

**Gauhati High Court (Appointment and Conditions of Service of
Court Managers for the State of Assam) Rules, 2018**

**GOVERNMENT OF ASSAM
JUDICIAL DEPARTMENT
DISPUR, GUWAHATI-6**

**ORDERS BY THE GOVERNOR
NOTIFICATION**

Dated Dispur the 15th October, 2018

No.JDJ/123/2017-ESTT-JUDI/48

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam, is hereby pleased to make the following rules, for regulating the recruitment and conditions of service of persons appointed as Court Managers in the High Court and the District Courts in the State of Assam, namely :-

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| Short title and commencement | 1. | <p>(1) These rules may be called the Gauhati High Court (Appointment and Conditions of Service of Court Managers for the state of Assam) Rules, 2018.</p> <p>(2) They shall come into force on the date of their publication in the Official Gazette.</p> |
| Definitions | 2. | <p>In these Rules, unless the context otherwise requires ,-</p> <p>(a) "Appointing Authority" means the Registrar General of Gauhati High Court;</p> <p>(b) "Chief Justice" means the Chief Justice of the Gauhati High Court;</p> <p>(c) "Court Manager" means a person appointed as Court Manager under these rules;</p> <p>(d) "District Courts" mean the Courts established in various judicial districts in the State of Assam under the jurisdiction of the Gauhati High Court;</p> <p>(e) "District Judge" means the Judge of the Principal Civil Court of original jurisdiction in a judicial district;</p> <p>(f) "Government" means the Government of Assam;</p> <p>(g) "High Court" means the Gauhati High Court;</p> <p>(h) "Judicial District" means the territorial area over which a District Court exercises jurisdiction;</p> |

True

- (i) "Centralized Recruitment Committee" means the Committee for centralized recruitment for officers and staff of Subordinate Judiciary and all Benches of the High Court, including the Principal Seat of the High Court, to look into matters relating to recruitment of officers and staff in the High Court and the Subordinate Courts, comprising of such number of sitting Judges of the Gauhati High Court, as may be nominated by the Chief Justice from time to time.
- (j) "Centralized Recruitment Cell" means the existing Recruitment Cell of the High Court headed by a Registrar of High Court, who is nominated by the Chief Justice from time to time.
- (k) "Service" means "the Gauhati High Court and District Court Manager Service" for the state of Assam.
- (l) "State" means the State of Assam;
- (m) "Registrar General" means the Registrar General of the Gauhati High Court.

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| Class and Cadre | 3. The service shall consist of the following class and cadre: - <ul style="list-style-type: none"> (i) Court Manager:-
Class - Group A
Grade - Grade I |
| Strength of Service | 4. The "Strength of Service" of each category of posts therein shall be such as may be determined by the Governor, from time to time, in consultation with the High Court. The Cadre Strength of the Service on the date of commencement of these rules shall be as shown in 4 th Column of the Table shown in Schedule-II :
Provided that the number of posts of Court Managers for the state may be increased by the State Government with the concurrence of the High Court, as and when necessary. |
| Method of recruitment | 5. Recruitment to the service shall be made by the Appointing Authority in the manner as follow :- <ul style="list-style-type: none"> (a) Recruitment to the cadre of Court Manager shall be made by direct recruitment only, except as provided in clause (b). |

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- (b) The existing Court Managers, who were earlier recruited, on contractual basis, following the procedure of recruitment as provided under Gauhati High Court (Appointment and Condition of Service of Court Managers) (Assam) Rules, 2012, and who have completed 2 (two) years of service, may be absorbed in the newly created posts of Court Managers, on the commencement of these rules, subject to their continued utility and suitability (*to be assessed by the High Court*) and they shall be entitled to the pay and allowances and other facilities as admissible to the post of Court Managers provided under these rules.
- (c) The exercise for absorption of the existing Court Managers, shall be for one time only.
- (d) After absorption of such of the existing Court Managers, the remaining vacant posts shall be filled up by direct recruitment following the procedure as mentioned under rule 6.
- Procedure of Direct Recruitment 6. (i) Direct recruitment to the post of Court Manager shall be made by the appointing authority on the basis of the recommendation of the Centralised Recruitment Committee of the Gauhati High Court with the approval of the Chief Justice.
- (ii) The Centralized Recruitment Cell shall prepare a list of all candidates who have qualified, in order of merit, in accordance with the aggregate marks obtained by each candidate in the Test/ Interview as mentioned in **Schedule-III**. If two or more candidates obtained equal marks, the order of merit in respect of such candidates shall be fixed on the basis of their age, where the person or persons older in age be placed higher in the order of merit. The recruitment cell shall then submit place the list before the centralised Recruitment Committee for their approval.

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- (iii) The Central Recruitment Committee after giving approval to the list shall furnish to the Appointing Authority the list of candidates for direct recruitment, in order of preference, showing the marks obtained in examination/written test and interview.
- (iv) The Appointing Authority shall appoint the candidates in order of preference in the select list against permanent vacancy.
- (v) The number of candidates in the list shall be equal to the number of vacancies notified.
- (vi) The select list shall remain valid for one year from the date of declaration of the final result. The Chief Justice of the High Court shall have the power to extend the validity of the list for a period which shall, in no event, exceed one year.

Disqualification

7. (1) No person shall be eligible for appointment and confirmation to the service.-

- (a) Unless he is a citizen of India;
- (b) If he has more than one wife living or in case of a female candidate who has married a person who has one wife living:

Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this clause.

- (2) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation, either written or oral by any other means, shall be appointed to the service.

Character

8. A candidates for direct recruitment shall produce to the Centralised Recruitment cell the certificates of good character from :

- (i) The Principal/Academic officer of the University/College in which he studied last, and
- (ii) Two respectable persons, who are well acquainted with the person but not related to the candidate.

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Physical Fitness

9. A candidate for direct recruitment shall be.-

- (1) Of sound health both mentally and physically and free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duties, and
- (2) Required to undergo medical examination before appointment to the service.

Qualification for direct recruitment

10. No person shall be eligible for appointment to the post of Court Manager by direct recruitment, unless he or she possesses the following qualifications:

- (i) Bachelor Degree in any stream with Masters in Business Administration or Advanced Diploma in General Management from a University or Institution in India recognized by the University Grants Commission.
- (ii) 5 five) years working experience in Process Management or I.T. Systems Management or Human Resources Management or Financial Management.
- (iii) Good computer application skill having at least 6 months diploma in Computer Application.
- (iv) In all cases of appointment of direct recruitment as well as absorption there shall be reservation in case of candidates belonging to the member of the Scheduled Castes, Scheduled Tribes as per the provision of the Assam Scheduled Caste and Scheduled Tribes (Reservation of vacancies in services and posts and Act 1978 (as amended) and rules framed their under. There shall also be reservation for candidates belonging to the other backward classes and women as per provision required for direct recruitment.

Age

11. No person shall be recruited as a Court Manager if he or she is less than 25 (twenty-five) years and is above 38 (thirty eight) years as on the last date fixed for receipt of applications:

Provided that the upper age limit for candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and person with disability shall be as fixed by the State Government from time to time.



- Reservation 12. The reservation policy as formulated by the State Government from time to time and as also prescribed by any law for the time being in force shall be followed in case of direct recruitment.
- Appointment 13. (1) Subject to the provision of sub-rule (2) of this rule, appointment under rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (iv) of sub-rule (1) of rule 6.
- (2) the inclusion of a candidates name in the list mentioned in clause (iv) of sub-rule (1) of rule 6 shall confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as prescribed by the Government from time to time and also as may be considered necessary, that a candidate is suitable in all respects for appointment to the service.
- Duties and Responsibilities- 14. (i) The Court Manager, in case of High Court, shall assist the Registrar General and other Registrars in the Principal Seat of the High Court, and Court Manager, in case of Judicial District, shall assist the District Judge of the respective Judicial Districts, in administrative functioning of the Courts, to enhance efficiency of Court Management.
- (ii) The Court Manager in the High Court and Judicial District shall work under the control of the Registrar General or the District Judge, respectively.
- (iii) The Court Manager shall maintain professional secrecy and shall not divulge any information which may come to his or her knowledge to any one under any circumstances. Breach of this condition shall amount to misconduct.
- (iv) The Court Manager shall perform the duties enumerated in Schedule- I.
- (v) In addition to the duties enumerated in Schedule I, the Court Manager shall discharge and perform such other duties as may be assigned to him or her by the Registrar General or the District Judge.
- Pay and allowances 15. (i) A Court Manager shall be entitled to payment as mentioned in the Schedule II and shall be entitled to an annual increment of 3% of Basic Pay and also be entitled to such allowances

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which are admissible to other Government employees of the same pay scale.

- (ii) A Court Manager shall be entitled to get one special increment in lieu of promotion on completion of 10, 20 and 30 years of service. The financial up-gradation will involve grant of one increment in the Pay Band of the Court Manager without changing its Grade Pay. In case any Court Manager is drawing the highest amount of the Pay Band, he/she would be granted an increment and the Pay band for this purpose shall be deemed to have been extended to that extent.

Probation and
Confirmation-

16. (1) Subject to availability of a permanent vacancy in the cadre, a member shall be placed according to Seniority on probation against permanent vacancy for a term of 2 (two) years before he is confirmed against the permanent vacancy :

Provided that the period of probation may, for good and sufficient reason, be extended by the Appointing Authority which shall not, in any case, exceed a period of 3 (three) years.

- (2) After the completion of the period of probation to the satisfaction of the Appointing Authority, a probationer shall be confirmed against permanent post subject to the following conditions :-

(a) He has completed the period of probation to the satisfaction of the Appointing Authority in accordance with sub-rule (1) ;

(b) He has successfully completed training and passed the Departmental exam, if any prescribed by the Government.

- (3) Notwithstanding anything contained in these sub-rules, the Appointing Authority may, at any time during the period of probation, discharge from service, a probationer on account of his or her unsuitability for the Service.

Transfer and posting

17. (i) The post of Court Manager in the Judicial Districts shall be transferable throughout the State of Assam.

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- (ii) The High Court reserves the right to transfer a Court Manager from one place to another at any time.

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| Lien | 18. There shall be no provision for lien in respect of the posts of Court Manager. |
| Training | 19. Every person appointed to the post of Court Manager shall undergo training in the Judicial Academy, Assam or in any other institute for such period as may be determined by the High Court. |
| Disciplinary Authority- | 20. (1) The appointing authority shall be the disciplinary authority.

(2) Disciplinary proceedings shall be governed by Assam Services (Discipline and Appeal) Rules, 1964. |
| Appeal- | 21. An appeal shall lie to the High Court against any final order of the Disciplinary Authority in a disciplinary proceeding. An appeal shall also lie against an order of suspension to the High Court. |
| Limitation For Preferring Appeal- | 22. An appeal under rule 17 shall be filed within a period of thirty days of the passing of the order:

Provided that the appellate authority may entertain the appeal after the expiry of the aforesaid period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. |
| Conduct- | 23. The Assam Civil Service (Conduct) Rules, 1965, shall be applicable to the post of Court Manager. |
| Retirement- | 24. Except as otherwise provided in these rules, every employee working under the High Court and District Courts shall retire from service on the afternoon of the last day of the month in which he/she attains the age of 60 years:

Provided that all employees whose date of birth is 1 st day of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 60 years :

Provided further that in case State Government takes a policy decision on changing the age of superannuation, same shall be applicable to the Court Managers. |
| Retirement in Public Interest- | 25. The High Court shall review the career progress and performance of the member of the service after completion of 20 years and 25 years service. If the |

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High Court considers that in public interest any such should retire from service, he/she shall be compulsorily retired by giving him a notice of not less than 3 (three) months pay and allowances in lieu thereof.

Residuary Provision
and Power to Relax-

26. (1) Any other matter which is not specifically provided herein shall be dealt with by the Chief Justice as per his discretion.
- (2) Where the Chief Justice is of the opinion that the operation of any rule causes undue hardship in a particular case, he may, by order, relax the requirement of that rule to such extent and subject to such conditions as he may deem it necessary.

Other condition
Of service
interpretation

27. Except as provided in these rules all matters relating to pay and allowances, leave, discipline, pension and other conditions of service shall be regulated by the general rule and or orders of the Government, for the time being in force.

Interpretation

28. If any question arises relating to the interpretation of these rules the decision of the High Court shall be final.

Repeal and
savings

29. The rules corresponding to these rules and in force immediately before commencement of these rules, are hereby repealed :

Provided that all orders made or action taken under these rules so repealed or under any general orders ancillary thereto, shall be deemed to have validly made or taken under the corresponding provisions of these rules.

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SCHEDULE-I

Court Managers in their respective Districts shall perform the following duties:-

A. Information & Statistics

- (1) The Court Manager shall ensure that the IT systems of the Court are fully functional.
- (2) The Court Manager shall ensure compilation of statistics accurately and promptly as per format supplied by the Court.
- (3) The Court Manager shall render necessary assistance in preparing monthly, quarterly and other statements relating to pendency, institution and disposal of cases.
- (4) The Court Manager, in coordination with the system officer of the District, shall ensure uploading of the relevant statistics in the official website of the District Judiciary.

B. Infrastructure related matter

- (1) The Court Manager may, in consultation with the stakeholders of a Court (including the Bar, Ministerial Staff, Executive Agencies supporting judicial functions, such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5 year Court wise Court Development Plan (CDP).
- (2) The Court Manager shall monitor the Implementation of the CDP and report to superior authorities on its progress.
- (3) The Court Manager shall monitor the matters relating to the infrastructure of courts and residential quarters with the Public Works Department and other authorities.
- (4) The Court Manager shall apprise the District Level Monitoring Committee relating to infrastructure development of the District.

C. Information Technology Management

- (1) The Court Manager shall monitor and ensure that the activities and schemes of e-Project are fully implemented.
- (2) The Court Manager shall monitor and ensure that Case Information System (CIS) is functioning properly.

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- (3) The Court Manager shall monitor and ensure that the judgments and orders of the Courts are uploaded in the website without any delay.
- (4) The Court Manager shall furnish necessary feedback regarding institution, disposal of cases to the National Judicial Data Grid
- (5) The Court Manager shall take necessary steps for imparting computer training to the ministerial staff in coordination with the Judicial Academy, Assam.

D. Record Management

- (1) The Court Manager shall monitor and ensure that the disposed of records are sent to district record room without delay.
- (2) The Court Manager shall ensure that the records are destroyed as per High Court Rules.
- (3) The Court Manager shall ensure, after taking such assistance as may be required from the concerned Sheristadar, that the records of the Court are maintained and classified properly.

E. Monitoring of Nazarat Section

- (1) The Court Manager shall undertake weekly inspection of the Nazarat Section to ensure that the processes of the courts are served properly and shall submit report to the concerned Judge-in Charge or the District Judge, as the case may be.

F. Protocol Duty

- (1) The Court Manager shall supervise the protocol duties during visit of judges of the Supreme Court and the High Court and other dignitaries.
- (2) The Court Manager may take necessary instruction from the concerned District Judge/CJM in this regard.
- (3) The Court Manager shall ensure accommodation for the judicial officers in the circuit house/ guest house on their joining in station.

G. Human Resource Management

The Court Manager shall ensure that Human Resource Management of Ministerial staff in the Court complies with the Human Resource Management standards established by the High Court.

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H. (a) Other Duties

- (1) The Court Manager shall ensure that case management systems are fully complied of the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State.
- (2) The Court Manager shall ensure that the processes and procedures of the Court, such as, filing, issuing certified copies, access to information and documents and grievance redressal are in consonance with the policies and standards established by the High Court for Court management.
- (3) The Court Manager, in co-ordination with the District Judge, shall ensure that the core systems of the Court, such as, documentation management, utilities management, Infrastructure and facilities management, financial systems management, etc. function effectively.
- (4) The Court Manager shall ensure cleanliness of the court campus and he or she, in consultation with the District Judge/CJM, may take necessary steps for improving the surroundings of the court premises.
- (5) The Court Manager shall monitor hosting of the National Flag in the court campus as per Flag Code.
- (6) Court Manager shall place all communications/letters from the Supreme Court or the High Court, with appropriate note, before the District Judge and he or she shall take necessary steps as per instruction of the District Judge.
- (7) The Court Manager shall supervise power facility, telephone, internet connectivity in the courts and residential quarters of the judicial officers

(b) The Duties of Court Manager of Gauhati High Court shall be as follows:-

- (1) The Court Manager shall ensure that case management systems are fully compliant of the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State.



- (2) The Court Manager shall ensure that the processes and procedures of the Court, such as, filing, issuing certified copies, access to information and documents and grievance redressal are in consonance with the policies and standards established by the High Court for Court management.
- (3) The Court Manager shall ensure that the core systems of the Court, such as, documentation management, utilities management, computerization, infrastructure and facilities management, financial systems management function effectively.
- (4) The Court Manager shall ensure that Human Resource Management of Ministerial staffs in the Court comply with the Human Resource Management standards established by the High Court.
- (5) The Court Manager shall assist the Registrar General or Registrars in the arrangement of swearing-in of the Chief Justice and the Judges.
- (6) The Court Manager shall assist the Registrar General/Registrar in organising Independence Day and Republic Day functions.
- (7) The Court Manager shall assist the concerned Registrar in infrastructure development of the High Court.
- (8) The Court Manager shall assist the concerned Registrar in file tracking and management of all judicial records from the Filing Section to the consignment of the record in the Record Room.
- (9) The Court Manager shall assist the concerned Registrar for monitoring and maintaining cleanliness and discipline.
- (10) The Court Manager shall assist the concerned Registrar or any other Registrar in preparation of the telephone directory of the High Court.
- (11) The Court Manager shall assist the concerned Registrar in monitoring the matters relating to infrastructure of the Courts, residential quarters, guest house, etc.
- (12) The Court Manager shall assist the Registrar/Central Project Coordinator for implementation of the activities and schemes of e-Court Project.



- (13) The Court Manager shall monitor and ensure that Case Information System (CIS) is functioning properly.
- (14) The Court Manager shall monitor uploading of the judgments and orders of the Courts in the website without any delay.
- (15) The Court Manager shall furnish necessary feedback regarding institution/disposal of cases to the National Judicial Data Grid.

SCHEDULE-II

Sl. No.	Name of post	Scale of Pay	No. of Post
1.	Court Manager	Rs. 30,000/- – Rs. 1,10,000/- (PB 4) with Grade Pay-Rs. 14,500/-	28 (1 Post for the Principal Seat of the Gauhati High Court and 27 Posts for the Judicial Districts of Assam)

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SCHEDULE-III

Scheme and Syllabus for the examination

Selection process shall be conducted in two phases, namely, (1) Written Examination & (2) Interview & Project Report. The topic for the project report shall be notified by the High Court at the time of declaration of the result of the written examination.

The written examination shall consist of an objective type (multiple choices) Examination consisting of 3(three) papers with breakup of marks as follows:

Phase 1		
Sl. No.	<u>Paper-I</u> (Duration-2 hours) Subject components	Maximum Marks
1.	Introduction of Management, Communication, Organizational Behaviour, Quantitative Technique, Research Methodology, Financial Management, Human Resource Management, Computer Skills	100
Sl. No.	<u>Paper-II</u> (Duration-45 minutes) Subject components	Maximum Marks
2.	General Knowledge, English, legal Knowledge & General Aptitude	50
Sl. No.	<u>Paper-III</u> (Duration-45 minutes) Subject components	Maximum Marks
3.	Official language of the State of Assam	50

Phase 2		
Sl. No.	Subject components	Maximum Marks
1.	Interview & Project Report	20+30=50

Sd/- S. K. Sharma
L.R.-cum-Commissioner & Secretary,
Judicial Department

Memo No.JDJ/123/2017-ESTT-JUDI/48-A Dated Dispur the 15th October, 2018

Copy to:-

1. The Registrar General, Gauhati High Court, Guwahati-1.
2. The District & Sessions Judges district (All).
3. The Principal Accountant General (A & E), Assam.
4. The Addl. Secretary to the Govt. of Assam; Political (Cabinet Cell Deptt.), Dispur, Guwahati-6.
5. The Joint Secretary to the Govt. of Assam, Legislative Department, Dispur, Guwahati- 6.
6. The Deputy Secretary to the Govt. of Assam, Finance (EC-III) Department, Dispur, Guwahati-6.
7. The Under Secretary to the Govt. of Assam, Personnel (B) Department, Dispur, Guwahati-6.
8. The P.S. to the Hon'ble Minister, Law, Dispur, Guwahati-6.
9. The P.S. to the Legal Adviser to the Hon'ble Chief Minister, Assam, Dispur, Guwahati-6.
10. The Director, Govt. Press, Bamunimaindam, Guwahati-21 for publishing of the Rules in the official Gazette.
11. Copy for uploading in Departmental website.

By order etc.,

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15/10/2018

Joint Secretary to the Govt. of Assam,
Judicial Department