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PART III

Laws, Regulations and Rules passed thereunder.

HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Srinagar)

Notification

No. 578 dated 30-08-2016

In exercise of the powers conferred by section 108 of the Constitution of Jammu and Kashmir, the Chief Justice of the High Court of Jammu and Kashmir is pleased to frame the following Scheme/Guidelines for the appointment of Research Assistant to the Chief Justice/Judges in the High Court of Jammu and Kashmir :—

1. *Short Title.*—The Scheme/Guidelines provided hereinafter shall be known as “Scheme/Guidelines for the Appointment of Research Assistant to the Chief Justice/Judges in the High Court of Jammu and Kashmir”. It shall come into force from the date of publication in the Government Gazette.

2. *Definitions.*—Unless there is anything repugnant in the subject of context,—

- (i) “Chief Justice” means the Chief Justice of the High Court of Jammu and Kashmir ;
- (ii) “Judge” means Judge of the High Court of Jammu and Kashmir ;
- (iii) “University” means the University established by law in the Indian Union ;
- (iv) “Website” means the Official Website of the High Court of Jammu and Kashmir, (www.jkhighcourt.nic.in).

3. *Appointing Authority.*—The appointing authority for the assignment as Research Assistant to the Chief Justice/Judges shall be the Chief Justice.

4. *Age.*—A Candidate must not have attained the age of 30 years as on 1st January/1st July, preceding the last date fixed for submission of applications.

5. *Eligibility.*—(i) The candidate must be a permanent resident of the State of Jammu and Kashmir.

(ii) The candidate must be a Law Graduate (as on the date of appearing at interview) having a Bachelor’s Degree in Law (including integrated Degree Course in Law) from any School/College/University/Institute established by Law in India and recognized by the Bar Council of India for enrolment as an Advocate, possessing a minimum of 55% marks in aggregate at Law Graduation (including integrated Degree Course in Law) and should not have completed one year after enrolment as an Advocate.

(iii) Candidates studying in the final year/last semester of their Law Course will also be eligible to apply subject to furnishing proof of acquiring

the Law Degree qualification with minimum 55% marks in aggregate at the time of interview.

(iv) The candidate must have knowledge of Computer, including retrieval of desired information from various search engines/processes such as Manupatra, SCC Online, LexisNexis, Westlaw etc.

6. *Period of Assignment and De-assignment of Research Assistant.*—(i) Research Assistant will be a contractual appointee and his/her engagement shall be initially for a period of one year from the date of taking up his/her assignment, which can be extended for a further period of not exceeding one year, subject to the approval of the Chief Justice or the Committee nominated by the Chief Justice.

(ii) However, the assignment of any Research Assistant may be discontinued even before the completion of one year, if his/her services are found to be unsatisfactory.

(iii) The candidate should join his/her assignment of Research Assistant within the period specified in his/her order of appointment. No request for extension of time for joining the assignment of Research Assistant will be entertained.

(iv) Research Assistant shall not be treated or deemed to be a regular employee in the Services of the High Court of Jammu and Kashmir.

(v) Any Research Assistant intending to leave the assignment as Research Assistant within a period of one year or extended period shall be required to give prior notice of one month with prior intimation to the Judge to whom attached.

7. *Selection Process.*—(i) Selection process for engaging Research Assistant shall be initiated by inviting applications online from eligible candidates by way of publishing an advertisement notifying requirements.

(ii) Ordinarily in the month of August every year, the Registry, depending on vacancy position, will invite applications which are required

to be submitted online with scanned signature and photograph. Applicants studying in fifth year of the five year Integrated Law Course will have to submit attested copies of their grade sheet/marks card/transcripts until the end of the fourth year.

(iii) Application fee of Rs. 200/- and bank charges, as applicable, shall be charged on each online application and payment shall be made online.

(iv) Applications received along with fee on or before the last date for receipt of applications and found to be in order in all respects be considered and only such applications will be processed further.

(v) The selection process shall consist of two stages : first a Written Examination to be conducted simultaneously at Jammu and Srinagar at such test centres as may be notified from time to time. The question paper for the Written Examination, consisting of 150 questions with multiple choice answers, shall comprise of two Sections with the following components :—

Section-1 :

Questions relating to General English
and General Aptitude/Awareness — 50 marks

Section-2 :

Questions relating to Constitution of India,
Constitution of J&K, Ranbir Penal Code,
Criminal Procedure Code,
Civil Procedure Code and Evidence Act etc. — 100 Marks

Each question shall carry one mark. The minimum qualifying marks for the said Written Test shall be 60% in aggregate with minimum 50% marks in each of the above two Sections. The duration of the Written Examination shall be three hours.

After drawing the list, the candidates will be short listed for interview in the ratio of 1:3 depending upon the number of vacancies to be filled up :

Provided that if the number of applications received is equivalent to or less than the above ratio, holding of the Written Examination shall be dispensed with.

Personal Interview.—A Committee of two Judges constituted by the Chief Justice will interview the eligible candidates. The interview will carry 30 marks with 15 marks being minimum qualifying marks. In addition to being a General Interview, the candidates will also be asked questions relating to Law.

The candidate must have absolute integrity, honesty and good moral character, for which he/she will submit certificate of two responsible persons at the time of interview.

On the basis of the aggregate marks secured by the candidates in the Written Test (if conducted) and interview, a merit list shall be drawn where from the Committee of Judges will recommended the candidates, in order of merit, to be kept on the panel of Research Assistants for assignment. The merit list drawn will have one year validity from the date of its publication.

The waiting list to be drawn shall also have one year validity.

After receipt of the recommendations of the Committee, the Chief Justice will approve formation of a panel as per requirement for the assignment session and order for attachment of one Research Assistant to each of the Judges including the Chief Justice himself, according to seniority. The formal order in this regard shall, however, be issued by the Registry.

8. *Undertaking.*—Before taking over assignment, Research Assistant shall submit an undertaking, in the format as prescribed in Schedule-I, from time to time before the Registrar General.

9. *Duties and Responsibilities assigned to Research Assistant.*—The duties and responsibilities of Research Assistant shall be to assist the Judge with whom he/she is attached, in the discharge of his/her functions, particularly in the research work and maintenance of records, and shall include such other official duties as may be assigned by the Judge.

10. *Record of Attendance of Research Assistant.*—(i) The Research Assistant should mark his/her attendance in the Attendance Register kept in the Room of the Assistant Registrar (Admn.) in the respective Wing of the High Court of Jammu and Kashmir, before he/she proceeds to the Chamber of the respective Judge, to whom he/she is attached.

(ii) If, any of the Research Assistants is directed to attend the work at the Official Residence of the Judge or elsewhere, the Secretary or in his absence, the Private Secretary to the Judge, shall endorse the request of the Research Assistant and forward the same to the Assistant Registrar (Admn.) in the respective Wing of the High Court of Jammu and Kashmir for marking the same in the Attendance Register.

11. *Leave Entitlement.*—(i) Research Assistant shall be entitled to one day Casual Leave on completion of one Calendar Month. The unavailed Casual Leave in a particular month may be carried forward, subject to maximum eligibility of 12 days in a Calendar Year.

(ii) However, he/she will be permitted to proceed on Casual Leave with prior intimation to the Judge to whom he/she is attached.

(iii) In extreme difficult situations, the Chief Justice may relax the limit of Casual Leave as he may deem fit in the peculiar circumstances of a given case subject to proportionate deduction in the monthly honorarium of the concerned.

12. *Honorarium.*—(i) Each Research Assistant shall be paid a consolidated amount of Rs.15,000/- (Rupees fifteen thousand only) per month as Honorarium for his/her assignment.

(ii) Research Assistant shall not be entitled to any other allowances or perks.

13. *Bar to Practice as Advocate or Taking up Employment.*—(i) No Research Assistant during the currency of his/her assignment shall be entitled to practice as an Advocate in any Court of Law or Tribunal or Authority and it will be obligatory for him/her after accepting the assignment as Research Assistant to inform the Bar Council concerned, in writing, that he/she shall not practice as an Advocate as long as he/she continues with the assignment as Research Assistant.

(ii) The Research Assistant during the currency of his/her assignment shall not be entitled to take up any employment, engagement of whatsoever nature either on full time or part time basis.

(iii) The Research Assistant shall refrain from practicing before the Judge/Judges with whom he/she was attached for a period of two years after relinquishment of his/her assignment as Research Assistant.

14. *Conduct of Research Assistant.*—(i) Every Research Assistant shall maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to him/her at all times.

(ii) Similarly, during the period of assignment and at all times, the Research Assistant shall maintain complete confidentiality regarding the work assigned to him/her by the Hon'ble Judge. He/she shall maintain utmost confidentiality in respect of matters which come to his/her notice by virtue of such assignment and shall ensure that no information or document is leaked out because of his/her mishandling of papers or his/her deliberations with others, or in any other manner.

15. *Access available to Research Assistant.*—A Research Assistant would be permitted to have access to the Court Hall and Judges' Library. However, with prior permission from the Judge, he/she can have access to the Computer and Internet in the Chamber of the Judge with whom he/she is attached.

16. *Dress Code for Research Assistant.*—(i) For Male Research Assistant—Black Full Pant, White Shirt (Full Sleeves) with Black Tie and Black Shoes.

(ii) For Female Research Assistant – White Blouse with Light Colour Saree (or) White Salwar Kameez with Black Duppatta.

(iii) Black Sweater and Black Coat, if and when needed.

17. *Interpretation.*—If, at any time, there arises any doubt regarding the application or interpretation of this Scheme/Guidelines, the same shall be decided by the Chief Justice, whose decision shall be final.

(Sd.) ASHOK KUMAR KOUJ.,

Registrar General.

Schedule-I

UNDERTAKING

I,.....do hereby undertake and accept the following terms and conditions of my assignment as Research Assistant :—

- (a) I have been engaged purely on contractual basis and no claim as an employee of the Court shall be made by me.
- (b) My period of assignment can be terminated without any notice. I shall not give up my assignment as Research Assistant before completion of my term of assignment. If I give up the assignment with one month prior notice before completing my term, I shall not be entitled to any experience certificate.
- (c) I shall render duty at the Court/Chambers/Residential Office of Hon'ble the Chief Justice/Hon'ble Judge of the High Court of Jammu and Kashmir according to the convenience of His Lordship and the duty hours shall be such as prescribed by the concerned Hon'ble Judge. I shall be punctual in attending to my duties.
- (d) I shall be granted such leave of absence as may be approved by the Hon'ble Judge to whom I am attached, subject to a maximum of fraction of 12 days per year, vis-a-vis my period of assignment.
- (e) I shall not absent myself from duty without prior permission of the Hon'ble Judge. In case of absence due to sudden illness or some other unforeseen circumstances beyond control, I shall give intimation thereof at the Residential Office of Hon'ble Judge without delay. I understand that no stipend will be paid for any unauthorized absence from duty as also for days exceeding permissible leave.

- (f) I shall maintain a high standard of reputation and integrity commensurate with the responsibilities entrusted to me. I shall maintain utmost secrecy in respect of matters which come to my notice by virtue of the assignment and shall ensure that no information, document or any other thing is leaked out because of mishandling of papers or my deliberations with others, or in any manner.
- (g) At all times i. e. even after the completion of the assignment, I shall maintain complete secrecy regarding the work assigned to me by the Hon'ble Judge.
- (h) I understand that I shall be governed by the provisions of the Ranbir Penal Code and the Jammu and Kashmir State Official Secrets Act, 1977 (1920 A. D.) as applicable to any public servant.
- (i) I shall not practice as an Advocate in any Court of Law during the course of assignment as Research Assistant.
- (j) I shall also refrain from practicing for a period of two years before the Hon'ble Judge/Hon'ble Judges with whom I have been attached after relinquishing of assignment as Research Assistant.

In addition, I do hereby affirm that I have carefully read the SCHEME/GUIDELINES FOR THE APPOINTMENT OF RESEARCH ASSISTANTS TO THE CHIEF JUSTICE/JUDGES OF THE HIGH COURT OF JAMMU AND KASHMIR, 2016 and have fully understood the provisions contained therein. I understand and do undertake that I am bound by the provisions contained in the abovesaid Scheme and that I will abide by the provisions contained in it during the course of my assignment as Research Assistant as also after end of the said assignment.

Signature _____

Name _____

Annexure-I

HIGH COURT OF JAMMU AND KASHMIR

**APPLICATION FOR THE POST OF RESEARCH ASSISTANT TO
HON'BLE THE CHIEF JUSTICE/HON'BLE JUDGE**

1. Name of the Candidate : (in block letters)

2. Father's/Husband's Name :

3. Date of Birth (DD/MM/YYYY) :

4. Community :

5. Basic Academic Qualifications :

[Educational qualifications under 10+2+3 pattern (Candidate should enclose self attested copies of all his/her Educational Certificates including S. S. L. C/MATRIC and H. S. C)]

S. No.	Particulars of Qualification	Name of the Board/University/ Institution	Year of Passing	%age of Marks
1.	S. S. L. C./Matriculation			
2.	H. S. C.			
3.	B. A./B. Sc./B. Com. etc.			

6. Law Qualifications :

S. No.	Particulars of Qualification	Name of the University/ Institution	Year of Passing	%age of Marks
1.				
2.				
3.				
4.				

*Please refer to eligibility criteria in the Scheme/Guidelines for appointment of Research Assistant to the Hon'ble Judge uploaded in the website of the High Court of Jammu and Kashmir (www.jkhighcourt.nic.in).

7. Other Qualifications, if any :

S. No.	Particulars of Qualification	Name of the University/ Institution	Year of Passing	%age of Marks
1.				
2.				

8. Enrolment Details, if any :

(Candidates should enclose attested copy of Enrolment Certificate)

Name of the Bar	Enrolment No.	Date of Enrolment

9. Details of practice, if any :

10. Address for communication :

11. Email id :

12. Contact Phone No. :

(Mobile/Landline with STD Code)

I undertake to submit that I have passed all the papers in Law Degree Examinations in first attempt and in the event of my selection to the assignment as Research Assistant to the Hon'ble Judge, I will not practice as an Advocate before any Court of Law or Tribunal and will not take up any employment either on full time or part time basis.

Certified that all the information furnished above by me is correct and true to the best of my knowledge and belief.

Place :

Date :

Signature of Candidate.