

HIGH COURT OF BOMBAY

APPELLATE SIDE

Press Advertisement No. F.C. 5504/2017

Applications in the prescribed form are invited **online** from eligible candidates for filling up 14 posts (likely to vary) 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, on ad-hoc and temporary basis, under the scheme of 14th Finance Commission. The tenure of posts will be for 5 years.

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) (I) A candidate must, on the last date of submission of online application, not be less than 35 years of age;

(II) A candidate must, on the date of publication of advertisement;

(a) have for at least seven years 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;

OR

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(b) have for at least seven years been an Advocate of a High Court or of two or more such Courts in succession;

OR

(c)(i) is a post Graduate in Law with specialization in personal Law;

OR

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

AND

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

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 counseling; 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

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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. S.S.C. Board Certificate or Secondary School Certificate or Certificate of Age, Nationality and Domicile issued by the competent authority.

ii) he/she has 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.

iii) his/her standing as Legal Practitioner in Court (original).

iv) that he/she is of good moral character from two respectable persons (original).

v) 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).

vi) other certificates in support of the claim to have one or the other qualifications referred to above.

vii) the copy of the marksheet and degree certificate of LL.B. Examination, and other graduation and post graduation examination.

viii) the copy of Sanad issued by Bar Council (for Advocate)

ix) income tax returns, if any, in respect of the immediate preceding three years.

x) a candidate belonging to backward class must also produce the certificate to the effect that he / she belongs to a community

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recognised as backward for the purpose of recruitment to the service under the Government of Maharashtra.

xi) declaration as to Small Family as appended to the Advertisement (original).

Certificates under clause 4(ii) may be issued by the concerned Head of the Department.

Certificates under clause 4(iii) above may be issued 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.

Certificates under clause 4(v) may be issued by the competent authority concerned (for candidates applying as per clause 2(II)(a)), or by a Presiding Officer of the Court in which the candidate is practising (for candidates applying as per clause 2(II)(b)), or by the Principal of the College recognized by a University (for candidates applying as per clause 2(II)(c)).

Certificates under clause 4(vi) may be issued 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.

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5) **Disqualification for appointment in the service :**

No person shall be eligible for appointment to the service -

- (a) if he is 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 of serious nature and/or in criminal case and/or 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, who has more than one wife living and if a woman, who 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 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 commencement of these Rules 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 commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

A candidate shall fill up 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 Short listing the candidates, the High Court may, if necessary, hold preliminary written examination of 200 marks comprising of multiple choice objective questions. The High Court will call upon the candidates obtaining cut off marks as may be fixed by the High Court to appear for final written examination, maintaining ratio of 1 : 10 of the available vacancy/ies of the successful candidates. Provided that if there are more than one candidates who have secured 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 consist of one or more papers carrying total 100 marks each, 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, provided if there is more than one paper, then candidate who secures not less than 50% marks in each paper (not less than 45% marks in case of the candidates belonging to communities recognized as backward by the Government for the purpose of recruitment) at such written examination. Provided that the High Court would call the candidates for viva-voce in the ratio of 1 : 3 of the available vacancies to the successful candidates. Provided also that if there are more than one candidate securing identical marks to be eligible for the last vacancy/ies, to fulfill ratio of 1 : 3 of the available vacancy/ies, than all such candidates shall 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 would be eligible for selection.

10) If more than one candidate with a degree in law secure equal marks, making them eligible for the last vacancy in the merit list, for deciding preferential right amongst them, following criteria shall be made applicable :

- (i) A Post Graduate Degree in Law with specialisation in Personal Law;
- (ii) Post Graduate Degree in Social Science such as Master in Social Welfare, Sociology, Psychology, Philosophy;

- (iii) Experience in the field of work/research or teaching in Government Department/s or in College/University or comparable academic Institution with reference to problems of women and children.
- (iv) Any other criteria in tune with the aim and object of the Family Courts Act as determined by the Appointment and Selection Committee, from time to time.

11) The preliminary and written examinations will 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 written 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 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.

13) 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.

14) 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.

15) 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.

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

Provided that the period of probation, for reasons to be recorded in writing, may be extended by the High Court by such period not exceeding two years.

Provided further that no person shall be deemed to have satisfactorily completed the period of probation unless so declared by a specific Order to that effect.

The High Court may, at any time during the period of probation, discharge from services, a probationer on account of his unsuitability for the service, subject to clause 14 of the Advertisement.

17) The candidates shall submit their applications **online** only in the prescribed format through the High Court website i.e. **<http://bombayhighcourt.nic.in>** till **5th January, 2018 upto 5.30 p.m.**, after which the link will be disabled.

18) 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.

19) 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, H.C.A.S., 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 **16th January, 2018**. Fees shall not be refunded in any case. The Name and Registration I.D. Number of the candidate as appearing on the printout of online application form after submitting the application online, should invariably be mentioned overleaf the Demand Draft.

20) 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. 24 and 25 of the 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 Judge, Family Court. The candidates who are already in Government service shall send the

abovesaid documents through proper channel.

21) 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.

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 eight 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.

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 4 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 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.

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

Date : 4th December, 2017

**Sd/-
(Smt. Pushpa V. Ganediwala)
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)