendment) Act, 1932,

The Criminal Law (Amendment) Act, 1938,

The Criminal Law (Amendment) Ordinance, 1944,

The Criminal Law (Amendment) Ordinance, 1946,

The Criminal Law (Amendment) Act, 1952,

The Criminal Law (Amendment) Act, 1961,

The Criminal Law (Amendment) Amending Act, 1966,

The Criminal Law (Amendment) Act, 1972,

The Criminal Law (Amendment) Act, 1983,

The Criminal Law (Second Amendment) Act, 1983,

- The Criminal Law (Amendment) Act, 1993,
 The Criminal Law (Amendment) Act, 2005,
 The Criminal Law (Amendment) Act, 2013.

That apart, skill of the candidates is also been tested to the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Act 18 of 1860) and the new Act, namely Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (Tamil Nadu Act 42 of 2017) and the Criminal Minor Acts (including Information Technology Act, 2000 and the Protection of Children from Sexual Offences Act, 2012).

Part-C- General Knowledge – Test of reasoning and mental ability.

The minimum marks for a pass in the Preliminary Examination shall be as follows:

(1)	(2)	(3)
1.	For the candidates belonging to Scheduled Caste, Scheduled Caste (A) and Scheduled Tribe	30 Marks
2.	For candidates belonging to Backward Class (OBCM), Backward Class (M) and Most Backward Class / Denotified Community	35 Marks
3.	For others	40 Marks

(b) Main Examination:-

(i) Translation paper (Maximum Marks 100)

Translation of passages from English to Tamil and from Tamil to English. The passages will be from Depositions, Judgments and Documents.

(ii) Law paper I (Maximum Marks 100)

The Code of Civil Procedure, 1908, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872, Principles of pleading and the Constitution of India.

(iii) Law paper II (Maximum Marks 100)

Framing of Issues and Writing of Judgments in Civil Cases.

(iv) Law paper III (Maximum Marks 100)

Framing of charges and Writing of Judgments in Criminal Cases.

The minimum marks for a pass in each paper of the main examination shall be as follows:-

(1)	(2)	(3)
1.	For the candidates belonging to Scheduled Caste, Scheduled Caste (A) and Scheduled Tribe.	30% of Marks in each Paper
2.	For the candidates belonging to Backward Class (OBCM), Backward Class (M) and Most Backward Class / Denotified Community	35% of Marks in each Paper
3.	For others	40% of Marks in each Paper

(c) Viva – voce (Maximum Marks 60)

The candidate's General Knowledge and Knowledge of law, grasp of Procedural Laws and Principles of Law and his suitability for appointment as Civil Judge shall be tested. The minimum marks for a pass in the viva-voce for all categories of candidates shall be 18:

Provided that no candidate who has secured less than the minimum marks specified for the main examination shall be eligible for viva-voce.

(5) The Commission shall conduct the Preliminary Examination, Main Examination and viva-voce test as specified below:

(a) On receipt of applications from the candidates, scrutiny of applications shall be done by the Commission strictly in accordance with the instructions and guidelines prescribed by it for the purpose.

(b) Hall tickets shall be despatched to the candidates whose applications have been admitted by the Commission, sufficiently in advance to the date of Preliminary Examination.

(c) (i) Sets of question papers for drawal for the Preliminary Examination, together with answer keys shall be set by the Hon'ble Judges of the High Court, nominated by the Hon'ble Chief Justice for the purpose.

(ii) After declaration of the result of the Preliminary Examination, question papers for all the four papers in the Main Examination together with answer keys shall be set by the Hon'ble Judges of the High Court, nominated by the Hon'ble Chief Justice for the purpose.

(iii) Hall tickets shall be despatched to the successful candidates in the preliminary examination, sufficiently in advance to the date of Main Examination by the Commission.

(d) Five sets of question papers in the prescribed syllabi shall be set by moderators appointed by the Hon'ble Chief Justice from time to time and these sets would be handed over to the Commission for safe custody.

(e) The Hon'ble Chief Justice would pick up, in the presence of other Hon'ble Judges, a set of question papers containing key answers from a minimum of three such sets. The picked up set would be signed by the Hon'ble Chief Justice and by other Hon'ble Judges present and handed over to the Controller of Examinations, Tamil Nadu Public Service Commission for printing. The other not picked question papers would be collected back by the Controller of Examinations for safe custody.

(f) The printed question papers shall be received at the Commission's office and shall be transported to the designated Centres escorted by the officials from the Commission and the High Court. Each packet shall contain 20 question papers and they shall be bundled into larger parcels of cloth lined covers.

(g) At the point of arrival, the representatives of the High Court and the Commission shall receive the sealed bundles containing the question papers and the papers shall be kept inside the Treasury Vault under armed security.

(h) Chief Invigilators shall be appointed by the Commission as per the usual procedure. On the previous day of examination, the Chief Invigilator appointed, shall verify the adequacy of question papers at the Treasury in the presence of officials of the Commission and the High Court and keep them back in Treasury vault till the morning of the examination day.

(i) On the day of examination, the question papers shall be taken from the vault of the Treasury and transported to the examination centre as per the procedure evolved by the Commission, so that it shall reach the examination centre at least half-an-hour before the examination. The question paper packet(s) shall be opened by the Invigilators five minutes before the commencement of the examination.

(j) The persons drafted for invigilation work shall normally be the teachers of the educational Institution where the examination is conducted.

(k) The Commission's staff as well as the High Court or Judicial Officers may be deputed for inspection of the examination halls. Flying squads are also appointed by the District Revenue Officer, who is the co-ordinator for the examinations conducted by the Commission.

(l) Hon'ble High Court Judges or District Judges, to be nominated by the Hon'ble Chief Justice, can also make surprise inspection. Members of the Commission shall also make surprise inspection.

(m) Immediately on the completion of the examination, all the answer papers of the candidates shall be collected by the invigilators and the same shall be counted, packed and sealed by the Chief Invigilator. The same shall be signed by him, handed over to the persons nominated by the Commission and deposited in the Treasury for onward transmission to the Commission in chartered vehicles with police bandobust accompanied by the staff of the Commission.

(n) Dummy numbers shall be assigned to the answer papers by the persons deputed by the Controller of Examinations in the Commission's office, after all the answer paper are received in the Commission's office, from the respective Centres.

(o) After the dummy numbers are assigned to the answer papers, the same shall be sent by the Commission to the Tamil Nadu State Judicial Academy situated at Greenways Road, Raja Annamalaipuram, Chennai-600 028 or any other place designated by the Hon'ble Chief Justice of Madras High Court for evaluation, which shall be the centralized evaluation centre.

(p) District Judges (Supertime Scale), District Judges (Selection Grade) and District Judges (Entry Level), are eligible to be appointed as Examiners.

(q) The bundle containing the answer keys would be handed over by the Controller of Examinations, to the Chief Examiner and the same would be opened by the Chief Examiner in the presence of other Examiners. Valuation of the answer papers shall be done by the examiners nominated by the Hon'ble Chief Justice for the purpose.

(r) The staff and officers of the Commission shall be present at the time of evaluation of the answer sheets and shall assist the Examiners in the evaluation process.

(s) The Examiners shall prepare the mark sheet (one copy only), seal it and hand over the same to the Controller of Examinations, for further processing.

(t) The procedure mentioned in clauses (d) to (m) above shall be followed *mutatis-mutandis* for Preliminary Examination and the evaluation of the answer scripts (Online test or OMR paper) shall be done in the Commission's Office in the presence of an official of the Hon'ble High Court nominated by the Hon'ble Chief Justice. The procedure mentioned in clauses (d) to (s) above shall be followed *mutatis-mutandis* for the Main Written Examination.

(u) The Controller of Examinations shall oversee the conversion of Dummy numbers, to Registration numbers before tabulation, for ascertaining the candidates who are qualified for admission to Main Examination and Viva-Voce test.

(v) If large number of candidates secured pass mark in the preliminary examination, the candidates for admission to Main Examination will be shortlisted as decided by the Commission at the rate not exceeding 10 times of the number of vacancies following the rule of reservation. Candidates for viva-voce test will be shortlisted in the ratio of 1:2 or 1:3 with reference to the number of vacancies as specified in "Instructions to Applicants" under the heading "Procedure of Selection."

(w) The viva-voce test will be conducted in the Commission's office with a minimum of five interview Boards per day, comprising of one Hon'ble Judge of the High Court and such number of Members of the Commission, as are available at the time of conduct of interview.

(x) A Hon'ble Judge of the High Court, to be nominated by the Hon'ble Chief Justice, for each of the interview Boards constituted will be the Chairperson of the Board and his views in the matter of awarding marks or grades, which is by consensus shall normally be accepted, unless there are cogent reasons for not accepting such advice, to be recorded in writing by the Chairman and Members of the Commission.

(y) The marks or grade sheets shall be sealed and handed over to the Secretary to the Commission for safe custody. After the viva-voce test is completed, the marks obtained by the candidates in Main Examination as well as viva-voce test would be collated and published. The names of the successful candidates, shall thereafter, be prepared by the Commission and sent to the Government of Tamil Nadu for appointment after due publication of the results as per these Rules.

(z) The Notification enlisting the successful candidates shall be published in the *Tamil Nadu Government Gazette* and it shall cease to be operative from the date of publication of the next list of successful candidates in the *Tamil Nadu Government Gazette*.

5. A tentative time schedule for the recruitment would be prepared by the Commission in consultation with Hon'ble High Court and the same would be adhered to, to the maximum possible extent for finalizing the selection process."

NIRANJAN MARDI,
Additional Chief Secretary to Government.