

Request No

To,
The District-Judge,
Rampur

25

No. 13 / IV-2942/ Admn A' Dated: 3-01-04

Subject:- Regarding grant of permission to Sri Subash Chand, Judicial Magistrate, Rampur to appear in interview of UP HJS Recruitment 2004

Sir,

With reference to your no. 425/I dated 16-12-2003 on the above subject. I am directed to say that the Hon'ble Court has been pleased to accord permission to Sri Subash Chand Judicial Magistrate, Rampur to appear ^{interview of} in UP Higher Judicial Services - 2004 subject to the following conditions:-

- (1) the Government work should not suffer in any way.
- (2) The permission to appear in the examination can be withdrawn without notice, if it is found at any time that officer neglect his normal work.
- (3) No preferential treatment is given in the matter of transfer and posting.

Sri Subash Chand may kindly be informed accordingly.

Yours faithfully
Zernastava
Deputy Registrar (M)

DR(M)

Kindly see the Court's order dt 21-12-03 placed below.

may issue.

Zernastava
3/1/04

Issue
Zernastava
3/1/04

From: Subhash Chand
Judicial Magistrate Rampur.

21596

Register No.
File No. <u>II/2942</u>
Serial No. <u>20</u>

19.12.03

To,
The Registrar General
The Hon'ble High Court of Judicature at
Allahabad.

Request No

19/12/03

19-12-03

17/12/03
1319

19-12-03 Through,

The District Judge,
Rampur.

Subject: Permission to appear in interview of U.P. Higher Judicial Service Recruitment-2000 to be held at Hon'ble High Court of Judicature at Allahabad on 12th January 2004, at 10 A.M, of which examination I appeared as an Advocate on 25th & 26th November 2000, prior to joining as Addl. Civil Judge (Junior Division)

Hon'ble Sir,

It is most humbly submitted that I had been practicing as an Advocate at District Court Hardwar upto 21 May 2001. In August 2000, I applied for U.P, Higher Judicial Service Examination 2000 and I appeared in the examination of the same on 25th and 26th November 2000. Hence I appeared in U.P. Higher Judicial Service Examination 2000, while I was practicing as an Advocate.

8198
URGENT

S.O. Admn A/A

On 23rd May 2001, I joined as an Addl. Civil Judge (Junior Division) Rampur vide notification of Hon'ble High Court of Judicature at Allahabad dated May 21, 2001 in pursuant to U.P. Government Notification No. 1511/II-4 2001-32(2) 98 T.C. dated May 17 , 2001. Now I am posted as Judicial Magistrate Rampur

ec

D-R(M)
18-12-03

The result of U.P. Higher Judicial Service Examination- 2000 is declared after lapse of more then three years and I have qualified for interview to be held at Hon'ble High court of Judicature at Allahabad on 12.01.2004 at 10 A.M.

I most Humbly give an undertaking that in case I am selected in U.P.H.J.S. I shall resign from my present post & shall not claim any benefit there of , prior to joining at the post of H.J.S.

12
D.R.(M)

Hence it is most submissively prayed that your Lordship be pleased to permit me to appear in interview of U.P. Higher Judicial Service Recruitment 2000 at Hon'ble High Court of Judicature at Allahabad on 12/01/2004 at 10 A.M.

17 DEC 2003

With Utmost regard.

Date: 16.12.2003

Yours Obediently

S. O. Admn A
misc file has been submitted
on 14-11-03 for Gift ear.

(Subhash Chand)
Judicial Magistrate,
Rampur

OFFICE OF THE DISTRICT JUDGE, RAMPUR
No. 425 / I Dated: 16.12.2003

Forwarded to the Registrar General, Hon'ble
High Court of Judicature at Allahabad.

19-12-03

16/12/2003
District Judge,
Rampur.

(213)
Registrar (Budget)

Request 110

63/RUB

31.1.04

(1777)

May kindly see the representation of Sri Subhash Chand, Civil Judge (Junior Division) Rampur, forwarded by the District Judge, Rampur Vide Endt. No. 36/I dated 20-01-2004 place below at flag (A), regarding not holding his interview for U.P. Higher Judicial Recruitment-2000.

In his representation Sri Subhash Chand has stated that he had been practicing as an Advocate at District Court at Hardwar since 1990 upto 21st May 2001. In August, 2000 he applied for U.P. Higher Judicial Service Examination-2000 and he appeared in the said examination on 25th and 26th November, 2000. He appeared in Higher Judicial Service Examination-2000, while he was practicing as an Advocate, after completing 10 years legal practice.

That on 23rd May 2001, he joined as Additional Civil Judge (Junior Division), Rampur. When he received the information for interview of U.P. Higher Judicial Service Examination-2000, he applied to Hon'ble High Court for permission to appear in Interview through the District Judge, Rampur vide letter No. 425/I dated 16-12-2003 and Hon'ble High Court was pleased to accord permission to him to appear in the Interview of U.P. Higher Judicial Service vide letter No. 13/IV-2942/Admin.(A) dated 03-01-2004. He was called to appear for interview before the Hon'ble H.J.S. Recruitment Committee on 12-01-2004 which was later on postponed for 17-01-2004. The Hon'ble H. J. S. Recruitment Committee refused to permit him to appear for the interview on the ground of being in service at present.

He has also mentioned in his representation that the refusal of the Hon'ble H. J. S. Recruitment Committee to appear in said interview of U.P. Higher Judicial Service Examination-2000 has resulted in great injustice, injury and irreparable loss to him because of he had appeared in U.P. Higher Judicial Service Examination-2000 as an Advocate, after having completed 10 years practice and this fact was clearly mentioned in his application moved to Hon'ble High Court seeking permission to appear in the interview for U.P.H.J.S.Examination-2000.

In this connection it is submitted that as per Higher Judicial Service Rules 1953 Recruitment for H.J.S as given in Part III- Recruitment is appended below:

5. Sources of recruitment:- (1) Recruitment to the service shall be made to the post of Civil and Sessions Judges-

- (i) by promotion from the members of the Uttar Pradesh Civil Service (Judicial Branch);
- (ii) by direct recruitment after consultation with the Court.

Request 110

(2) Persons eligible for direct recruitment under sub-clause (ii) of clause (1) of this rule shall be-

(a) Barrister, Advocates, Vakils or Pleaders of more than 7 years' standing:

It is pertinent to mention here that at the time of interview Sri Subhash Chand was not Barrister, Advocates, Vakils or Pleaders but at the time of submission of applications forms and written examination he was not in service.

Sri Subhash Chand, Civil Judge (Junior Division) Rampur has most respectfully prayed that the Hon'ble Court may be pleased to consider his representation dated 20-01-2004 sympathetically and may further pleased to pass order to hold his interview of U.P. H. J. S. Examination-2000 and mean while the Hon'ble Court may pleased to stay the further procceding of selection of the above said recruitment.

If approved the file may kindly be laid before Hon'ble H. J. S. Recruitment Committee for their Lordship's kind perusal and suitable orders ?

Zorwala
Deputy Registrar (M)
30-01-2004
K. S. P. S.
30/1/04

RG.
May like to place it before Hon'ble H. J. S. Recruitment Committee for their Lordship's kind perusal & orders.

Q. S. S.
31-1-04

Hon'ble H. J. S. Recruitment Centre

Submitted for kind consideration and orders.

Q. S. S.
31.1.04

188/2003
30-1-2004

Regel

Request 110

From:-Subash Chand
Civil Judge(J.D.) Rampur.

To,
The Registrar General
The Hon'ble High Court of Judicature at Allahabad.

Through:-The District Judge, Rampur.

Sub:-Representation against the decision of Hon'ble H.J.S.
Recruitment Committee for not holding my interview for
U.P.Higher Judicial Service Recruitment-2000 at
Hon'ble High Court of Judicature at Allahabad on
17.01.2004 instead of 12.01.2004 for which I appeared
in pursuance of interview letter No.17735/2003 of
dated 6.12.2003 as amended by letter no.286/2004
dated 08/01/04.

Hon'ble My Lordship,

I most humbly submit the following few lines

for the kind consideration of Hon'ble Court as under:-

Registrar (B)
submitted for
kind perusal and
orders.

1. That I had been practising as an Advocate at District
Court at Hardwar since 1990 upto 21st May 2001. In August
2000, I applied for U.P.Higher Judicial Service Examination
2000 and I appeared in the said examination on 25th and 26th
November 2000.Hæce I appeared in U.P.Higher Judicial

Ak. Varma
Most Urgent
DR(M)
Rus
30/1/04

D. Chand
20/1/04

contd.2

S.O. Admin. A-4

ecf
D.R.M
30-1-2004

:2:

REQUEST NO

Service examination -2000, while I was practising as an Advocate, after completing 10 years legal practice.

2. That on 23rd May 2001, I joined as an Additional Civil Judge (Jr. Div) Rampur vide notification issued by Hon'ble High Court of Judicature at Allahabad, dated 21st May 2001 in pursuance to U.P. Government notification No. 1511/II-4-2001- 32(2)98 , T.C. dated 17th May 2001. Now I am posted as Civil Judge (Jr. Div) at Rampur.

3. That the result of U.P. Higher Judicial Service Examination -2000 was declared after the lapse of more than 3 years and I had qualified for Interview which was to be held at Hon'ble High Court of Judicature at Allahabad on 12.1.2004, at 10 A.M.

4. That I applied to Hon'ble High Court for permission to appear in Interview through the Distt. Judge, Rampur vide letter No. ^e425/I, dated 16.12.2003.

5. That the Hon'ble High Court was pleased to accord permission to me to appear in the Interview of U.P. Higher Judicial Service, vide letter No. 13/IV-2942/Admin. (A) dated 3.01.2004.

6. That subsequently the Hon'ble H. J. S. recruitment committee had directed me, vide letter No. 286/2004 dated

D. hand
20/01/04

contd..3

request 110

:3:

8.1.2004 to appear for interview of H.J.S. on 17/01/2004 instead of 12/01/2004.

7. That after having granted permission for Interview by the Hon'ble High Court and after having obtained permission of Station Leave and casual leave as well, I appeared at Hon'ble High Court of judicature at Allahabad on 17.1.2004 at 10 A.M. for Interview of U.P. Higher Judicial Service Examination-2000, and I noted my attendance along with other candidates.

8. That although the Hon'ble High Court was pleased to grant me permission vide letter No.13/IV-2942/Admin.(A) dated 3.1.2004 to appear in the Interview of U.P. Higher Judicial Service Examination 2000 to be held on 12.1.2004 at Hon'ble High Court of judicature at Allahabad, and the Hon'ble H.J.S. Recruitment committee had also directed to the Registrar (Budget) High Court of Judicature at Allahabad to inform me vide letter No.286/2004 dated 8.1.2004 to appear in the Interview of H.J.S. to be held on 17.1.2004 instead of 12.1.2004; yet on 17.1.2004 the Hon'ble H.J.S. Committee refused to permit me to appear for the Interview on the ground of being in service at present.

9. That the refusal of the Hon'ble H.J.S. Recruitment Committee ~~not~~ to appear in Interview of U.P. Higher Judicial Service Examination -2000 had resulted ⁱⁿ great injustice,

D hand 29/01/04

contd..5

Request 110

5:

injury and irreparable loss to me because of I had appeared in U.P.Higher Judicial Service Examination-2000 as an Advocate ,after having completed 10 years practice and this fact was clearly mentioned in my application moved to Hon'ble High Court vide letter No.425/I dated 16.12..2003 seeking permission to appear in the Interview for H.J.S. I had joined ~~the service of~~ as Additional Civil Judge (Jr.Div) 23rd May 2001. Moreover I had clearly mentioned in my application seeking permission to appear in Interview of H.J.S. that in case I am selected for H.J.S.direct recruitment, I would not claim any benefit of the judicial Service as Civil Judge (Jr.Div)and would resign from the said post.

10. That the refusal to hold my Interview for H.J.S. was denial of fundamental right i.e.equal opportunity for employment contained in article 16th of constitution of India. I was perfectly eligible to appear in the said examination in Nov.2000 and the eligibility in the said examination ought to have been decided on the basis of situation prevailed in Nov.25th and 26th 2000 and not in Jan.2004. Moreover ,I was deprived from the Interview by the Hon'ble H.J.S. Committee on 17.1.2004 ,on the ground of present judicial service,while at the time of U.P.Higher

Handwritten signature
20/01/04

contd..6

:5:

Request 110

Judicial service Examination which was held on 25th & 26th Nov. 2000, I was an Advocate, and was fulfilling all the eligibility requisit^e for the said examination. ~~The said~~ Therefore, I most humbly submit that the said refusal by Hon'ble H. J. S. Recruitment Committee was unjust and the matter needs to be examined throughly by Hon'ble recruitment committee and by the Hon'ble Administrative Committee of the Hon'ble High Court or if necessary by the Hon'ble full Court.

In view of the above facts and circumstances, it is most respectfully prayed that the Hon'ble court may be pleased to consider my representation sympathetically and may further pleased to pass order to hold my interview of U.P.H. J. S. Recruitment-2000 and meanwhile the hon'be court be pleased to stay the further proceeding of selection of the above said recruitment.

I shall remain highly grateful for this act of kindness.

With utmost regard,

Yours faithfully,

Subhash Chand
(Subhash Chand)

Civil Judge (J. D.)

Rampur.

Date: 20/01/2004.

OFFICE OF THE DISTRICT JUDGE, RAMPUR.

No. 36/I Dated: 20.1.2004

Forwarded to the Registrar General, Hon'ble High Court of Judicature at Allahabad.

Pam
District Judge,
RAMPUR.