

IN THE HIGH COURT AT BOMBAY

APPELLATE SIDE

Press Advertisement No. F.C. 5504/2014

Applications in the prescribed form are invited **online** from eligible candidates to prepare select list of 8 candidates and wait list of 2 candidates for the posts of Judge, Family Court, in the State of Maharashtra in the pay scale of Rs.51550-1230-58930-1380-63070 + dearness allowance and other allowances as admissible under the Rules.

1) A candidate must be (a) a citizen of India or (b) a subject of Nepal or (c) a subject of Bhutan or (d) a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India or (e) a person of Indian origin, who has migrated from Pakistan, Burma, Sri Lanka (formerly Ceylon), or East African countries of Kenya, Uganda and the United republic of Tanzania (formerly Tanganika and Zanzibar) with the intention of permanently settling in India, provided that a candidate belonging to categories (b), (c), (d) and (e) must be a person in whose favour a certificate of eligibility has been given by the Government of Maharashtra.

2) A candidate must, on last date of submission of online application;

(I) not be less than 35 years of age ;

(II) (a) have held a Judicial Office in India or the Office of a Member of a Tribunal or any post under the Union or a State requiring special knowledge of law, at least for seven years ;

OR

(b) have practised as an Advocate in the High Court or in any two or more such Courts in succession, at least for seven years ;

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OR

(c) (i) be a post Graduate in Law with specialisation in Personal Law ;

OR

(ii) have a post Graduate degree in social sciences such as Master of Social Welfare, Sociology, Psychology/Philosophy with a degree in Law ;

AND

(iii) have at least seven years' experience in the field work/research or of teaching in a Government Department or in a College / University or a comparable academic institute, with special reference to problems of women and children ;

OR

(iv) have seven years' experience in the examination and/or application of Central/State Laws relating to marriage, divorce, maintenance, guardianship, adoption and other family disputes.

3) In selecting persons for appointment as Judges of the Family Courts,

i) Preference will be given to the persons committed to the need to protect and preserve the institution of marriage and to promote the welfare of children and qualified by reason of their experience and expertise in the settlement of disputes by conciliation and counselling; and

ii) Preference will also be given to women.

4) Candidates should not send any certificates at the stage of submitting application for the post. A candidate, who is likely to be called for viva-voce, must submit to the Registrar General of the

High Court, within 8 days from the date of receipt of the letter to that effect, attested copies of certificates or the originals, as the case may be, showing:-

- i)** his/her age as on the last date of submission of online application e.g. Secondary School Certificate, School Leaving Certificate etc.
- ii)** his/her standing as Legal Practitioner in Court (original).
- iii)** that he/she is of good moral character from two respectable persons (original).
- iv)** that he/she is certified to have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate into English and vice versa (original).
- v)** other certificates in support of the claim to have one or the other qualifications referred to above.
- vi)** the copy of the marksheet and degree certificate of LL.B. Examination, and other graduation and post graduation examination.
- vii)** the copy of Sanad issued by Bar Council (for Advocate)
- viii)** income tax returns, if any, in respect of the immediate preceding three years.
- ix)** a candidate belonging to backward class must also produce the certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the service under the Government of Maharashtra.
- x)** declaration as to Small Family as appended to the Advertisement. (original).

Certificates under clause (ii) above may be signed in the case of the High Court by the Registrar General, High Court, Bombay or by the Registrar/Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars of the High Court Benches at Nagpur,

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Aurangabad or Registrar, Panaji-Goa, as the case may be and in case of Courts other than the High Court by the Principal Judicial Officer in which the Applicant has practised and should state the period during which the candidate has actually practised.

Certificates under clause (iv) may be signed by Presiding Officers of the Courts in which the candidate is practising (for candidates applying as per clause 2(II)(b)), or by the Principal of College recognized by a University (for candidates applying as per clause 2(II)(c)), or by the competent authority concerned (for candidates applying as per clause 2(II)(a)).

Certificates under clause (v) may be signed by the competent authority concerned.

The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above.

5) Disqualification for appointment in the service :

No person shall be eligible for appointment to the service -

(a) if he has been compulsorily retired, removed or dismissed from judicial service or from service in Government or statutory or local authority or failed to complete probation period in judicial service on any post, or in Government or statutory or local authority; or

(b) if he has been convicted of an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

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- (c) if he directly or indirectly influences the recruiting authority by any means for his candidature; or
- (d) if he is a man, who has more than one wife living and if a woman, who has married a man already having other wife; or
- (e) if he has more than two children.

Explanation :- For the purposes of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005, i.e. 28.4.2005, shall not be disqualified for appointment under this clause so long as the number of children he had on the date of such commencement does not increase.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

A candidate shall fill in a declaration as to small family appended to the advertisement.

- 6) No person shall be appointed as or hold the office of a Judge of the Family Court after he/she attains the age of 62 years.
- 7) For the purpose of shortlisting the candidates, the High Court, if necessary, may hold preliminary examination comprising of multiple choice objective type questions and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for final written examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off

marks as fixed by the High Court for maintaining ratio of 1 : 10, all such candidates would be called upon to appear for final written examination. The marks secured by the candidates in the preliminary examination will not be taken into consideration for final selection and will not be displayed or communicated to the candidates.

8) The Written Examination shall be of 100 marks having duration of three hours. The medium of written examination shall be English.

Syllabus for Written Examination :-

1. The Code of Civil Procedure
2. The Code of Criminal Procedure
3. Evidence Act
4. Limitation Act
5. Family Laws
6. Domestic Violence Act
7. English Translation
8. Judgment writing.

9) The High Court would hold viva-voce examination carrying 50 marks of the candidates who secure not less than 50 marks (45 marks in case of the candidates of Scheduled Caste/Scheduled Tribe) at such written examination. Provided that the High Court may call the candidates for viva-voce in the ratio of 1 : 3 of the available vacancies. Provided that if there are more than one candidates who secure identical marks, for maintaining the ratio of 1 : 3, all such candidates would be called upon to appear for viva-voce. No candidate who secures less than 20 marks (i.e. 40% of marks fixed for viva voce) in viva-voce shall be eligible for selection.

10) The preliminary and written examinations may be conducted at Mumbai, Nagpur and Aurangabad. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the examinations. The choice of centre once given cannot be allowed to be changed.

11) The candidates will have to appear for preliminary written examination, written examination and for viva-voce at their own cost and shall not be entitled to claim travelling allowance or any expenses from the High Court. A candidate who is found indulging in unfair practices viz. copying or mis-conduct during the course of examination, using electronic gadgets, question papers' tampering, influencing any official concerned with the written examination or viva-voce, will be debarred from appearing for preliminary written examination, written examination or viva-voce, as the case may be, for that time or for any number of years or permanently. The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the preliminary written examination, written examination and viva-voce shall be final.

12) The selected candidates will be placed by the Government, previous to their appointment, before a medical board and will not be appointed unless the board certifies them to be both mentally and physically fit for the service under the Government.

13) The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work in the post for a period of 3 years from the date of joining, in default the candidate himself, his legal heirs, legal representatives, executors and assignees are liable to pay/forfeit to the Government said amount.

14) At the time of appointment, the selected candidates will have to give an undertaking that for a period of two years from the date on which they cease to be in service, they will not practise in any Family Court in the State of Maharashtra.

15) Appointment shall be on probation for a period of 2 years.

Provided that the High Court may extend the said period, from time to time, as it may deem fit;

Provided further that on the expiry of such period he / she may be confirmed, if there is a permanent vacancy.

During the period of probation and thereafter, until expressly confirmed by a written order, the services of an appointee shall be terminable by one month's notice on either side, without any reason being assigned therefor or by payment of salary for the period of notice or the unexpired portion thereof, subject to clause 13 of the Advertisement.

16) The candidates shall submit their applications **online** only in the prescribed format through the High Court website i.e. **<http://bombayhighcourt.nic.in>** till **4th June, 2014 upto 5.30 p.m.**, after which the link will be disabled. The format of application is available for downloading on the High Court website.

17) A candidate must have his latest passport size photograph and signature duly scanned in separate files in the .jpg format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the online application form.

18) The fees in the sum of Rs.1,000/- for General Category candidates and Rs.500/- for Backward Class candidates should be paid in the form of demand draft payable at par at Bombay in favour of "Assistant Registrar, for Registrar General, High Court, Appellate Side, Bombay", and be sent by Registered Post A.D. so as to reach the office of the Registrar General, High Court, Fort, Mumbai – 400032 on or before **13th June, 2014**. Fees shall not be refunded in any case.

The Name and Registration I.D. Number of the candidate as appearing on the acknowledgment slip, after submitting the application online, should invariably be mentioned overleaf the Demand Draft so as to enable the office to attach it with the respective application. The candidate shall also annex copy of the acknowledgment slip with the Demand Draft. The candidate shall further submit a printout of his online application. The candidate shall also prepare an Annexure duly typewritten, containing the information regarding Clause No. 30 and 31 of the online application and submit the same alongwith printout of online application. The candidates who are already in Government service shall send the abovesaid documents through proper channel.

19) The applications containing incomplete/incorrect information shall be liable to be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to participate in the selection process and if appointed, will be liable to be dismissed. Willful suppression of any material fact will be similarly treated.

20) The eligibility of the candidate, who is likely to be called for viva-voce in view of the marks obtained by him in the written examination, shall be finally decided after scrutiny of the documents produced by him within 8 days on receiving the letter to that effect from the High Court. It is only when he is found eligible on scrutiny of the documents, he will be called to appear for viva-voce.

21) If the candidate failed to produce the attested copies of certificates and / or the originals, as the case may be, as required in clause 4 above, within 8 days from the date of receipt of the letter to that effect, he will not be called for viva-voce.

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22) The selection will be made strictly on merit on the basis of marks secured by the candidates in the written examination and viva-voce.

23) The prescribed format of application is available on the website of the High Court i.e. **<http://bombayhighcourt.nic.in>**.

24) Success in the examinations and resultant selection shall confer no right of appointment to the candidate and unless the Government in consultation with the High Court, is satisfied after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he would not be appointed to the post.

25) The High Court reserves its right of short listing at the time of scrutiny of applications by applying uniform and reasonable norms.

Sd/-

Dated: 12th May, 2014

**(Dr. Mrs. Shalini S. Phansalkar Joshi)
Registrar General
High Court, Bombay.**

DECLARATION

FORM – A

I, Shri/Smt./Kum. _____
son/daughter/wife of Shri. _____
aged _____ years, resident of _____
do hereby declare as follows : -

1. That I have applied for the post of _____
2. I have _____ (Number) living children as on today
out of which No. of children born after 28th April, 2005 is

3. I am aware that, if total number of living children are more than
two due to the children born after 28th April, 2006 I am liable to
be disqualified for the said post.

Place :

Date:

(Signature)