

**THE MADHYA PRADESH JUDICIAL SERVICE [RECRUITMENT
AND CONDITIONS OF SERVICE] RULES 1994**

[As amended on 21.08.2015]

1. Short title, commencement and application. –

- (1) These rules may be called “The Madhya Pradesh Judicial Service (Recruitment and conditions of service) Rules, 1994”.
- (2) They shall come in to force on the date of their publications in the “Madhya Pradesh gazette”.
- (3) They shall apply to all the members of Madhya Pradesh Judicial Service.

2. Definitions.

In these Rules, unless the context otherwise requires: -

- (a) “**Commission**” means Madhya Pradesh Public Service Commission;
- (b) “**Direct recruitment**” means direct recruitment to posts in category (1) of rule 3(1) in the manner prescribed in rule 5(1) of the Rules;
- (c) “**Government**”, “**Governor**”, and “**State**” means respectively the Government of Madhya Pradesh, the Governor of Madhya Pradesh and State of Madhya Pradesh.
- (d) “**High Court**” means the High Court of Madhya Pradesh;
- (e) “**Service**” means the Madhya Pradesh Judicial Service.

3. Constitution of service. –

- (1) The service shall consist of following categories, namely: -
 - (i) Civil judge (Entry level) –
(Rs.9000-250-10750-300- 13150-350 -14550)
Revised Scale as
Rs. 27700-770-33090-920-40450-1080-44770.

(ii) **Civil Judge Grade-II** –

(10750-300-13150-350-14900)

Revised Scale as

Rs. 33090-920-40450-1080-45850.

[On completion of 5 years continuous service from the date of entry, first stage of Assured Career progression (ACP) Scale]

(iii) **Civil Judge Grade-I** –

(Rs.12850-300-13150-350- 15950 -400-17550)

Revised Scale as

Rs. 39530-920-40450-1080-49090-1230-54010.

[On completion of another 5 years continuous service in Grade-

II. Second stage of Assured Career Progression (ACP) Scale].

(iv) **Senior Civil Judge** –

(Promotion Cadre)

(Rs.12850-300-13150-350- 15950-400 -17550)

Revised Scale as

Rs. 39530-920-40450-1080-49090-1230-54010.

- (v) Senior Civil Judge / Chief Judicial Magistrate / Additional Chief judicial Magistrate Grade-II (On completion of 5 years continuous service in the cadre of Senior Civil Judge). First stage of Assured Career Progression (ACP) Scale.

(Rs.14200-350-15950-400-18350)

Revised Scale as

Rs. 43690-1080-49090-1230-56470.

- (vi) Senior Civil Judge Grade-I (On completion of another 5 years of continuous service in the cadre of Senior Civil Judge / Chief Judicial Magistrate / Additional Chief Judicial Magistrate Grade-II). Second stage of Assured Career Progression (ACP) Scale.

(Rs.16750-400-19150-450-20500)

Revised Scale as

Rs. 51550-1230-58930-1380-63070.

(2) **The service shall consist of the following persons: -**

- (a) Persons who, at the time of commencement of these rules, are holding substantially or in officiating capacity, the post of Civil Judge.
- (b) Persons entitled to the service in accordance with the provision of these rules.

4. **Strength of service-**

The strength of service shall be as determined by the Government from time to time in consultation with the High Court:

Provided that the number of posts in categories (iv), (v) and (vi) taken together in the cadre of Senior Civil Judge shall be 40 percent of the total number of posts in the cadre of Civil Judges.

5. **Method of appointment and the appointing authority-**

- (1) All appointments to category (i) of Rule 3(1) shall be made by the Governor by direct recruitment in accordance with the recommendation of the **High court** on selection.

Candidates shall be selected on the basis of Written Examination conducted by the High Court and Viva-Voce thereafter and the procedure and curriculum for holding examination for the selection of the candidates shall be prescribed by the High Court.

- (2) Examination shall be conducted by the High Court every year as for as possible on the basis of availability of vacancies for selection of candidates.
- (3) Appointment to the Cadre of Senior Civil Judge shall be made by the High court by selection on the basis of merit-cum-seniority from amongst the civil Judges who have completed 5 years of continuous service.
- (4) Appointment to the post of Chief Judicial Magistrate/Additional Chief Judicial Magistrate under Section 12 of the Code of Criminal Procedure, 1973, shall be made from amongst the Senior Civil Judges, by the High Court, on the basis of merit-cum-Seniority.

- (5) ACP scales as provided in categories (ii), (iii), (v) and (vi) under sub-rule (1) of rule 3, shall be granted by the High court to the members of the service on appraisal of their work and performance and on completion of requisite continuous period of service as indicated in that sub-rule.

6. Reservation of posts for Scheduled Castes, Schedule Tribes and Other Backward Classes-

Posts for direct recruitment shall be reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes in accordance with the provisions of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Janjatiyon Aur Anya Pichhade Vargon Ke liye Arakshan) Adhiniyam, 1994 (No.21 of 1994).

7. Eligibility

No person shall be eligible for appointment by direct recruitment to posts in category (i) of Rule 3 (1) unless: -

- (a) he is a citizen of India;
- (b) he has attained the age of 21 years and not completed the age of 35 years on the first day of January of the next following year in which application for appointment are invited;

Provided that the upper age limit shall be relaxable up to a maximum of three years if a candidate belongs to Schedule Castes Schedule Tribes or Other Backward classes;

Provided further that the upper age limit of a candidate who is a Government Servant (whether permanent or temporary) shall be relaxable up to 38 years;

Provided further that upper age limit of a candidate shall be relaxable by appropriate number of years, if no recruitment takes place for one year or more, to the Madhya Pradesh Judicial Service.

- (c) he possess a degree in Law of any recognized University;
- (d) he has good character and is of sound health and free from any bodily defect, which renders him, unfit for such appointment.

8. **Disqualification-**

Any attempt on the part of the candidate to obtain support for his candidature by any means may be treated as a disqualification for his selection to the examination.

9. **Finality of High Court's decision about the eligibility of a candidate -**

The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the examination shall be final.

10. **List of the candidates recommended by the High Court-**

- (1) The High court shall forward to the Government a list arranged in order of merit of the candidates selected for recruitment by the High Court. The list shall be published for general information.
- (2) Subject to the provisions of these rules and the Madhya Pradesh Civil Services (General conditions of service) Rules, 1961, the candidates will be considered for appointment to the available vacancies, in the order in which their names appear in the list.

11. **Probation-**

- (a) A person appointed to category (i) of rule 3(1) shall, from the date on which he joins duty, be on probation for a period of two years.
- (b) The High court may, at any time, extend the period of probation, but the total period of probation shall not exceed three years.
- (c) It shall be competent for High Court at any time during or at the end of the period of probation in the case of Civil Judge (Entry Level) to recommend termination of his service and in the case of Senior Civil Judge, to revert him on account of unsuitability for the post.

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- (d) On successful completion of probation, the probationer shall, if there is permanent post available be confirmed on the service or post to which he has been appointed and if no permanent post is available, a certificate shall be issued by the High court to the effect that he would have been confirmed, but for the non-availability of the permanent post and as soon as permanent post become available, he will be confirmed, if the High court decides that he has successfully completed the period of probation and he is suitable to hold the post.

12. Postings and transfers -

All postings and transfers of persons appointed in the service shall be made by the High court.

13. Seniority -

The seniority of persons appointed to the service shall be determined in accordance with the provisions of the M.P. Civil services (General conditions of service) Rules, 1961.

14. Pay, allowances and other conditions of service -

[1] The dearness allowance of the members of Judicial Service be governed by the Madhya Pradesh Judicial Service Revision of Pay Rules, 2003 and the same D.A. formula as being adopted at Central Government be followed.

[2] The basic pay of Civil Judge and Senior Civil Judge shall be 42.3% and 58.5% respectively of the salary of High Court Judge.

15. Interpretation-

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

16. Superannuation-

Subject to the provision contained in the Rule 56(3) of the Fundamental Rules and Rule 42(1) (b) of M.P. Civil Services (pension) Rules, 1976, the age of superannuation of a member of service shall be 60 years.

16-A. Resignation with lien –

“In-service Civil Judge, who is eligible for being appointed as direct recruit under clause (c) of Rule 7 of the Madhya Pradesh Higher Judicial Services (Recruitment and Conditions of Service) Rules, 1994, , may resign with prior permission of the Competent Authority to keep lien for a period of one year on the post held by him.”

17. Oath -

Every person appointed to the service before he joins, shall make and subscribe before such person as may be specified by the Chief Justice, Oath or affirmation in the following form:

“I -----, having been appointed as member of the Madhya Pradesh Judicial service, do swear in the name God/solemnly affirm, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India. That I will duly and faithfully and to the best of my ability, knowledge and judgment, perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws.”

18. Deputation -

Any member of the service may with the concurrence of the High Court be deputed for not exceeding the continuous period of 4 years to perform the duties of any post in the Central Government or the State Government or to service in any Organization, which is wholly or partly owned or controlled by the Government.

19. Power to relax-

Where the High Court is satisfied that the operation of any of these rules causes undue hardship in any particular case [or class of cases], it may for reasons to be recorded in writing dispense with or relax the particular rule to such extent and subject to such exceptions and conditions as may be deemed necessary;

Provided that as and when any such relaxation is granted by the High Court the Governor shall be informed of the same.

20. Repeal

All Rules corresponding to these Rules, order and resolutions, if any, and in force immediately before their commencement are hereby repealed in respect of matter covered by these Rules;

Provided that any order made or action taken under the Rules, orders and resolutions so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

BY ORDER AND IN THE NAME OF THE GOVERNOR
OF MADHYA PRADESH
SECRETARY