



HR issues in district courts: Recruitment Systems in place for the Ministerial Staff

Justice U.C. Dhyani

*Renu and Others vs. District and
Sessions Judge, Tis Hazari Court,
Delhi and Anothers (2014 14 SCC 50)*

Held:

- ▶ i) All High Courts are requested to re-examine the statutory rules dealing with the appointment of staff in the High Court as well as in the subordinate courts and in case any of the rule is not in conformity and consonance with the provisions of Articles 14 and 16 of the Constitution, the same may be modified.

- ▶ ii) To fill up any vacancy for any post either in the High Court or in courts subordinate to the High Court, in strict compliance of the statutory rules so made. In case any appointment is made in contravention of the statutory rules, the appointment would be void ab-initio irrespective of any class of the post or the person occupying it.

- ▶ iii) The post shall be filled up by issuing the advertisement in at least two newspapers and one of which must be in vernacular language having wide circulation in the respective State. In addition thereto, the names may be requisitioned from the local employment exchange and the vacancies may be advertised by other modes also e.g. Employment News, etc. Any vacancy filled up without advertising as prescribed hereinabove, shall be void ab- initio and would remain unenforceable and inexecutable except such appointments which are permissible to be filled up without advertisement, e.g., appointment on compassionate grounds as per the rules applicable. Before any appointment is made, the eligibility as well as suitability of all candidates should be screened/tested while adhering to the reservation policy adopted by the State, etc., if any.

- ▶ iv) Each High Court may examine and decide within six months from today as to whether it is desirable to have centralised selection of candidates for the courts subordinate to the respective High Court and if it finds it desirable, may formulate the rules to carry out that purpose either for the State or on Zonal or Divisional basis.

- ▶ v) The High Court concerned or the subordinate court as the case may be, shall undertake the exercise of recruitment on a regular basis at least once a year for existing vacancies or vacancies that are likely to occur within the said period, so that the vacancies are filled up timely, and thereby avoiding any inconvenience or shortage of staff as it will also control the menace of ad-hocism.

*Renu and Others vs. District and
Sessions Judge, Tis Hazari Court,
Delhi and Anothers (2014 14 SCC 68)*

*Renu and Others vs. District and
Sessions Judge, Tis Hazari Court, Delhi
and Anothers (2014 15 SCC 731)*

Ajay Hasia and Others vs. Khalid
Mujib Sehravardi and Others (1981 1
SCC 722)

- ▶ ...allocation of more than 15% of the total marks for the oral interview would be arbitrary and unreasonable...
- ▶ ...holding interview for only 2 or 3 minutes per candidate and asking irrelevant questions, held, would vitiate the selection...
- ▶ ...Selection can be quashed even in the middle of an academic session if mala fides established...

The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the left and right sides of the slide, framing the central text. The overall aesthetic is clean and modern.

The Subordinate Civil Courts Ministerial Establishment Rules

Structure

- ▶ Short titles, Commencement and Extent
- ▶ Definition
 - ▶ Appointment Authority
 - ▶ Ministerial Establishment
- ▶ Cadre of the service
- ▶ Family Courts
 - ▶ Sanction Strength of the Establishment Nationality
 - ▶ Academic Qualification
 - ▶ Age
 - ▶ Character

- ▶ Physical Fitness
- ▶ Reservation of Post for Scheduled Caste etc.
- ▶ Eligibility Women
- ▶ Marital Status
- ▶ Determination of Vacancies
- ▶ Competitive Examination
- ▶ Application Form
- ▶ Fees
- ▶ Syllabus

- ▶ Canvassing
- ▶ List of Candidates approved by the Commission
- ▶ Appointment of the Establishment
- ▶ Registration of Selected Candidates
- ▶ Probation
- ▶ Confirmation
- ▶ Seniority
- ▶ Promotion
- ▶ Scale of Pay
- ▶ Pay During Probation
- ▶ Transfers



▶ Appendix I (Vide Rule 13)

- ▶ Written Test
- ▶ Test in Typewriting on Computer/Shorthand Writing
- ▶ Interview