

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

No.HHC/Rules/22(25)/83-

Dated 21<sup>st</sup> September, 2004

REGULATIONS PROVIDING FOR MERIT-CUM-SUITABILITY TEST FOR PROMOTION TO THE CADRE OF DISTRICT JUDGES/ADDITIONAL DISTRICT JUDGES FROM AMONGST THE CIVIL JUDGES (SENIOR DIVISION)

NOTIFICATION

In exercise of the power conferred by Rule 2 (1) (g) read with Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh makes the following Regulations providing for Merit-cum-Suitability test for promotion to the cadre of District Judges/Additional District Judges from amongst the Civil Judges (Senior Division) in terms of clause 1 (a) of the Table given below Rule 5 of the Rules:

- SHORT TITLE: 1. These Regulations may be called "The Himachal Pradesh Judicial Service (Suitability Test for Promotion to the Cadre of District Judges/Additional District Judges) Regulations, 2004"
- COMMENCEMENT: 2. These Regulations shall come into force with immediate effect.
- SUITABILITY TEST: 3. Suitability of an officer of the cadre of Civil Judge (Senior Division) for promotion to the cadre of District Judges/Additional District Judges shall be determined on the basis of the examination of judgments, assessment of the A.C.Rs for the last five years and Special Report of the District & Sessions Judge, as under:
- (i) Evaluation of five civil and five criminal judgments rendered by the eligible Judicial Officer during the last one year in any month to be specified by the Hon'ble Chief Justice.  
...50 marks.

Provided that where the concerned Civil Judge (Sr. Division) is working on a post in which he does not have to write judgments such as a deputation post in the High Court or in any other authority or Forum or Government etc. the expression "last one year" shall be construed as the last one year prior to his aforesaid posting meaning thereby "such a year" in which he was occupying a post/holding an appointment in which he had to write judgments.

(ii) Evaluation of ACRs for the last five years  
..... 40 marks

(iii) Evaluation of Special Report of the District & Sessions Judge about the eligible Judicial Officer in Proforma as prescribed in Annexure 'A'.  
.....10 marks

Total 100 marks

- QUALIFYING MARKS: 4. The qualifying marks in the suitability test shall be 60%.
- ZONE OF CONSIDERATION 5. The zone of consideration shall ordinarily be three times the available and anticipated vacancies.
- CONSTITUTION OF COMMITTEES: 6. The Full Court shall constitute two committees, each consisting of at least two Judges, hereinafter referred to as "First Committee" and "Second Committee".
- FUNCTIONS OF AND FACTORS TO BE CONSIDERED BY THE COMMITTEES: 7.
- (1) The "First Committee" shall evaluate ACRs and the Special Reports of the District and Sessions Judges in respect of the eligible Judicial Officers.
- (2) The Special Report from the District and Sessions Judge shall be called for in the proforma appended as Annexure-A.
- (3) While assessing the ACRs and examining the Special Reports, the "First Committee" shall make evaluation on the basis of the entries in the various columns of the ACRs and the Special Reports and the assessment will not be made only on the basis of the entry made against the last column (Net result) so far as the ACRs are concerned, or the ultimate opinion of the District and Sessions Judge so far as the Special Reports are concerned.
- 4(a) The "Second Committee" shall examine the judgments of the eligible Judicial Officers.
- (b) The judgments shall be evaluated having due regard to the following factors:-
- (i) Knowledge of Law
- (ii) Collation and appreciation of facts

(iii) Correctness of conclusions

(iv) Language

(v) Clarity and Reasoning.

(c) The final marks obtained shall be worked out by process of averaging, that is to say, by dividing the gross total marks allocable for all the Judgments by the number of judgments examined.

PREPARATION 8.  
OF MERIT-CUM-  
SUITABILITY TEST:

From amongst such Judicial Officers who have qualified the suitability test by obtaining the qualifying marks as prescribed in Regulation No. 4, the promotion shall be made on the basis of the principle of seniority in the lower cadre.

BY ORDER

Registrar (Rules)

SPECIAL REPORT

NAME OF THE OFFICER \_\_\_\_\_

DESIGNATION \_\_\_\_\_

1. Quality of judgments  
(Assessment to be based  
On the assessment slips  
pertaining to the period  
( \_\_\_\_\_ ))
2. Knowledge of law and  
procedure assessed on  
the basis of personal  
Contact/discussions, if any.
3. Attitude towards superiors,  
colleagues, members of  
the Bar, litigants and  
subordinates.
4. Administrative capacity.
5. General reputation of the officer and  
the view of the District & Sessions Judge  
regarding integrity of the Officer.
6. Other remarks, if any.

DATED:

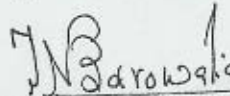
DISTRICT & SESSIONS JUDGE  
AT \_\_\_\_\_

Endst. No. HHIC/Rules/22(25)/83-

Dated 21<sup>st</sup> September, 2004.

Copy forwarded to:-

1. The Principal Secretary (Home) to the Government of Himachal Pradesh, Shimla.
2. The Secretary (Law) to the Government of Himachal Pradesh, Shimla.
3. The Principal Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh, Shimla.
4. The Deputy Registrar-cum-Special Secretary to the Hon'ble Chief Justice of this High Court.
5. The Additional Registrar's of this High Court.
6. All the District/Additional District & Sessions Judges, SSJ/ Sub Judges in Himachal Pradesh.
7. The Private Secretaries to the Registrar General, Registrar (Vigilance) and P.A.'s to the Registrar (Rules) and Registrar (Inspection), High Court of Himachal Pradesh, Shimla.
8. All the Deputy Registrars/Assistant Registrars/Secretaries/ Court Secretaries of this High Court.
9. All the Superintendents/Private Secretaries/ Marriage Counsellor-cum- Superintendent (Incharge-PIL)/Chief Librarian of this High Court.
10. The Controller, Printing & Stationery, Government of Himachal Pradesh, Shimla-5, for publication in the H.P. Rajpatra. He is also requested to send a copy of the Gazette containing publication to this Registry at the earliest.
11. Guard file.

  
(J.N. BAROWALIA) 21/9/2004  
REGISTRAR (RULE)

# **HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

No.HHC/Rules.22(25)/83-

Dated: 28<sup>th</sup> March, 2009.

## **REGULATIONS PROVIDING FOR MERIT-CUM-SUITABILITY TEST FOR PROMOTION TO THE CADRE OF CIVIL JUDGES (SENIOR DIVISION) FROM AMONGST THE CIVIL JUDGES (JUNIOR DIVISION)**

### **NOTIFICATION**

In exercise of the powers conferred under Rule 2(1)(g) read with Rule 5 of the Himachal Pradesh Judicial Service Rules, 2004, the High Court of Himachal Pradesh makes the following Regulations providing for Merit-cum-Suitability test for promotion to the cadre of Civil Judges(Senior Division) from amongst the Civil Judges (Junior Division) in terms of clause 1(a) of the Table given below:-

- SHORT TITLE:** 1. The Regulations may be called “The Himachal Pradesh Judicial Service {Suitability Test for Promotion to the cadre of Civil Judges (Senior Division)} Regulations, 2009.”
- COMMENCEMENT:** 2. These Regulations shall come into force with immediate effect.
- SUITABILITY TEST** 3. Suitability of an officer of the cadre of Civil Judge(Junior Division) for promotion to the cadre of Civil Judges (Senior Division) shall be determined on the basis of the examination of judgments, assessment of the A.C.Rs for the last five years, as under:-
- (i) Evaluation of five civil and five criminal judgments rendered by the eligible Judicial Officer during the last one year in any month to be specified by the Hon’ble the Chief Justice. .... 50 marks.
- Provided that where the concerned Civil Judge (Junior Division) is working on a post in which he does not have to write judgments such as a deputation post in the High Court or in any other authority or Forum or Government etc. the expression “last one year” shall be construed as the last one year prior to his aforesaid posting meaning thereby “such a year” in which he was occupying a post/holding an appointment in which he had to write judgments.
- (ii) Evaluation of ACRs for the last five years. .... 40 marks.
- (iii) Performance in the oral interview .....10 marks
- Total : ..... 100 marks

- QUALIFYING MARKS.** 4. The qualifying marks in the suitability test shall be 60%.
- ZONE OF CONSIDERATION.** 5. The zone of consideration shall ordinarily be three times the available and anticipated vacancies.
- CONSTITUTION OF COMMITTEES.** 6. The Full Court shall constitute two committees, each consisting of at least two Judges, hereinafter referred to as "First Committee" and "Second Committee".
- FUNCTIONS AND FACTORS TO BE CONSIDERED BY THE COMMITTEES:** 7.
1. The "First Committee" shall evaluate ACRs of the eligible Judicial Officers and conduct viva voce test.
  2. While assessing the ACRs the "First Committee" shall make evaluation on the basis of the entries in the various columns of the ACRs and the assessment will not be made only on the entry made against the last column (Net result) so far as the ACRs are concerned, or the ultimate opinion of the District and Sessions Judge. The committee shall also examine the performance in the oral interview.
  - 3.(a) The "Second Committee" shall examine the judgments of the eligible Judicial Officers.
    - (b) The judgments shall be evaluated having due regard to the following factors:-
      - (i) Knowledge of Law
      - (ii) Collation and appreciation of facts
      - (iii) Correctness of conclusions
      - (iv) Language
      - (v) Clarity and Reasoning.
    - (c) The final marks obtained shall be worked out by process of averaging, that is to say, by dividing the gross total marks allocable for all the Judgments by the number of judgments examined.
- PREPARATION OF MERIT-CUM-SUITABILITY TEST:** 8. From amongst such Judicial officers who have qualified the suitability test by obtaining the qualifying marks as prescribed in Regulation No.4, the promotion shall be made on the basis of principle of seniority in the lower cadre.

**BY ORDER**

**(K.L. Sharma)**  
**Registrar (Rules)**