

SCHEME FOR ENGAGING LAW CLERKS CUM LEGAL RESEARCH ASSISTANT IN RAJASTHAN HIGH COURT

Whereas, sanction of 32 Law Clerks cum Legal Research Assistant on fixed honorarium basis, for their attachment with Hon'ble High Court Judges, has been issued by the Government of Rajasthan, with a view, that the attached Law Clerk may assist Hon'ble Judge in Judicial work e.g. Searching out case law, articles, papers; taking down notes of arguments and preparing notes about facts of the case etc. as also in administrative work, and preparing of speech/ articles etc. which add and enrich knowledge and experience of concerned Law clerk cum Legal research assistant also.

Therefore, to obtain services of best incumbents, and with a view to keep transparency in the mode, and modality of engaging such Law clerk; providing qualification / method of selection, brief job chart, general condition of job etc. Hon'ble Chief Justice, while exercising power conferred vide Art. 229 of the Constitution of India, hereby provides following guidelines:-

1. **Title -** The guidelines provided herein after shall be called as “Scheme for engaging Law clerk cum Legal research assistant in Rajasthan High Court.”

2. **Definitions:** Unless there is anything repugnant in the subject or context

- (i) Chief Justice means Hon'ble Chief Justice of Rajasthan High Court.
- (ii) Judge means Hon'ble Judge of Rajasthan High Court
- (iii) Law Clerk means Law Clerk cum Legal Research Assistant
- (iv) Schedule means schedule given at the end of these guidelines
- (v) Website means official website of Rajasthan High Court as may be uploaded from time to time. (At present it is <http://hcraj.nic.in>)
- (vi) Universities / Colleges/ Institutions shall mean the Universities / Colleges / Institutions established by law in India.

3. Term and nature of engagement:

(i) Law Clerks shall be engaged on pure temporary contractual basis initially for a term of one year but with extension for further period of two years subject to his/her performance to the satisfaction of Hon'ble Judge with whom he/ she attached, which shall not entail person concerned to claim any regular appointment.

(ii) One Law Clerk shall be attached with Hon'ble Chief Justice so also one with each Hon'ble Judge.

(iii) Premature discharge of the assignment given to Law Clerk without any notice shall be Lawful, provided that the Hon'ble Judge with whom concerned Law Clerk is attached, makes recommendation in writing to the Hon'ble Chief Justice.

(iv) A Law Clerk intending to leave assignment at pre-mature stage shall be required to give prior notice of three months, or residuary tenure of assignment which ever is higher.

4. Method of Selection:

(i) Selection for engaging law clerks shall be made by notifying requirement, and thereby inviting applications from willing candidates. The proforma of abridged advertisement shall be as may be prescribed in schedule I from time to time.

(ii) Such application shall be made in form as is prescribed in Schedule-II which can be downloaded from website, and it must be accompanied with the copies of documents, as enumerated in that form.

(iii) Simultaneous to publication of abridged notification, Registrar / Universities/ Colleges/ Institutions may also be intimated about the requirement, requesting to persuade, and forward applications, of willing

candidates, along-with their recommendation.

(iv) Calender as is given in schedule III shall, as far as possible, be adhered to.

(v) Selection shall be made on the basis of recommendation of Committee, constituted by Hon'ble Chief Justice.

5.Examination Fee : Every candidate shall pay Rs.100 as examination fee, through Demand Draft or Postal Order to be drawn in the name of Registrar General of Rajasthan High Court.

6.Constitution of Committee:

(i)A Committee shall be constituted by Hon'ble Chief Justice comprising of such number of Hon'ble Judges, as the Hon'ble Chief Justice thinks appropriate, from time to time, to take interview, and to assess suitability of candidate, on the basis of academic career, extra curricular achievements, and performance in personal interview.

(ii) Selection shall be made in order of merit as recommended by Committee constituted by Hon'ble Chief Justice.

(iii) After receipt of the recommendations from the committee, the Hon'ble Chief Justice shall order attachment of one Law Clerk to each of the Hon'ble Judges, including the Hon'ble Chief Justice himself. The formal order in this regard shall however be issued by the Registrar General / Registrar Administration.

7.Age and Nationality :

(i) A candidate must not have attained the age of 33 years on 1st January preceding the last date fixed for submission of the application.

(ii) He must be citizen of India.

8.Qualifications:

(i) A candidate must be a fresh law graduate or post graduate in law from Universities/ College/ Institutions established by law in India.

- (ii) A candidate must have basic knowledge of computer.

9.Disqualifications:

- (i) A candidate must not be a practicing advocate nor engaged/appointed elsewhere, on honorarium/payment basis.
- (ii) A candidate must not have more than one wedded spouse, nor should be married to such a person, who already had a living spouse at that time.
- (iii) A candidate should not be involved in any criminal case, whether convicted or against whom criminal trial is pending.

10.Character:

A candidate must be a man of integrity, honesty and good moral character, for which he will submit certificate of two responsible persons, at the time of submitting application.

11.Honorarium:

- (i) A fixed honorarium of Rs.10,000/- per month without any dearness or other allowance/perquisite, shall be paid to the Law Clerk.
- (ii) Proportionate reduction of honorarium shall be made for unauthorised absence, so also for absence beyond permissible period of leave.

12.Attendance and Leave:

- (i) A Law Clerk shall be entitled to one casual leave on completion of one calendar month, and un-availed casual leave will accumulate, uptill calendar year.
- (ii) The Hon'ble Judge with whom the Law Clerk is attached, shall be competent authority to sanction his leave.
- (iii) Private Secretary of Hon'ble Judge to whom such Law Clerk is attached shall maintain account of attendance, and casual leave, of the Law Clerk, and will send its intimation on last working day of each calendar month to the Bill Section, for preparing bill of honorarium.

13.Duties of Law Clerks :

- (i) without adversely affecting generally of the job, i.e. to assist Hon'ble Judge, in discharge of judicial and administrative functions, the Law Clerk/Legal

Research Assistant shall perform following duties, under direct control of Hon'ble Judge with whom he is attached:

- (a) To read the case files, and prepare the case, i.e. case summary and notes and chronology of events of such a comprehensive nature, that it may give to the Hon'ble Judge a complete view of the mater, including the legal questions involved, and the latest case-law having bearing on the case either ways,
- (b) to search and research legal points and principles under control and guidance of Hon'ble Judge,
- (c) to search out case law, articles, papers and other relevant material required in discharge of judicial/administrative work,
- (d) to take down notes of arguments and to prepare notes of cases,
- (e) to identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment,
- (f) to maintain record of judgments by the Hon'ble Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable, as and when needed by the Judge, for any purpose whatever,
- (g) maintenance of record of administrative corresponding, administrative files, and, if specifically entrusted, of particular judicial file(s),
- (h) to perform whatever is directed, in the course of imparting training to him, with regard to procedure and substantive law,
- (i) to assist Hon'ble Judge in preparing any speech/academic paper.

14.Duty Hours:

It is full time job, and Law Clerk may be required to attend residential office of concerned Hon'ble Judge, in addition to normal duty during office hours. He may be required to attend office/residential office even on gazetted/local holidays. However, the time schedule shall be mutually adjusted by Hon'ble Judge concerned, so as to make convenient working of the Law Clerk as well as the Hon'ble Judge concerned.

15.Conduct during and after term of assignment:

- (i) A Law Clerk shall maintain devotion to duty, and high standard of moral,

during the term of assignment. He will not disclose any fact which comes to his knowledge on account of such official attachment, during or after completion of term of assignment, unless such disclosure is legally required in discharge of lawful duties.

(ii) The Law Clerk will not accept any other assignment during term of assignment as Law Clerk.

(iii) He will not practice for a period of one year in Rajasthan High Court, and for a period of 3 year before Hon'ble Judge, with whom he was attached, nor will ever handle a case, with relation to which he has discharged any duty, in any manner, as Law Clerk.

(iv) he will not leave headquarter without seeking permission from Hon'ble Judge concerned

(v) he will not avail leave without getting it sanctioned. In any case of emergency, he will immediately contact and convey Private Secretary of Hon'ble Judge concerned, of his inability to attend office.

16.Undertaking:

Before taking over assignment, Law Clerk shall submit an undertaking in format, as may be prescribed in Schedule V from time to time, before Registrar General/Registrar Administration of the Rajasthan High Court, Jodhpur/Bench Jaipur.

17.Certificate :

(i) on successful completion of term of assignment, a certificate by the Registrar General shall be issued, in form as is prescribed in Schedule VI

(ii) If the assignment is terminated before completion of original term, due to pre-mature discharge by High Court, or due to voluntarily giving up assignment, by person concerned, no such certificate shall be given.

18.Publication of the Scheme :

(i) The scheme shall be uploaded on website and intimation of uploading may be given to the Registrars / Institutions / Universities/ Colleges.

(ii) Hon'ble Chief Justice may, direct publishing of this scheme it in any other additional manner also.

SCHEDULE – I

ABRIDGED ADVERTISEMENT

Applications for Contractual engagement of _____ (required no.) persons as Law Clerks for a period of 1 Year under terms and conditions mentioned in Scheme for engaging Law Clerks cum Legal Research Assistant in Rajasthan High Court which is available on the website <http://hcraj.nic.in> are invited from eligible candidate having essential qualification. Maximum age of the candidate as on 1st January of year _____ must not be more than 33 years. The last date for submitting application (duly filled up and complete in every manner) must reach to the office of Registrar General, Rajasthan High Court, Jodhpur on or before _____ during office hours. Form of Application is available on and can be downloaded from the website <http://hcraj.nic.in>.

Date

Registrar General
Rajasthan High Court,

SCHEDULE – II

HIGH COURT OF JUDICATURE FOR RAJASTHAN

Adv. No. ____/Law Clerk cum Legal Research Asstt./...../

Name of Post: Law Clerk cum
Legal Research Assistant
Last Date:

- 1.Name of Applicant : _____
(In Capital letter)
- 2.Date of Birth : _____
- 3.Sex(Male/Female) : _____
- 4.Nationality : _____
- 5.Full Name of Father/Husband : _____
- 6.Present Postal Address : _____

- 7.Permanent Address : _____

8.Educational Qualification:

<i>Name of exam passed</i>	<i>Name of Board/University</i>	<i>Name of Institution /College</i>	<i>Year of passing</i>	<i>Total Marks</i>	<i>Marks/ Obtained</i>	<i>Percentage of Marks obtained</i>

9.Do you have knowledge of Computer Operation? (Yes/No)

(a) Whether you have undergone any certificate/diploma course in computer operation from a recognised Institute ? Please give particulars _____

10.Are you married? If so, do you have more than one spouse living or married a person having a spouse living? _____

11.Number and Date of Bank draft/Banker Cheque /IPO and Value:

Number _____ Amount: Rs. _____ Date. _____

Name of Bank/ Post Office: _____

(Signature of Applicant)

Note

1. Candidates should affix a latest taken coloured photograph taken on or after _____ in passport size with his own signature thereon and duly attested by some Gazetted Officer at the place provided in the application.
2. The envelop containing application should be marked “**APPLICATION FOR THE POST OF LAW CLERK CUM LEGAL RESEARCH ASSISTANT**”.
3. Envelop shall contain only one application form. An envelop containing more than one application form, shall stand rejected.
4. Candidates must attach with the application form, certified copies of the certificates in support of their age and educational qualifications, extra curricular activities and also in support of their having computer knowledge.
5. Applications may be sent either by Speed Post, Registered Post A.D., Or through Courier, or can be deposited by hand during office hours.
6. Application will be rejected if photo is not pasted or Bank Draft/Postal Order is not attached or if certified copy of certificates are not attached with it, or if it is not signed by the applicant or if it is not received by the last date/time.
7. Applications received after last date shall not be entertained and the Court will not be responsible for any postal delay. The defective applications, which are not complete in any respect, will be rejected out-right.
8. Candidate shall give an undertaking on the prescribed proforma that during the engagement as Law Clerk, he shall not practice in any court of law nor engage himself in any professional pursuit.
9. The candidates are required to furnish a checklist along with application form mentioning therein details about the certificates and the testimonials enclosed with the form.
10. Information regarding format of application and other information are available on the website of the Rajasthan High Court at <http://hcraj.nic.in> must be read carefully before filling up application.

[_____]

Dated: _____

REGISTRAR GENERAL

CALENDER

- 1.Determination of availability of seats : last working day of November
- 2.Sending intimation to Registrar / Proctors
of concerned Institution etc. and publishing : Last working day before
abridged advertisement in News Paper. Second Saturday of
December
- 3.Last date for submitting Application : Last working day before Third
Sunday in January.
- 4.Sending Call Letters : Upto 15th February
- 5.Interview : Third Week of March subject
to variation depending upon
examination schedule of
empaneled Institutions
- 6.Sending Letter of Offer : Upto 15th April
- 7.Joining : Within seven days of
receiving Letter of
Offer.

UNDERTAKING

I _____ son of _____ resident of _____ having been assigned job of Law Clerk to get practical training and to assist Hon'ble Judge in discharge of Judicial/ Administrative/ Official/ Semi Official functions, do hereby submit my undertaking and affirm as under :-

That I have carefully read the **SCHEME FOR ENGAGING LAW CLERKS CUM LEGAL RESEARCH ASSISTANT IN RAJASTHAN HIGH COURT** and have fully understood the provisions contained therein. I understand and do undertake that I am bound by the provisions contained in the above said scheme and that I will abide by the provisions of it.

Date

Signature
(Name of Candidate)

Verified
(Registrar General)

CERTIFICATE

To whom so ever it may concern

It is to certify that Mr./Mrs./Miss./.....
Son/Daughter/wife of resident
of had performed job and
successfully participated in training as Law Clerk cum Legal Research Assistant
w.e.f. to He was attached to Hon'ble Mr.
Justice, Hon'ble Chief Justice / Hon'ble
Judge of Rajasthan High Court and his / her performance was found to be
satisfactory/ good/ outstanding.

DATE
GENERAL

REGISTRAR

LETTER OF OFFER

Upon selection of Mr./Mrs./Miss
Son/ Wife/ Daughter of..... resident
of as Law Clerk cum
Legal Research Assistant under the provision of scheme for engaging Law Clerks
cum Legal Research Assistant in Rajasthan High Court, offer to join within seven
days from the date of receipt of this letter is being made broadly on following
terms & conditions :-

- 1 That it is pure temporary contractual assignment for a period of one year which shall not entail you to claim any regular appointment.
2. Premature discharge of the assignment without notice shall be lawful provided Hon'ble Chief Justice / concerned Hon'ble Judge makes written recommendation.
3. A fixed honorarium of Rs.10,000/- per month without any dearness or other allowance/perquisite, shall be paid to you. However, proportionate reduction shall be made on account of unauthorized absence so also, absence beyond permissible period of leave.
4. You shall be entitled to one casual leave on completion of one calendar month and un-availed casual leave will accumulate uptill determination of term of engagement
5. The provisions contained in scheme for engaging Law Clerks cum Legal Research Assistant in Rajasthan High Court are binding upon you.
6. On successful completion of term of assignment, a certificate by the Registrar General shall be issued.
7. You will maintain devotion to duty, and high standard of moral, during the term of assignment. You will not disclose any fact which comes to your knowledge on account of such official attachment, during or after completion of term of assignment, unless such disclosure is legally required in discharge of lawful duties.
8. Your principal duties are as follows :
 - (a) To read the case files, and prepare the case, i.e. case summary and notes and chronology of events of such a comprehensive nature, that it may give to the Hon'ble Judge a complete view of the matter, including the legal questions involved, and the latest case-law having bearing on the case either ways,
 - (b) to search and research legal points and principles under control and guides of Hon'ble Judge,
 - (c) to search out case law, articles, papers and other relevant material required in discharge of judicial/administrative work,
 - (d) to take down notes of arguments and to prepare notes of cases,
 - (e) to identify facts, issues and questions that may arise in the course of arguments, or as may be relevant for judgment,
 - (f) to maintain record of judgments by the Judge alongwith the point of law decided in that particular case, and to maintain it in such a manner, as to be very conveniently retrievable, as and when needed by the Judge, for any purpose whatever,
 - (g) maintenance of record of administrative corresponding, administrative files, and, if specifically entrusted, of particular judicial file(s),
 - (h) to perform whatever is directed, in the course of imparting training to

him, with regard to procedure and substantive law,

(i) to assist Hon'ble Judge in preparing any speech/academic paper.

9. You will not be entitled to practice as a lawyer or to take any employment during the term of assignment. If already enrolled, you will intimate Bar Council of Rajasthan for suspension of Enrollment.

10. That you shall wear a black coat (and in case of male, tie also) during court hours.

11. That you will carry a photo affixed identity card with you so that free access to court room, computer cell and library can be given.

12. That you will not appear before that Hon'ble Judge for one year from the date of completion of assignment with whom you are attached. In case your attachment is made with Hon'ble Chief Justice, then in that case you will not so appear before Hon'ble Chief Justice till completion from the last date of term of your assignment.

13. Breach of any term / condition or any in discipline by you shall attract termination of assignment without notice.

REGISTRAR GENERAL