

IN THE HIGH COURT OF BOMBAY

APPELLATE SIDE

Press Advertisement

No. A. 5504/2015

Applications in the prescribed form are invited **online** from eligible candidates for 18 vacancies in the cadre of **Member, Industrial 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.

Eligibility criteria

- 1) A candidate must be a citizen of India
- 2) A candidate who -
 - (a) has practiced as an advocate in the High Court or any Courts subordinate to it, for not less than ten years;
 - (b) is not less than 35 years and is not more than 45 years of age on the date of publication of the Advertisement;

Provided that, the upper age limit may be relaxed up to 50 years in favour of the candidates belonging to communities recognized as backward by the Government, for the purpose of recruitment.

(c) Knowledge of Marathi:- A candidate to be appointed to the post of Member, Industrial Court shall have sufficient knowledge of Marathi enabling him to speak, read, write and translate with facility from the written character into English and vice-versa. The same may be certified by the Officers/Authorities mentioned under Clause 6(ix) of this Advertisement.

- 3) The candidate appointed to the post of Member, Industrial Court shall be liable to be transferred by the High Court anywhere in the State of Maharashtra.

4) A candidate appointed to the post of Member, Industrial Court shall be on probation for a period of two years, and shall not be confirmed, save and except on the recommendation of the High Court;

Provided that, the period of probation may be extended by the High Court from time to time, as it may deem fit.

During the period of probation and until expressly confirmed by a written order, the services of an appointee shall be terminated by the High Court by one month's notice without any reason being assigned therefor or by payment of salary in lieu of notice. The appointee may also be terminated from his service during the probation period, by giving one month's notice or by payment of salary, in lieu of notice.

5) A candidate appointed to the post of Member, Industrial Court shall retire on completing the age of 62 years, subject to assessment and evaluations of potential for continued utility at the age of 58 years, by the Committee of Hon'ble Judges of the High Court constituted by the Hon'ble Chief Justice. Such assessment and evaluation shall be in addition to the assessment for compulsory retirement or other assessment and evaluation that may have been undertaken under the relevant service rules at an earlier stage/s.

6) 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 date of publication of Advertisement. e.g. Secondary School Certificate, School Leaving Certificate etc.

- ii)** his/her standing as 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 enabling him/her to speak, read, write and translate with facility from the written character into English and vice versa (original).
- v)** a copy of the Mark Sheet and Degree certificate of LL.B. Examination.
- vi)** income tax returns, if any, in respect of the immediate preceding three years.
- vii)** 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.
- viii)** copy of Sanad issued by Bar Council.
- ix)** declaration as to Small Family as appended to the Advertisement. (original).

Certificates under clause (ii) and (iv) 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, 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.

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

7) **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 for 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

(c) if he directly or indirectly influences the recruiting authority by any means for his candidature; or

(d) if he is a man, has more than one wife living and if a woman, has married a man already having another 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 Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28.04.2005, 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.

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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 a 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.

8) 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 main 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.

9) The Written Examination shall be of 100 marks having duration of 3 hours. The medium of written examination shall be English.

10) 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 is 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.

11) 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.

12) The candidates will have to appear for preliminary examination, written examination and for viva-voce at their own cost and shall not be entitled to claim traveling 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 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 examination, written examination and viva-voce shall be final.

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) A candidate appointed to the post of Member, Industrial Court shall be debarred for a period of two years from the date on which he ceases to be in service, from practising in any Court in which he has

presided as a Member while in service or in any Court subordinate thereto. A candidate appointed shall give an undertaking to that effect.

15) 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.

16) A candidate appointed to the post of Member, Industrial Court shall be required to pass the examination in Hindi and Marathi according to the rules made in this behalf, unless he has already passed or has been exempted from passing those examinations.

17) A candidate appointed to the post of Member, Industrial Court shall be governed by the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. However, by virtue of article 235 of the Constitution of India, the High Court shall be the authority for this purpose and shall have disciplinary and other control over the said post.

18) The candidates shall submit their applications **online** only in the prescribed format through the High Court website i.e. **<http://bombayhighcourt.nic.in>** till **23rd February, 2015 upto 5.30 p.m.**, after which the link will be disabled.

19) 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.

20) 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 **02nd March, 2015** Fees shall not be refunded in any case. The Name and Registration I.D. Number of the candidate appearing on the Application Form, after submitting the application online, should invariably be mentioned overleaf the Demand Draft. The candidate shall submit a printout of his online application alongwith Demand Draft. The candidate shall also prepare a Annexure duly typewritten, containing the information regarding Clause No. 31 and 32 of the online application (clause No. 27 and 28 of printout of online application) and submit the same alongwith printout of online application. The envelope containing printout of online application, Annexures and Demand Draft should be superscribed with the words “Application for the post of Member, Industrial Court”. The candidates who are already in Government service shall send the abovesaid documents through proper channel.

21) The applications containing incomplete/incorrect information will 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. The willful suppression of any material fact will be similarly treated.

22) 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.

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23) If the candidate failed to produce the attested copies of certificates and / or the originals, as the case may be, as required in clause 6 above, within 8 days from the date of receipt of the letter to that effect, he will not be called for viva-voce.

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

25) 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.

26) The High Court reserves its right of shortlisting the applications by applying uniform and reasonable norms.

Dated:- 30th January, 2015

**Sd/-
(Mangesh S. Patil)
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)