

**Government of Bihar**  
**General Administration Department**

**NOTIFICATION**

Patna, Dated.....16-2-17.....

No-7/Astha-1-3-01/2010-G.A.D.....1852...../in exercise of the powers Conferred by Article-233 of the Constitution of India read with the proviso to Article-309, the Governor of Bihar is pleased to make the following amendments in the Bihar Superior Judicial Service Rules, 1951 on the recommendations of Hon'ble Patna High Court, Patna.

1. **Short title, extent and commencement :-**

- (i) These rules shall be called the Bihar Superior Judicial Service (Amendment) Rules, 2017;
- (ii) It shall be extended to the whole of the State of Bihar;
- (iii) It shall come in to force with immediate effect.

2. **The opening line of sub clause (c) of Rule 5 of the said Rules "The recruitment shall be made in the following manner" will be replaced by the following:-**

"The recruitment shall be made, as far as possible, on yearly basis, in the following manner."

3. **In the sub clause (c) of Rule 5, (iv) will be added as following:-**

"If for any reason, the posts meant for direct recruitment falling in clause 5 (c) (iii) are not filled, in any year of recruitment, then the High Court may fill such vacancies from amongst the Civil Judge (Senior Division), on the principle of merit-cum-seniority from amongst eligible Officers of Civil Judge (Senior Division), but such promotion shall be *ad hoc* till such time their term matures for regular promotion, when they will be considered for promotion in terms of Rule 5 (b).

Provided that in the next recruitment year, the vacancy, so filled, will be added back to the quota of direct recruits."

4. **In Rule 16 (e), Explanation (2) will be added by the following:-**

"The roster for the cadre will operate on yearly basis as per the British calendar year from the date of selection/ appointment process is set in motion by the High Court in respect of three different sources of promotion/appointment."

5. **Clause 1 of Appendix C of the said Rule will be substituted by the following:-**

"He must be of the age of 35 years and below the age of 50 years as on 1<sup>st</sup> January of the year in which advertisement is issued."

6. **Clause 3 of Appendix C of the said Rule will be substituted by the following:-**

"Any applicant who has not completed 7 years of practice on the last date of receipt of application as specified in the advertisement and who do not give declaration of appearance in at least 24 cases per year in the last three years, shall not be eligible for consideration for such appointment."

7. **Clause 6 Appendix C of the said Rule will be substituted by the following:-**

"The screening test will be of 300 marks. Candidates, ten times the number of vacancies advertised will be called for the written test."

8. **Clause 8 Appendix C of the said Rule will be substituted by the following:-**

In the screening test, the questions will be in the subjects of Law, English Language, General & Computer knowledge. The High Court may prescribe minimum cut-off marks for qualifying for written test (Theory Paper). The marks obtained in screening test will not be relevant thereafter.

"Clarification: It is clarified that the questions in the subject of law will be in respect of the provisions contained in the following enactments :"

1. The Constitution of India;
2. The Code of Civil Procedure, 1908;
3. The Limitation Act, 1963;
4. The Code of Criminal procedure, 1973;
5. The Indian Evidence Act, 1872;
6. The Transfer of Property Act, 1882;
7. The Indian Contract Act, 1872;
8. The Specific Relief Act, 1963;
9. The Sale of Goods Act, 1930;
10. The Indian Partnership Act, 1932;
11. The Negotiable Instruments Act, 1881;
12. The Arbitration and Conciliation Act, 1996 and
13. The Personal Laws (Hindu, Muslim and Christian)."
14. Indian Penal Code.

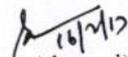
9. **Clause 9 of Appindix C of the said Rule will be amended as following:-**

For the line "the full marks for written test shall be 250 and the full marks for interview shall be 50" be replaced by "there may be as many papers with marks for each paper, as may be decided by the High Court, for the said examination on the subjects hereinafter provided."

After subject No. 17 relating to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at serial no. 18 "Indian Penal Code, 1860 be added.

10. **Clause 10, 11 and 12 of Appendix C of the said Rule shall be substituted by the following:-**

- (10) The ratio of marks of theory papers and viva-voce will be 80% and 20%.
- (11) A candidate will be called for viva-voce only if he secures at least 45% in each theory paper.
- (12) A candidate will qualify for appointment if the candidate secures at least 45% marks in each theory paper and 50% in aggregate in written test (theory papers) and viva-voce, taken together. By Order of the Governor of Bihar,

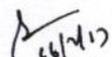
  
(Ghufraan Ahmad)

Deputy Secretary to the Govt.

Memo No-7/Astha-1-3-01/2010-G.A.D.....1852...../Patna-15, dated...16-2-17.....

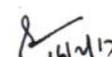
Copies in duplicate along with its C.D. forwarded to Superintendent, Govt. Press, Gulzarbagh, Patna and E-Gazette cell, Finance Department, Bihar, Patna for Publication in Forth coming issue of extra ordinary Gazette.

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

  
Deputy Secretary to the Govt.

Memo No-7/Astha-1-3-01/2010-G.A.D.....1852...../Patna-15, dated..16-2-17.....

Copy- forwarded to Accountant General, Bihar, Patna/Registrar General, High Court, Patna/ Principal Secretary, Cabinet secretariat with reference to Cabinet item no.-02 dated 15.02.2017/All Departments/All Head of the Department/Bihar Public Service Commission, Patna/All District & Session Judges/All Additional District & Session Judges/Principal Private Secretary to Chief Secretary, Bihar/Personal Assistant to Principal Secretary, General Administration Department, Bihar, Patna/ Section Officer, Section-3, General Administration Department, Bihar, Patna and I. T. Manager, G.A.D. for information and necessary action.

  
Deputy Secretary to the Govt.