

**ANDHRA PRADESH
STATE JUDICIAL SERVICE
RULES - 2007**

**G.O.MS.NO.119 LAW (L.A & J - SC.F) DEPARTMENT
DATED 02.08.2008**

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THE ANDHRA PRADESH STATE JUDICIAL SERVICE RULES - 2007

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**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – A.P. State Judicial Service Rules, 2007 – Rules for A.P. State Judicial Service Rules, 2007 in place of existing Special Rules for Andhra Pradesh State Higher Judicial Service and Andhra Pradesh State Judicial Service – Orders - Issued.
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LAW (LA&J SC.F) DEPARTMENT

G.O.Ms.No.119

Date:02.08.2008.
Read the following:-

1. G.O.Ms.No.1556, Genl. Admn. (Special. A) Department, dated 10.10.1958.
2. G.O.Ms.No.2207, Home (Personnel.A) Department, dated 04.12.1962.
3. From the Registrar (Vigilance), High Court of A.P., Lr.Roc.No.5530/2007-B.Spl., dated 15.04.2008.

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ORDER:

The following Notification will be published in the Andhra Pradesh Gazette:-

NOTIFICATION

In exercise of the powers conferred by Article 233, 234, 235, 237, read with the proviso to Article 309 and the proviso to clause (3) of Article 320 of the Constitution of India and all other powers hereunto enabling the Government and in supersession of all existing Rules on the subject and in consultation with the High Court of Andhra Pradesh, the Governor of Andhra Pradesh hereby makes the following special Rules in respect of the Andhra Pradesh State Judicial Service.

THE ANDHRA PRADESH STATE JUDICIAL SERVICE RULES, 2007

1. Short title and commencement:

- 1) These rules may be called "The Andhra Pradesh State Judicial Service Rules, 2007".
- 2) They shall be deemed to have come into force with effect from 01.01.2007.

2. Interpretation clause: Unless the context otherwise requires in these rules:-

- a) "Academy" means the Andhra Pradesh Judicial Academy.
- b) " Approved Probationer" means a member of the service who has satisfactorily completed the probation in such service.
- c) "Cadre" means the post in each category of service.
- d) "Cadre Strength" means the number of posts permanent as well as temporary in the cadre.
- e) "Confirmed Member" means a member of the service who has been confirmed in accordance with these Rules.
- f) "Direct Recruitment" means appointment of a person; who is not in the service of the Government of India or the Government of the State; to any category in the service through the process of inviting applications directly from all eligible and qualified persons.
- g) "Government" means the Government of the State;
- h) "Governor" means the Governor of the State;
- i) "High Court" means the High Court of Andhra Pradesh;

[P.T.O.]

- j) "Official Gazette" means the Andhra Pradesh State Gazette;
- k) "Officiation" – a person is said to be officiating the post since the date of his promotion till he is confirmed/regularized in that post.
- l) "Promotion" means the appointment of a member of any category in the service to a higher category in the service carrying higher scale of pay.
- m) "Recruitment by transfer" means appointment of a person; who at the time of his first appointment thereto is either a confirmed member or any approved probationer in any other category of the service or any other service through the process of inviting applications from all eligible and qualified persons;
- n) "Schedule" means schedule appended to these Rules;
- o) "Service" means the Andhra Pradesh State Judicial Service;
- p) "State" means the State of Andhra Pradesh;

3. Constitution of service:

- 1) There shall be constituted a state service known as 'The Andhra Pradesh State Judicial Service'.
- 2) The service shall consist of the following categories:
District Judges:
Senior Civil Judges and
Civil Judges:

Provided that among the category of District Judges, 25% of the permanent cadre thereof who have put in not less than five years of service shall be classified as "Selection Grade District Judges" and 10% of the permanent cadre who have put in not less than three years of service as selection Grade District Judges shall be classified as "Super Time Scale District Judges",

Interpretation:

I) The expression "District Judge" includes, Chief Judge and Additional Chief Judge of the City Civil Courts; Chief Judge and Additional Chief Judge of the City Small Causes Courts; Sessions Judge and Additional Sessions Judge; Metropolitan Sessions Judge and Additional Metropolitan Sessions Judge; Director, Additional Director and Senior Faculty Member of the Academy; Chairman, the A.P. Sales Tax Appellate Tribunal; Chairman, Land Reforms Appellate Tribunal; Presiding Officer, the State Transport Appellate Tribunal; Chairman, the Tribunal for Disciplinary Proceedings and Members; Chairman, the Industrial Tribunal; Presiding Officer of the Labour Court; Judge, Family Court; Judge, Mahila Court; and Additional District Judge;

II) The expression "Senior Civil Judge" includes, Additional Judge of the City Civil Courts, Additional Judges of the City Small Causes Courts, Deputy Director of the Academy, Chief Metropolitan Magistrate, Additional Chief Metropolitan Magistrate, Chief Judicial Magistrate and Assistant Sessions Judge;

III) The expression "Civil Judge" includes, Assistant Judge of the City Civil Courts, Rent Controller; Assistant Director and Administrative Officer of the Academy, Judicial Magistrate of First Class, Metropolitan Magistrate, Special Judicial Magistrate for Railways, 'Metropolitan Magistrates for Municipal and Juvenile Courts;

4. Appointment:

- 1) **Appointing Authority:** The Governor of the State shall be the Appointing Authority for the categories of District Judges and Civil Judges. The appointment to the category of Senior Civil Judges shall be by means of promotion from the category of Civil Judges by the High Court.

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2) Method of appointment: a) Appointment to the class of Selection Grade and Super Time Scale shall be made on promotion on the basis of merit-cum-seniority, from among the permanent cadre of District Judges.

b) Appointment to the category of District Judges shall be made:

- i) By direct recruitment.
- ii) By transfer strictly on the basis of merit through a limited departmental competitive examination (accelerated recruitment by transfer), and
- iii) By recruitment by transfer from among the Senior Civil Judges.

Provided that 25% of the cadre strength shall be filled up by direct recruitment from among the eligible Advocates on the basis of written and viva voce tests as prescribed by the High Court;

25% of the cadre strength shall be filled up by means of recruitment by transfer on the basis of merit through departmental competitive examination (Accelerated recruitment by transfer) as prescribed by the High Court from among the category of Senior Civil Judges who have put in not less than five years of qualifying service; and

50% of the cadre strength shall be filled up by recruitment transfer from among the category of Senior Civil Judges on the basis of merit-cum-seniority and by conducting a suitability test as prescribed by the High Court in order to ascertain and examine the legal knowledge of the candidates and to assess their continued efficiency with adequate knowledge of case law.

c) Appointment to the category of Senior Civil Judges shall be by promotion from the category of Civil Judges, who have put in not less than five years of qualifying service, selected by the High Court on the basis of merit-cum-seniority.

d) (i) Appointment to the category of Civil Judges shall be by direct recruitment from among the eligible Advocates on the basis of written and viva, voce tests as prescribed by the High Court and

(ii) Recruitment by transfer on the basis of written and viva voce tests as prescribed by the High Court from among the confirmed members or approved probationers of

- i) Categories 5 and 6 of Division-I and Categories 1 to 4 of Division-II - of The Andhra Pradesh High Court Service;
- ii) Categories 1 to 6 of The Andhra Pradesh Judicial Ministerial Service;
- iii) Assistant Public Prosecutors, Senior Assistant Public Prosecutors, Additional Public Prosecutors Grade-II of A.P. State Prosecution Service;
- iv) Section Officers in the Law Department of the Secretariat;
- v) Section Officers in the Legislature Department; and
- vi) Managers of the Offices of the Advocate General; Government Pleaders; Public Prosecutors; Editor, I.L.R.

Provided that one out of every five vacancies in the cadre shall be filled up by means of recruitment by transfer.

5. Eligibility:

1) **District Judges:** A person to be appointed to the category of District Judges by direct recruitment shall be:

- a) An advocate of not less than seven years standing at the Bar;

[P.T.O.]

- b) A person, who has not completed forty five years of age on the first day of the month in which the notification inviting applications for such appointment is published in the Andhra Pradesh Gazette.
- c) A person of sound health and active habits and free from any bodily defect or infirmity, which render him, unfit for such appointment.

Provided that the upper age limit in respect of persons belonging to the Scheduled Castes; the Scheduled Tribes and Backward Classes is relaxable by three years.

Provided further that no person shall be eligible for appointment to the category if:

- i) he is not a citizen of India;
- ii) he is dismissed from service by any High Court;
- iii) he has been convicted of an offence involving moral turpitude;
- iv) he is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it;
- v) he directly or indirectly influences the recruitment authority by any means for his candidature;
- vi) he has more than one wife living;
- vii) she marries knowingly a person having a wife; and
- viii) he is arrested in connection with any crime involving moral turpitude and concerned with the same.

2) Civil Judges:

a) **By direct recruitment:** A person to be appointed to the category of Civil Judges shall be:

- i) A holder of a degree in law awarded by any University established by Law in India.
- ii) A person who has not completed the age of thirty five years; and
- iii) A person of sound health and active habits and free from any bodily defect or infirmity, which render him, unfit for such appointment.

Provided that the upper age limit of thirty five years is relaxable by five years in respect of the persons belonging to Scheduled Castes, Scheduled Tribes and Backward Classes.

Provided further that in the case of a candidate who served in the defence services of the Indian Union and who is otherwise qualified and suitable, the period of service rendered by him in the defence service, shall be excluded in computing the age for appointment by direct recruitment.

Provided further that no person shall be eligible for appointment to the category if:

- i) he is not a citizen of India;
- ii) he is dismissed from service by any High Court, Government and Statutory or Local Authority;
- iii) he has been convicted of an offence involving moral turpitude;
- iv) he is or has been permanently debarred or disqualified by the High Court or Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it;
- v) he directly or indirectly influences the recruitment authority by any means for his candidature;

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- vi) he has more than one wife living;
- vii) she marries knowingly a person having a wife; and
- viii) he is arrested in connection with any crime involving moral turpitude and concerned with the same.

b) **Recruitment by Transfer:** A person to be appointed to the category of Civil Judges by recruitment by transfer shall be:

- i) A holder of a degree in law awarded by any University established by Law in India.
- ii) A person who has not completed the age of forty eight years; and
- iii) A person who is maintaining good character and conduct.

6. Methodology for conducting examination:

(1) The High Court from time to time shall notify the number of vacancies for the category of District Judges to be appointed by direct recruitment indicating inter alia, the eligibility criteria, the syllabus, the number of marks allotted for written examination, the qualifying mark to be secured by a candidate, the number of marks allotted for the viva voce and the minimum to be secured therein by the candidate.

Provided that owing to the contingency it shall be open to the High Court to conduct a screening test which shall be objective type before conducting the written examination followed up by viva voce after duly notifying the same.

(2) While the written examination is meant to test the academic knowledge of the candidate, the viva voce is to test his communication skills; his tact; ability to defuse the situations to control the examination of witnesses and also lengthy irrelevant arguments and the like; and his general knowledge.

(3) The syllabus for written examination shall be from out of the procedural as well as substantive laws, Local laws and Constitution of India.

(4) The written examination shall invariably carry 80 marks limiting the viva voce to the remaining 20 marks.

Provided that the candidate shall secure a minimum qualifying mark of 40% for O.C. category, 35% for B.C. category, and 30% for S.C. and S.T. category in the written examination and a minimum marks of 10 for O.C category, 8 for B.C category and 6 for S.C. and S.T category in the viva voce.

(5) The High Court may prescribe departmental competitive examination for accelerated recruitment by transfer.

(6) The High Court may also prescribe the necessary suitability test for recruitment by transfer.

(7) The High Court from time to time shall notify the probable number of vacancies for the category of Civil Judges to be appointed by direct recruitment indicating inter alia, the eligibility criteria, the syllabus, the number of marks allotted for written examination, the qualifying mark to be secured by a candidate, the number of marks allotted for the viva voce and the minimum to be secured therein by the candidate.

Provided that owing to the contingency it shall be open to the High Court to conduct a screening test which shall be objective type before conducting the written examination followed up by viva voce after duly notifying the same.

[P.T.O.]

(8) While the written examination is meant to test the academic knowledge of the candidate; the viva voce is to test his academic knowledge as well as communication skills; his tact; ability to defuse the situations to control the examination of witnesses and also lengthy in irrelevant arguments and the like; and his general knowledge.

(9) The syllabus for written examination shall be out of the procedural as well as substantive laws, Civil as well as Criminal Rules of Practice, and Local laws.

(10) The written examination shall invariably carry 80 marks limiting the viva voce to the remaining 20 marks.

Provided that the candidate shall secure a minimum qualifying mark of 40% for O.C. category, 35% for B.C. category, and 30% for S.C. and S.T. category in the written examination and a minimum marks of 10 for O.C category, 8 for B.C category and 6 for S.C. and S.T category in the viva voce.

7. Reservation:

Rules 22 and 22-A of the Andhra Pradesh State and Subordinate Service Rules, 1996 insofar as they relate to Scheduled Castes, Scheduled Tribes, Backward Classes, Women and one percent for Physically handicapped [Orthopaedically Handicapped (lower portion of the body)] persons shall apply to the appointments to be made by direct recruitment.

8. Training

- a) **District Judges:** Every person who is appointed by direct recruitment to the category of District Judges shall undergo training in the Academy, for a period of six months.
- b) **Civil Judges:** Every person who is appointed to the category of Civil Judges shall undergo training in the Academy, for a period of one year.

Provided that the High Court, owing to the exigency in the service, may prescribe the period of training less than the period prescribed in clauses (a) and (b) hereinabove.

9. Probation and officiation:

- a) Every person who is appointed to the category of District Judges by direct recruitment from the date on which he joins duty shall be on probation for a period of two years.
- b) Every person who is appointed to the category of District Judges otherwise than on direct recruitment shall be on officiation for a period of two years.
- c) Every person who is appointed to the category of Civil Judges shall be on probation for a period of two years;
- d) The period of probation or officiation, may be extended by the High Court by such period, not exceeding the period of probation or officiation, as the case may be, as specified in clauses (a) to (c) herein above.

10. Confirmation/Regularisation: A person who has been declared to have satisfactorily completed his period of probation or officiation as the case may be shall be confirmed as a full member of the service in the category of post to which he had been appointed or promoted, as against the substantive vacancy which may exist or arise.

11. Discharge of unsuitable probationers: If at the end of the period of probation or the period of extended probation, the Appointing Authority on the recommendation of the

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High Court, considers that the probationer is not suitable to the post to which he has been appointed, may by order discharge him from service after giving him one month's notice or one month's pay in lieu thereof.

12. Reversion: At the end of the period of officiation or extended period of officiation, the High Court, considers that, the person is not suitable to hold the post in which he is officiating, may by order revert him to the post, which he has held prior to his promotion or recruitment by transfer.

13. Seniority:

- a) **District Judges:** Seniority of the persons appointed to the category of District Judges by direct recruitment as well as recruitment by transfer shall be fixed as per the forty point roster prescribed in Schedule- A.
- b) **Civil Judges:** Seniority of the persons appointed to the category of Civil Judges by direct recruitment as well as recruitment by transfer shall be fixed as per the twenty point roster prescribed in Schedule-B .
- c) **Inter se seniority:** Whenever two or more persons are appointed simultaneously to the service, the appointing authority may at the time of passing, an order of appointment fix the inter se seniority as per the order of merit.

14. Temporary appointments:

(1) Where it is necessary in the public interest owing to the exigency in the service to fill up immediately vacancies in the category of District Judges and there would be undue delay in making such appointments in accordance with Rules 4, 5 and 6, the Governor may in consultation with the High Court make temporary appointments by transfer from among the category of Senior Civil Judges.

(2) Where it is necessary in the public interest owing to the exigency in the service to fill up immediately vacancies in the category of Civil Judges and there would be undue delay in making such appointment in accordance with Rules 4, 5 and 6, the Governor may in consultation with the High Court make temporary appointments from among the confirmed members or approved probationers of any category specified in clause (d)(ii) of sub-rule (2) of Rule 4.

Provided that no person shall be appointed under sub-rule (2) unless he is eligible to be appointed as per sub-rule (2) of Rule 5.

15. Ad hoc appointment of Fast Track Court Judges:

(1) Where it is necessary in the public interest, the Governor may in consultation with the High Court make ad hoc appointments, in accordance with the Special Rules framed in regard thereto and the persons appointed on ad hoc basis shall not be regarded as members of the cadre.

16. Age of Superannuation: The age of superannuation of a member of the service shall be sixty years or such further age as is fixed by the Government from time to time.

17. Postings and Transfers: All postings other than first appointments and reappointments to the service and transfers in the service shall be made by the High Court.

18. Appeal: No appeal lies against the order of discharge or reversion.

[P.T.O.]

19. Conditions of service:

- a) Pay and allowances: Pay and allowances of members of the service shall be as recommended by the National Judicial Pay Commission from time to time and accepted by the Government.
- b) A member of the service shall be eligible for such leave and leave salary and such traveling allowance as is admissible to the member of the Indian Administrative Service governed by the All India Service Leave Rules, 1955 for the time being in force.
- c) A member of the service shall be eligible for the other pensionary benefits regulated under the All India Service (death-cum-retirement benefits) Rules, 1958, which are in force at the time of his appointment.
- d) The A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, the A.P. Civil Services (Conduct) Rules, 1964, the Fundamental Rules, the A.P. Leave Rules, 1933 and the Pension Rules for the time being in force shall insofar as they may be applicable, and except to the extent expressly provided in these Rules, govern members of the service in the matter of their pay, allowances, leave, leave salary, pension and other conditions of service.

20. Addition of certain service for the purpose of pension: An advocate appointed to the service as Civil Judge or District Judge by direct recruitment shall be entitled to reckon as service qualifying for superannuation pension, the actual period of practice put in by him at the Bar not exceeding three years or seven years respectively.

21. Tests: A person appointed to the category of Civil Judges and District Judges by direct recruitment is exempted from passing any Accounts test, language test and other tests prescribed under the general rules of the A.P. State and Subordinate Service Rules, 1996 and a certificate issued by the Academy in token of having successfully completed the training shall be deemed to be a certificate of pass in the relevant tests.

The Academy shall prepare the necessary curriculum for imparting training to the officers of the respective categories as regards the above tests.

22. Resignation: A member of the service may resign by tendering his resignation in writing and such resignation shall come into effect on the date of its acceptance, on the recommendation of the High Court, by the Governor.

23. Retirement in public interest: Notwithstanding anything contained in these Rules, the Governor, on the recommendation of the High Court containing the reasons in writing, if he is of the opinion that it is in the public interest so to do, has the absolute right to retire any member of the service, who has attained the age of 50, 55 or 58 years, by giving him notice of not less than three months in writing or three months pay and allowances in lieu thereof.

24. Relaxation of Rules: The Governor in consultation with the High Court is satisfied that operation of any of the provisions of these Rules causes or likely to cause undue hardship in any particular case or class of cases may dispense with or relax such provisions of the rules deem proper, just and equitable.

25. Applicability of General Rules: The A.P. State and Subordinate Service Rules, 1996, which are not inconsistent with these Rules and to the extent not covered by these Rules, shall apply to the Service.

26. Repeal and Savings:

(1) The Special Rules of the A.P. State Higher Judicial Service Rules and the Special Rules of the A.P. State Judicial Service Rules, which are in force immediately before the commencement of these Rules shall stand repealed.

(2) The appointments made or actions initiated prior to the commencement of these Rules shall not be effected and are deemed to have been made or initiated under these Rules.

(BY ORDDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.RAMAKANTH REDDY
CHIEF SECRETARY TO GOVERNMENT

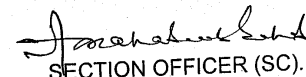
To

—The Registrar (Vigilance), High Court of A.P.
The Commissioner of Printing, Stationery &
Stores Purchase (Printing wing), Chanchalguda,
Hyderabad for publication in Andhra Pradesh Gazette.
The Secretary to Government of India,
Ministry of Law, Justice & C.A., New Delhi.
The Accountant General, A.P., Hyderabad.
The Pay & Accounts officer, Hyderabad.

Copy to:

All District Treasury Officers.
The Secretary to Governor A.P. Raj Bhavan, Hyderabad.
The Secretary, Andhra Pradesh Public Service Commission, Hyd.
The Law Department.
The G.A.(Services) Department.
The Home (Courts) Department.
The Finance Department
The Advocate General, Andhra Pradesh, Hyderabad.
SC/SF.

//FORWARDED::BY ORDERS//


SECTION OFFICER (SC).

SCHEDULE-A

[See Rule 13(a)]

(40 Point Roster governing seniority of District Judges)

1. Direct Recruitment
2. Accelerated recruitment by transfer
3. Recruitment by transfer
4. Recruitment by transfer
5. Direct Recruitment
6. Accelerated recruitment by transfer
7. Recruitment by transfer
8. Recruitment by transfer
9. Direct Recruitment
10. Accelerated recruitment by transfer
11. Recruitment by transfer
12. Recruitment by transfer
13. Direct Recruitment
14. Accelerated recruitment by transfer
15. Recruitment by transfer
16. Recruitment by transfer
17. Direct Recruitment
18. Accelerated recruitment by transfer
19. Recruitment by transfer
20. Recruitment by transfer
21. Direct Recruitment
22. Accelerated recruitment by transfer
23. Recruitment by transfer
24. Recruitment by transfer
25. Direct Recruitment
26. Accelerated recruitment by transfer
27. Recruitment by transfer
28. Recruitment by transfer
29. Direct Recruitment
30. Accelerated recruitment by transfer
31. Recruitment by transfer
32. Recruitment by transfer
33. Direct Recruitment
34. Accelerated recruitment by transfer
35. Recruitment by transfer
36. Recruitment by transfer
37. Direct Recruitment
38. Accelerated recruitment by transfer
39. Recruitment by transfer
40. Recruitment by transfer

SCHEDULE-B

[See Rule 13(b)]

(20 Point Roster governing seniority of Civil Judges)

1. Direct Recruitment
2. Direct Recruitment
3. Direct Recruitment
4. Direct Recruitment
5. Recruitment by transfer
6. Direct Recruitment
7. Direct Recruitment
8. Direct Recruitment
9. Direct Recruitment
10. Recruitment by transfer
11. Direct Recruitment
12. Direct Recruitment
13. Direct Recruitment
14. Direct Recruitment
15. Recruitment by transfer
16. Direct Recruitment
17. Direct Recruitment
18. Direct Recruitment
19. Direct Recruitment
20. Recruitment by transfer