

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(Group-A- II)

NOTIFICATION

No. F.3(2)DOP/A-II/2017

Jaipur, dated:-26.04.2017

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan in consultation with the High Court of Judicature for Rajasthan, hereby makes the following rules regulating appointment to the Driver and Class IV of the Courts Subordinate to the High Court of Judicature for Rajasthan and the conditions of service of the persons so appointed, namely:-

**THE RAJASTHAN SUBORDINATE COURTS (DRIVER AND
CLASS-IV EMPLOYEES) SERVICE RULES, 2017**

AS AMENDED UPTO 24.06.2021

**PART – I
GENERAL**

1. Short title and commencement.- (1) These rules may be called the Rajasthan Subordinate Courts (Driver and Class-IV Employees) Service Rules, 2017.

(2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions.- In these rules unless the context otherwise requires:

- (a) "Appointing Authority" means the District & Sessions Judge of the Judgeship concerned or such other authority to whom power to make appointments to any of the posts under these rules may be delegated by the District & Sessions Judge, with the approval of the Chief Justice;
- (b) "Chief Justice" means the Chief Justice of High Court of Judicature for Rajasthan;
- (c) "Direct recruitment" means recruitment made in accordance with the procedure prescribed in part IV of these rules;
- (d) "Government" means the Government of Rajasthan;
- (e) "High Court" means the High Court of Judicature for Rajasthan;

- (f) "Judgeship" means the Administrative Jurisdiction of District & Sessions Judge;
- (g) "Member of service" means a person appointed in substantive capacity to the post in service prior to the commencement of these rules or under the provisions of these rules;
- (h) "Recruiting Authority" means Registrar General of the High Court or any other officer authorized by the High Court;
- (i) "Registrar General" means the Registrar General of High Court;
- (j) "Schedule" means the Schedule appended to these rules;
- (k) "State" means the State of Rajasthan;
- (l) "Service" means the Driver and Class-IV Employees Service of the Judgeship concerned;
- (m) "Subordinate Courts" means the 'Subordinate Courts' as defined in the Rajasthan Subordinate Courts Ministerial Establishment Rules, 1986, as amended from time to time;
- (n) "Substantive appointment" means an appointment made under these rules after regular selection by any one of the methods of recruitment and includes an appointment on probation; and
- (o) "Year" means the financial year.

3. Interpretation – Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act No. VIII of 1955) shall apply for the interpretation of these Rules as it applies for the interpretation of a Rajasthan Act.

PART – II

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4. Strength of service.- (1) The nature of post included in service shall be as specified in column 2 of schedule.

(2) The strength of service in a Judgeship shall be such as may be determined by the High Court from time to time out of the total strength sanctioned by the Government for the Subordinate Courts in the State:

Provided that the High Court may leave unfilled or hold in abeyance, abolish or allow to lapse any post, permanent or temporary, from time to time, without thereby entitling any person to any compensation.

5. Constitution of the service.- The service shall consist of-

- (i) all persons holding substantively the posts specified in the schedule in the cadre of the Judgeship concerned on the date of commencement of these rules; and
- (ii) all persons recruited to the service in the Subordinate Courts of the Judgeship concerned in accordance with the provisions of these rules except on urgent temporary appointment under rule 31 of these rules.

PART – III RECRUITMENT

6. Methods of Recruitment.-(1) Recruitment to various posts included in the service shall be made by any of the following methods:

- (a) by direct recruitment in accordance with the procedure prescribed in Part IV of these rules;
- (b) by promotion in accordance with the procedure prescribed in Part V of these rules; and
- (c) by transfer on a corresponding post from another judgeship or High Court in accordance with the procedure prescribed in Part VI of these rules.

7. Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes.- (1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes candidates shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment. Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion:

Provided that in the event of non-availability of eligible and suitable candidates amongst the Scheduled Castes and Scheduled Tribes, as the case may be, in a particular year of recruitment, the vacancies so reserved for them shall be filled in by the normal procedure and an equivalent number of additional vacancies shall be reserved in the subsequent recruitment. Such of the vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total and thereafter such reservation would lapse.

(2) Notwithstanding anything contained in this rule, reservation of vacancies for Tribal Sub Plan areas notified by the Government shall be as per the Tribal Sub Plan Programme followed by the Government.

Explanation.- [Deleted]¹

8. Reservation of vacancies for the Other Backward Classes.-

Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment. In the event of non-availability of eligible and suitable candidate amongst Other Backward Classes in a particular year, the vacancies so reserved for them, shall be filled in accordance with the normal procedure.

[Deleted]²

9. Reservation of vacancies for women.-

Reservation of vacancies for women candidates shall be 30% category wise in the direct recruitment, out of which one third shall be for widows and divorced women candidates in the ratio of 80:20. In the event of non availability of eligible and suitable candidates, either in widow or in divorcee, in a particular year, the vacancies may first be filled by interchange, i.e. vacancies reserved for widows by the divorcees or vice versa. In the event of non availability of sufficient widow and divorcee candidates, the unfilled vacancies, shall be filled by other women of the same category and in the event of non availability of eligible and suitable women candidates, the vacancies so reserved for them shall be filled up by male candidates of the category for which vacancy is reserved. The vacancy so reserved for women candidates shall not be carried forward to the subsequent year. The reservation for women including widows and divorcee women shall be treated as horizontal reservation, within the category, i.e. even the women selected in general merit of the category shall first be adjusted against the women quota.

Explanation.- In the case of widow, she will have to furnish a certificate of death of her husband from the Competent Authority and in case of divorcee, she will have to furnish the proof of divorce.

³10. Reservation of vacancies for Persons with benchmark disabilities.- Reservation of vacancies for persons with benchmark disabilities in the recruitment to the service shall be in accordance with the Rules of the Government issued from time to time in this behalf.

⁴10-A. Reservation of vacancies for Outstanding Sports Persons.-

Reservation of vacancies for outstanding Sports persons shall be 2% of the total vacancies for direct recruitment. The reservation for Sports Persons

1 Deleted Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

2 Deleted Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

3 Subs. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

4 Ins. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

shall be treated as horizontal reservation and it shall be adjusted in the respective category to which the sports persons belong.

In the event of non-availability of the eligible and suitable sports persons in a particular year, the vacancies so reserved for them may be filled by candidates of the general category and such vacancies shall not be carried forward to the subsequent year.

Explanation:- "Outstanding sports persons" shall mean and include the sports persons belonging to the State, who:-

(i) represented Indian Team in Individual or in Team event in any International Tournament of any Sports and Games, recognized by the Indian Olympic Association or concerned recognized National Sports Federation;

OR

(ii) represented Indian Team in Individual or in Team event in any International Tournament of any Sports and Games, recognized by the Indian School Sport Federation or concerned recognized National School Games Federation;

OR

(iii) Medal Winner in the Individual or in Team event in any National Tournament of any Sports and Games, recognized by the Indian Olympic Association or concerned recognized National Sports Federation;

OR

(iv) Medal Winner in the All India Inter University Tournament in Individual event or in Team event in the any Sports and Games, recognized by Indian Universities Association.

⁵10-B. Reservation of vacancies for Ex-serviceman.-

Reservation of vacancies for Ex-serviceman shall be admissible as applicable in the State from time to time.

⁶10-C. Reservation of vacancies for the More Backward Classes.-

Reservation of vacancies for More Backwards Classes shall be 5% in terms of the Rajasthan Backwards Classes (Reservation of Seats in Educational institutions in the State and of Appointments and Posts in Services under State) Act, 2017 as amended from time to time. In the event of non availability of eligible and suitable candidates amongst More Backward Classes in a particular year of recruitment the vacancies so reserved for them shall be filled in accordance with the normal procedure."

⁵ Ins. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

⁶ Ins. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

710-D. Reservation of vacancies for the Economically Weaker Sections.- Reservation of vacancies for Economically Weaker Sections shall be 10% in direct recruitment in addition to the existing reservation. In the event of nonavailability of eligible and suitable candidate amongst Economically Weaker Sections in a particular year, the vacancies so reserved for them shall be filled in accordance with the normal procedure.

Explanation: For the purpose of this rule 'Economically Weaker Sections' shall be the persons who are bonafide resident of Rajasthan and not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes, the Backward Classes, the More Backward Classes and whose family has gross annual income below rupees 8.00 lakh. Family for this purpose will include the persons who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. The income shall include income from all sources i.e. salary, agriculture, business, profession etc. and it will be income for the financial year prior to the year of application. [Deleted]⁸

11. Determination of vacancies.- (1) Subject to the provisions of these rules, the Appointing Authority shall determine the actual number of vacancies available in the Subordinate Courts of the Judgeship concerned and to occur during the year, on 1st April of every year.

(2) The vacancies determined under sub-rule (1), shall be filled in by the method as specified in the Schedule.

(3) The Appointing Authority shall also determine the vacancies of earlier years, year wise, which are required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

12. Nationality.- A candidate for appointment to the service must be:

- (a) a citizen of India, or
- (b) a citizen of Nepal, or
- (c) a subject of Bhutan:

Provided that a candidate belonging to categories (b) & (c) shall be a person in whose favour a certificate of eligibility has been given by the Government of India.

13. Age.- A candidate for direct recruitment to a post enumerated in the Schedule must have attained the age of 18 years and must not have

⁷ Ins. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

⁸ Deleted vide Notification No. F.3(2)DOP/A-II/2017, Dt. 24.12.2019, Pub. in Raj. Gazette Exty. Pt.-IV-C(i), Dt. 27.12.2019, pg.425

attained the age of 40⁹ years on the first day of January next following the last day fixed for receipt of applications.

Provided that:

- (i) the upper age limit mentioned above shall be relaxed by,-
 - (a) 5 years in the case of male candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes,¹⁰ More Backward Classes¹¹ and Economically Weaker Sections;
 - (b) 5 years in the case of woman candidate belonging to General Category; and
 - (c) 10 years in the case of woman candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes and Special Backward Classes;
- (ii) the upper age limit mentioned above shall not apply in the case of ex-prisoner, who had served under Government on a substantive basis on any post before his conviction and was eligible for appointment under the rules;
- (iii) the upper age limit mentioned above shall be relaxed by a period equal to the term of imprisonment served in the case of ex-prisoner, who was not overage before his conviction and was eligible for appointment under the rules;
- (iv) the persons appointed temporarily to a post in the Service shall be deemed to be within the age limit, had they been within the age limit when they were initially appointed even though they have crossed the age limit and shall be allowed up to two chances;
- (v) the upper age limit mentioned above shall be relaxed by a period equal to the service rendered in the N.C.C. in the case of Cadet instructors and if the resultant age does not exceed the prescribed maximum age limit by more than three years, they shall be deemed to be within the prescribed age limit;
- (vi) the Released Emergency Commissioned Officers and Short Service Commissioned Officers after released from the Army shall be deemed to be within the age limit, even though they have crossed the age limit, when they appear before the Commission, had they been eligible as such at the time of their joining the Commission in the Army;
- (vii) [Deleted]¹²;

9 Substituted vide notification dt. 01.02.2019, Pub. in Raj. Gazette dt. 04.02.2019.

10 Substituted "More Backward Classes" in place "Special Backward Classes" vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

11 Substituted "and Economically Weaker Sections" after the word "More Backward Classes" vide Notification No.3(2)/DOP/A-II/2017 dt. 24.06.2021, Pub. in Raj. Gazette dt. 30.06.2021

12 Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

- (viii) [Deleted]¹³
- (ix) there shall be no age limit in the case of widows and divorced women;
- (x) if a candidate would have been entitled in respect of his/her age for direct recruitment in any year in which no such recruitment was held, he/she shall be deemed to be eligible in the next following recruitment, if he/she is not overage by more than 3 years;
- (xi) ¹⁴The age relaxation for persons with disabilities will be admissible as applicable in the State Government from time to time.
- (xii) ¹⁵The upper age limit for the reservists, namely defence services personnel transferred to the reserve shall be 50 years.

14. Academic and Technical qualification and experience.-A candidate for direct recruitment to the posts enumerated in the Schedule shall possess,-

- (i) the qualification and experience prescribed in column 4 of the Schedule; and
- (ii) working knowledge of Hindi written in Devnagri script and knowledge of Rajasthani culture.

15. Character.- The character of a candidate for direct recruitment to the service must be such as to qualify him/her for employment in the Service. He/She must produce two certificates for good character given not prior than six months from the date of application by two responsible persons not related to him/her.

Note: ¹⁶A conviction by a Court of Law shall not by itself be treated as lack of good character. The circumstances of the conviction shall be taken into account and if the same does not involve moral turpitude or association with crime of violence or with a movement, which has as its object to overthrow the Government established by Law by violent means, it may not be regarded as a disqualification.

(b) [Deleted]¹⁷

(c) [Deleted]¹⁸

13 Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

14 Subs. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

15 Ins. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

16 Deleted "(a)" & "mere" in first line of Note Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

17 Deleted Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

18 Deleted Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

16. Physical fitness.- A candidate for direct recruitment to the Service, must be in good mental and bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of the Service and if selected, must produce a certificate to that effect from any Medical Authority, notified by the Recruiting Authority for the purpose. The Appointing Authority may dispense with production of such certificate, in the case of a candidate who is already serving in connection with the affairs of the State, if he has already been medically examined for the previous appointment and the essential standard for medical examination of the two posts held by him are comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

¹⁹**17. Employment by irregular or improper means.-** A candidate who is or has been declared by the Recruiting Authority or the Appointing Authority, as the case may be, guilty of impersonation or of submitting fabricated or tampered with documents or of making statements which are incorrect or false or of suppressing material information or using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearance at any interview shall, in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period,-

- (a) by the Recruiting Authority or the Appointing Authority, as the case may be, from admission to any examination or appearing at any interview held by the Recruiting Authority for selection of candidates, or
- (b) by the Government from employment under the Government.

18. Disqualification for appointment.- (1) No male or female candidate, who has more than one wife/husband living, shall be eligible for appointment to the service.

(2) No female candidate, who is married to a person having already a wife living, shall be eligible for appointment.

(3) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation.- For the purpose of this rule dowry has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961)

(4) No candidate shall be eligible for appointment, if he has more than two children on/or after 01-06-2002:

Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment so long as number of children he/she has on 1.6.2002 does not increase.

Provided further that where a candidate has only one child from earlier delivery but more than one child is born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

²⁰Provided also that while counting the total number of children of a candidate the child born from earlier delivery and having disability shall not be counted.

Provided also that any person, who performed remarriage, which is not against any law and before such remarriage, he is not disqualified for appointment under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage.

19. Canvassing.-No recommendation for direct recruitment either written or oral other than that required under these rules shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means may disqualify him/her for recruitment.

PART – IV PROCEDURE FOR DIRECT RECRUITMENT

20. Requisition of Vacancies.- The District & Sessions Judge shall send the requisition of the vacancies determined under sub-rule (1) of rule 11 to the Recruiting Authority every year by the end of month of April for initiating the selection process under these rules.

21. Time schedule of direct recruitment.- Time schedule of direct recruitment shall be such as may be decided by the Chief Justice.

22. Inviting of Applications.- Application for direct recruitment to the posts in the service shall be invited by the Recruiting Authority, by advertising the vacancies in at least two News papers, one of which must be in vernacular language having wide circulation in the State and also by displaying the same on official website of the High Court:

Provided that while selecting candidates for the posts, so advertised, the Recruiting Authority, as the case may be, may, if intimation of additional requirement, not exceeding 50% of the advertised vacancies is received by it for selection, also select suitable persons to meet such additional requirement.

²⁰ Subs. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

23. Form of Application and Fee.- The application shall be made in the form specified by the Recruiting Authority under the instruction of the Chief Justice or the authority designated by him and obtainable from such offices, as may be specified by the Recruiting Authority. A candidate for direct recruitment to a post in the service shall pay fee to the Recruiting Authority, as may be fixed by it under the instruction of the Chief Justice or the authority designated by him. Candidates shall be required to state in application form names of district in order of their preference, in which they want to serve, in the manner as prescribed by the Recruiting Authority. The applicant shall submit an undertaking alongwith his application in the form specified by the Recruiting Authority to the effect that he shall perform the duties and functions as specified by the Appointing Authority from time to time under Rule 39 of these Rules.

24. Scrutiny of applications.- Before submitting application, it should be ensured by the candidate himself/ herself that he/she fulfills all the eligibility criteria laid down in these rules. The Recruiting Authority shall scrutinize the applications received by it and prepare a list of eligible candidates. Mere inclusion in the list of eligible candidates, shall not entitle the candidate to presume his eligibility. The Recruiting Authority or Appointing Authority shall reject the candidature of the candidates, who are selected for the post, at any stage, if they are found ineligible for appointment to the post.

²¹**25. Selection to the Post of Driver.-** (i) Recruitment to the post of Driver shall be made by Direct recruitment after holding a job test and personal interview from amongst the eligible candidates.

Provided, that the Recruiting Authority, may, if deemed appropriate, for the purpose of short listing of the candidates, hold a Screening Test.

(ii) Merit list for selection to the post of Driver shall be prepared by the Recruiting Authority on the basis of marks obtained by the candidate in the Job Test and interview.

(iii) Scheme and syllabus of the Test conducted under this Rule, shall be such as may be prescribed by the Recruiting Authority, from time to time.

²²**26. Selection to the post of Office Peon etc.-** (1) Selection to the post of Office Peon and other posts mentioned at item No. 3 in the Schedule-II shall be made by direct recruitment through competitive

21 Subs. Vide Notification dt. 16.10.2019, Pub. in Raj. Gazette dt. 16.10.2019

22 Substituted vide notification dt. 05.03.2019, Pub. in Raj. Gazette dt. 05.03.2019.

examination consisting of written test and interview, carrying 85 and 15 marks respectively.

- (2) The common written test of 2 hours' duration shall be of objective type-multiple choice questions of matriculation standard covering following-
- (a) General Hindi
 - (b) General English
 - (c) Rajasthani culture and dialects.
- (3) On the basis of marks secured in written test, candidates to the extent of five times of total number of vacancies (category wise) shall be declared qualified to be called for interview.

Explanation- In case of candidates securing equal marks in written examination, the candidate(s) elder in age shall be called for interview.

- (4) Interview shall be for the purpose of adjudging overall suitability of the candidate.
- (5) Merit list for selection shall be prepared on the basis of aggregate marks obtained in the written test and interview.

Explanation-

- (i) In case of candidates securing equal aggregate marks in written test and interview, preference shall be given to the candidate securing more marks in interview.
- (ii) In case of candidates securing equal aggregate marks in written test and interview and also equal marks in interview, preference shall be given to the candidate elder in age.

27. Recommendation.- (1) Out of merit list prepared under rule 25 or 26, as the case may be, the Recruiting Authority shall prepare category wise list of the selected candidates equal to the number of posts advertised:

Provided that a category wise reserve list of suitable candidates to the extent of fifty percent of the finally intimated vacancies shall also be prepared by the Recruiting Authority. The Recruiting Authority on requisition shall send the names of such candidates in order of merit to the Appointing Authority concerned, within a year from the date on which original select list was forwarded by the Recruiting Authority.

(2) The Recruiting Authority shall prepare Judgeship wise list of selected candidates, out of list prepared under sub-rule (1), according to preference given by the candidates and sent to the District Judge, concerned. If vacancy is not available in the judgeship for which preference is given by the candidate, his name may be sent by the Recruiting Authority to any other Judgeship for appointment.

PART – V
PROCEDURE FOR RECRUITMENT BY PROMOTION

28. Criteria for Selection.- (1) Promotion to the post of Jamadar or Process Server shall be made on the basis of seniority-cum-suitability by the Appointing Authority. Suitability of the candidates shall be adjudged by the committee constituted by the Appointing Authority.

(2) No person shall be considered for promotion unless he is substantively appointed and confirmed on the lower post. If no person substantive in lower post is available for promotion, persons who have been appointed on such post on officiating basis after selection in accordance with one of the methods of recruitment under these Rules, may be considered for promotion on officiating basis only in the order of seniority in which they would have been placed, had they been substantive on the said lower post.

29. Restriction on Promotion of Persons Forgoing Promotions.- In case of a person, on his appointment by promotion to the next higher post, either on the basis of urgent temporary appointment or on regular basis, forgoes such an appointment by his written request and if the Appointing Authority accepts his request, the person concerned shall be debarred for consideration for promotion, both on the basis of urgent temporary appointment or regular basis, for subsequent two recruitment years.

30. Disqualification for Promotion.- No person shall be considered for promotion for three²³ recruitment years from the date on which his promotion become due, if he/she has more than two children on or after 1st June, 2002:

Provided that the person having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June, 2002, does not increase:

Provided further that where a candidate has only one child from earlier delivery but more than one child is born out of a single subsequent delivery,

²³ Substituted vide notification dt. 28.01.2019, Pub. in Raj. Gazette dt. 28.01.2019.

the children so born shall be deemed to be one entity while counting the total number of children:

Provided also that while counting the total number of children of a candidate, the child born from earlier delivery having disability as defined under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, shall not be counted:

Provided also that any person who performed remarriage, which is not against any law and before such remarriage he is not disqualified for promotion under this sub-rule, he shall not be disqualified if any child is born out of single delivery from such remarriage.

PART – VI TRANSFER

31. Transfer.- (1) Wherever considered necessary, a person appointed in service may be transferred from one judgeship to another on corresponding post in the cadre by the Registrar General with the concurrence of the District Judges concerned and with the approval of the Chief Justice of the High Court or the authority designated by him.

(2) The High Court may also transfer any member of the Service to the corresponding post in the High Court or any member of Rajasthan High Court Staff Service to any judgeship on the corresponding post in the cadre.

(3) The seniority of an employee transferred due to administrative reasons shall be fixed, on the basis of length of service on the post, in the judgeship or High Court, where such employee is transferred. In case transfer is made on his own request, seniority shall be determined from the date he joins in new judgeship or High court, as the case may be and he shall be placed at the lowest in the seniority of that cadre:

Provided that no employee shall be transferred to another Judgeship on his request unless he has completed minimum service of five years in the Judgeship where he was initially appointed:

Provided further that Chief Justice may, in exceptional cases, on administrative considerations, reduce the above-referred requirement of five years upto the period of two years.

PART – VII APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY

32. Appointment to the Service.- Appointment to the posts in the service by direct recruitment or promotion, as the case may be, shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 27 in the order of merit and by promotion from the persons selected under rule 28 of these rules.

33. Urgent Temporary Appointment.- A vacancy in the Service, which cannot be filled immediately either, by direct recruitment or by promotion under these rules, may be filled in by the Authority competent to make appointments by appointing in an officiating capacity thereto, a person eligible for appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the service where such direct recruitment has been provided under the provisions of these rules.

Provided that such, appointment shall not be continued beyond a period of one year or till regular recruitment, whichever is earlier.

Provided further also that prior to filling the posts under this rule, the Appointing Authority shall take prior approval of the Chief Justice or the Authority designated by him.

34. Period of Probation.- All persons appointed to the service by direct recruitment against a substantive vacancy shall be placed as probationer trainee for a period of two years and those appointed to the Service by promotion against substantive vacancy shall be placed on probation for a period of one year:

Provided that,-

- (i) such of them who previous to their appointment by promotion or by direct recruitment against a substantive vacancy, have officiated temporarily on the post, which is followed by regular selection, may be permitted by the Appointing Authority to count such officiating or temporary service towards the period of probation, unless it involves supersession of any senior person or disturbs the order of their preference in respective quota of reservation in recruitment.
- (ii) any period after such appointment during which a person has been on deputation on a corresponding or higher post, shall count towards the period of probation.

Explanation.- In case of a person, who dies or is due to retire on attaining the age of superannuation, the period of probation shall be reduced so as to end one day earlier on the date immediately preceding the date of death or retirement from Service.

35. Unsatisfactory Progress during Probation.- (1) If at any time during or at the end of the period of probation it appears to the Appointing Authority that a probationer has failed to render satisfactory service, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment as probationer trainee, provided he holds a lien thereon or in other case may remove him from service:

Provided that the Appointing Authority may extend the period of probation of any probationer by a specified period not exceeding six months.

(2) A probationer reverted or removed from service during or at the end of the period of probation under sub-rule (1) shall not be entitled to any compensation.

36. Confirmation.- A probationer shall be confirmed in his appointment at the end of his period of probation, if the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

37. Seniority.- Seniority of persons appointed to the lowest post encadred in the service shall be determined from the date of appointment on the post after regular selection in accordance with the provisions of these rules or rules repealed by these rules. Appointment on ad-hoc or urgent temporary basis shall not be deemed to be appointment after regular selection:

Provided that,-

- (i) the integrated seniority of holders of various categories of posts from which promotion to higher posts is provided in these rules shall be reckoned according to the length of service after regular selection to the lower category of posts.
- (ii) the seniority of a person appointed to a post in the service in one Judgeship by transfer to another Judgeship or High Court, on a corresponding post, shall be determined as per the provisions of Part VI of these rules.

PART – VIII MISCELLANEOUS

38. Representations.- Any person aggrieved by any order of the Appointing Authority relating to promotion, seniority, effecting service conditions or compulsory retirement under rule 53 of Rajasthan Pension Rules, 1996 etc., may within a period of three months, make a representation to the High Court, which shall be decided by a High Court Judge nominated by the Chief Justice.

39. Duties of member of the service.- The nature of duty and functions to be performed by the member of the service shall be such as may be specified by the appointing authority from time to time.

40. Regulation of Pay, Leave, Allowance, Pension etc.- Except as provided in these rules, the pay, allowances, pension, leave and other conditions of service of the members of the Service, shall be regulated by,-

- (i) The Rajasthan Service Rules, 1951 as amended from time to time.
- (ii) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, as amended from time to time.
- (iii) The Rajasthan Travelling Allowance Rules, as amended from time to time.
- (iv) The Rajasthan Civil Services (Pension) Rules, 1996, as amended from time to time.
- (v) The Rajasthan Civil Service (Contributory Pension) Rules, 2005.
- (vi) The Rajasthan Civil Services (Revised Pay Scales) Rules, 2008 as amended from time to time.
- (vii) The Rajasthan Civil Service (Conduct) Rules, 1971 as amended from time to time.
- (viii) The Rajasthan Compassionate Appointment of Dependents of Deceased Government Servant Rules, 1996 as amended from time to time.
- (ix) Any other rules made by the appropriate authority under the proviso to Article 309 of the Constitution of India and for the time being in force:

Provided that the powers exercisable under the aforesaid rules by the Government, as and when required, shall be exercisable by the High Court.

41. Power to relax the Rules.- In exceptional cases, where the Chief Justice is satisfied that operation of the rule relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Chief Justice is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, he may by order dispense with or relax the relevant provisions of these rules to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these rules.

42. Repeal and Savings.- After commencement of these rules, any other rules, notifications or orders governing the recruitment and other service conditions of the members of the service and orders issued in relation to matters covered by these rules are hereby repealed:

Provided that any action taken under the rules and orders so repealed, shall be deemed to have been taken under the provisions of these rules.

43. Removal of doubts.- If any doubt arises relating to the application and scope of these rules, it shall be referred to the Chief Justice whose decision thereon shall be final.

Schedule-I

S. No.	Name of Post	Method of recruitment with percentage	Minimum qualification and experience for direct recruitment	Post from which promotion is to be made	Minimum qualification and experience for promotion	Remarks
1	2	3	4	5	6	7
1.	Driver	100% by direct recruitment	<p>(1) Senior Secondary from Board of Secondary Education, Rajasthan or any other Board recognized by the Government,</p> <p>(2) Must hold a valid license for driving Light Motor Vehicle and Transport Vehicle,</p> <p>(3) Must also possess the following:</p> <p>(i) Sight 6x6 with or without glasses.</p> <p>(ii) Knowledge of roadside repairs & efficiency in driving, and</p> <p>(4) Three years experience of driving after obtaining valid driving license for driving Light Motor Vehicle and Transport Vehicle.</p>	-	-	-

Schedule-II

S. No.	Name of Post	Method of recruitment with percentage	Minimum qualification and experience for direct recruitment	Post from which promotion is to be made	Minimum qualification and experience for promotion	Remarks
1	2	3	4	5	6	7
1	Jamadar	100% by promotion.	-	Posts mentioned at Column No. 2 of serial number 3	Three years experience on the post mentioned in column 5	-
2	Process Server	100% by promotion.	-	Posts mentioned at Column No. 2 of serial number 3	Three years experience on the post mentioned in column 5	
3	(i) Office Peon (ii) Record Lifter (iii)Waterman-cum-Farrash (iv)Chowkidar (v)Any other equivalent post as may be sanctioned by the Government from time to time	100% by direct recruitment	Secondary from Board of Secondary Education, Rajasthan or any other Board recognized by the Government	-	-	-

Explanation: Equivalent posts sanctioned for office work in the lowest scale will include posts sanctioned in the scale of pay identical to the scale of pay sanctioned for the post of Office Peon.

By order and in the name of the Governor,

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Joint Secretary to Government