

# SIKKIM



## GOVERNMENT

## GAZETTE

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GOVERNMENT OF SIKKIM  
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.  
GANGTOK

Dated: 27.5.2004.

No. 03 /GEN/DOP

### NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim in consultation with the High Court of Sikkim, hereby makes the following rules further to amend the Sikkim Judicial Service Rules, 1975, namely:-

- Short title and Commencement* 1. (1) These rules may be called the Sikkim Judicial Service (Amendment) Rules, 2004.  
(2) They shall come into force on the date of their publication in the Official Gazette.
- Amendment of rule 3* 2. In the Sikkim Judicial Service Rules, 1975 for rule 3, the following shall be substituted, namely:-  
"3. (i) Appointment to the post of Civil Judge-cum-Judicial Magistrate (Grade-II) shall be made by the Governor on the basis of the selection made by the High Court in accordance with these Rules."  
(ii) Promotion to the posts of Civil Judge-cum-Judicial Magistrate (Grade-II), Civil Judge-cum-Judicial Magistrate (Grade I) Chief Judicial Magistrate-cum- Civil Judge (Grade-II), Chief Judicial Magistrate-cum-Civil Judge (Grade-II), Chief Judicial Magistrate-cum Civil Judge (Grade-II) and Chief Judicial Magistrate-cum-Civil Judge (Grade-I) shall be made by the High Court.
- Amendment of rule 4* 3. In the said rules for existing rule 4, the following shall be substituted, namely:-  
"4. A candidate shall be eligible to be recruited if he is  
(a) a citizen of India.  
(b) Not more than 35 years of age as on the last date fixed for receipt of applications.  
(c) The holder of a degree in law granted by a University established by law in India."
- Amendment of rule 5*

4. In the said rules for existing rule 5, the following shall be substituted, namely:-

5. Recruitment to the post of Civil Judge-cum-Judicial Magistrate (Grade-III) shall be made on the basis of a competitive examination to be held by the High Court at such intervals as the High Court may determine. The date on which and the place at which the examination is to be held, shall be fixed by the High Court.

(a) The competitive examination shall consist of:-

(i) **Written examination**

Paper-I Procedural Law-Code of Civil Procedure.

Code of Criminal procedure, Indian Evidence Act and Limitation Act.

Paper-II Substantive Law-Hindu Law, Indian Contract Act, Sale of Goods Act, Partnership Act, Specific Relief Act, General Clauses Act, Transfer of Property Act and Indian Penal Code.

Note: Each paper shall be two and half hours duration and shall carry 200 marks each.

(ii) **Viva Voce**

It will carry 100 marks.

(b) Only such number of candidates shall be called for viva-voce as shall obtain the highest number of marks in aggregate of both the papers in the written examination upto the extent of five times of the number of posts as specified in the advertisement inviting applications.

(c) Selection of candidates shall be made on the basis of the aggregate marks obtained in the written examination and viva voce.

(d) The list prepared on the basis of the selection made shall be operative for one year and shall be effective for the filling of the vacancies then existing and those arising within a period of one year.

5. In the said rules, for existing rule 6, the following shall be substituted.

6. (1) No person who has more than one wife living shall be eligible for appointment to the service provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(2) No woman who is married to any person who has a wife living shall be eligible for appointment to the service, provided that the Governor, may, if he is satisfied that there are special grounds for doing so, exempt any such woman from the operation of this sub-rule".

*Amendment of rule 6.*

*Amendment of rule 11.*

6. In the said rules, in rule 11, for figure "3" occurring after the word "column" in the first line shall be substituted by the figure "5".

**BY ORDER AND IN THE NAME OF THE GOVERNOR.**

**C.L. SHARMA  
ADDL. SECRETARY TO THE GOVT. OF SIKKIM  
DEPARTMENT OF PERSONNEL A.R. & TRAINING.**