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THE HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

The 13th May, 2024

No.447/R.— In exercise of the powers conferred under Article 229 of the Constitution of India, the Chief Justice of the High Court of Orissa hereby makes the following rules further to amend the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, namely;

1. Short title and commencement:

- (1) These Rules may be called the High Court of Orissa (Appointment of Staff and Conditions of Service) (Amendment) Rules, 2024.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019, the provisions of the Appendix-7 shall be substituted with the followings, namely;

APPENDIX-7

SCHEME FOR SELECTION AND APPOINTMENT OF RESEARCH ASSISTANTS

[See Rule 5(6)]

With a view to encourage brilliant and talented Law Graduates to join legal profession and to give them exposure to various facets of litigation and branches of law and familiarity with Court procedure, posts of Research Assistant on fixed honorarium basis have been sanctioned by the Government of Odisha for their attachment with the Chief Justice and the Judges of the High Court. Their professional skills are expected to be chiseled in the process of assisting the Chief Justice and the Judges in their Judicial work at different stages.

Therefore, to obtain services of best incumbents, and with a view to keep transparency in the mode and modality of engaging such Research Assistant; providing qualification/method of selection, brief job chart, general condition of job etc. the “Scheme for Selection and Appointment of Research Assistant in the High Court of Orissa” was framed.

Now, therefore, the following Scheme for Selection and appointment of Research Assistants in the High Court of Orissa is framed on amendment of the rules, namely;

1. TITLE: The scheme shall be hereinafter called as “Scheme for Selection and Appointment of Research Assistant in the High Court of Orissa” and shall come into force on the date of publication in the *Odisha Gazette*.

2. DEFINITIONS: Unless there is anything repugnant in the subject of context;

- (i) “Chief Justice” means the Chief Justice of the High Court of Orissa.
- (ii) “Judge” means a Judge of the High Court of Orissa.
- (iii) “Registrar General” means Registrar General of the High Court of Orissa.
- (iv) “Research Assistant” means a person appointed under this Scheme to assist the Chief Justice and Judge in research work in legal issues coming up for adjudication.
- (v) “Schedule” means schedule appended to this Scheme.
- (vi) “Universities/Colleges/institutions” shall mean the Law Universities/Colleges / Schools/ Institutions established by law in India.
- (vii) “Website” means official website of the High Court of Orissa with its domain name/URL as may be prescribed from time to time which is at present:(<http://orissahighcourt.nic.in>).

3. TERM AND NATURE OF ENGAGEMENT:

- (i) A Research Assistant shall be engaged on purely temporary and contractual basis for a term coterminous with the tenure of the Chief Justice / Judge or for a term of two years whichever is earlier, which can be extended to a maximum of four times, each for a period of six months, subject to satisfactory service and conduct.

The Research Assistant once engaged shall not be re-engaged through any subsequent advertisement.

- (ii) The Chief Justice shall be entitled to have the services of a maximum of three Research Assistants and each Judge shall be entitled to maximum of two Research Assistants.
- (iii) The engagement of a Research Assistant may be terminated without notice by the Chief Justice based on recommendation of the Judge with whom he/she is attached.

4. METHOD OF SELECTION:

- (i) The Chief Justice or a Judge may recommend in writing for appointment of one candidate each and the attachment of the said candidate with him shall be based on such recommendation, if he/she fulfills the eligibility criteria in terms of these Rules. With such recommendation, the concerned candidate shall be appointed and attached as a Research Assistant with the Chief Justice or the Judge, as the case may be.
- (ii) For the rest, pursuant to the advertisement published in at least two widely circulated daily newspapers, one of which must be in the regional language, prospective candidates may apply to the Registrar General of the High Court of Orissa in the form under Schedule-I. The applications so received shall be scrutinized by the Registry and the defect free applications shall be placed before a Selection Committee constituted by the Chief Justice.
- (iii) In order to assess the merit and suitability of the candidates for appointment as Research Assistant, the Selection Committee shall conduct oral interview of the candidates for 100 marks. In order to be included in the merit list, a candidate shall require to secure 40% marks in oral interview.
- (iv) A merit list of candidates, who have attended the oral interview and secured minimum 40% of marks in such interview shall be drawn up by the Selection Committee and recommend to the Chief Justice for their appointment as Research Assistants along with the candidates recommended by the Chief Justice or the Judge concerned up to the limit of the advertised vacancy in the High Court of Orissa.

5. AGE AND NATIONALITY:

- (i) A candidate must not have attained the age of 33 years as on 1st January preceding the last date fixed for submission of the application.
- (ii) He must be a citizen of India.

6. ELIGIBILITY CONDITIONS & QUALIFICATIONS:

- (i) A candidate must have acquired LLB degree/LLM degree/any higher qualification in Law from any recognized University/College/School/ Institution within three years from the date of his/her application and should not have put in more than five years of practice, if he/she is a practicing advocate.
- (ii) A candidate must have good working knowledge of computers.
- (iii) The candidate should have of sound mind and body and free from any bodily and mental disability, which render him/her unfit for such assignment.

7. DISQUALIFICATIONS:

A candidate held guilty of criminal offence by a Court of law or any misconduct by a competent authority shall not be eligible to apply for the post.

8. CHARACTER:

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

9. HONORARIUM:

- (i) A fixed honorarium/stipend of Rs.30,000/- (Rupees Thirty thousand) per month for his/her engagement or for such higher amount as may be prescribed by the State Government from time to time in this regard shall be payable to the Research Assistant. No dearness or other allowance/perquisite shall be payable to the Research Assistant.
- (ii) Proportionate reduction of honorarium shall be made for unauthorized absence so also for absence beyond permissible period of leave.

10. ATTENDANCE AND LEAVE:

- (i) A Research Assistant shall be entitled to one casual leave on completion of one calendar month, and un-availed casual leave will accumulate till the end of the calendar year.
- (ii) The Private Secretary of the Hon'ble Judge to whom such Research Assistant is attached shall maintain account of attendance and casual leave of the Research Assistant and will send its intimation of leave and working day in each calendar month to the Bill Section for preparing bill of honorarium.

11. DUTIES OF RESEARCH ASSISTANT:

- (i) To assist the Hon'ble Judge, in discharge of judicial and administrative functions with whom he/she is attached.
- (ii) He/she shall read the case files and prepare the case summary and notes and chronology of events of a comprehensive nature, that it may give 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 way.
- (iii) He/she shall search out case law, articles, papers and other relevant material required in discharge of judicial/administrative work.
- (iv) He/she shall take down notes of arguments and to prepare notes of cases.
- (v) He/she shall identify facts, issues and questions that may arise in course of arguments, or as may be relevant for judgment.
- (vi) He/she shall maintain record of judgments delivered by the Hon'ble Judge along with the point of law decided in that particular case, in such a manner, as to be very conveniently retrievable, as and when needed by the Judge, for any purpose whatsoever.
- (vii) He/she shall perform whatever is directed, in the course of imparting training to him/her, with regard to the procedure and substantive law and also maintain confidentiality.
- (viii) He/she shall assist the Hon'ble Judge in preparing any speech/academic paper.

12. DUTY HOURS:

It is a full-time job, and the Research Assistant may be required to attend the residential office of the concerned Hon'ble Judge in addition to normal duty during office hours. He/she may be required to attend the office/residential office, even on non-Gazetted /Local holidays. However, the time schedule shall be mutually adjusted by the Hon'ble Judge concerned, so as to make convenient working of the Research Assistant as well as the Hon'ble Judge.

13. TRAINING:

The newly inducted Research Assistants shall undergo induction training at the Odisha State Judicial Academy, Cuttack to enhance their skills, knowledge and to make aware about the job profile.

14. CONDUCT DURING AND AFTER TERM OF ASSIGNMENT:

- (i) A Research Assistant shall maintain devotion to duty, and a high standard of moral reputation and integrity commensurate with the responsibilities entrusted to him/her, during the term of assignment. He will not disclose any fact which comes to his/her knowledge on account of such official assignment and shall ensure that no information/document or any other thing is leaked out because of his/her mishandling of papers, deliberations with others, or in any other manner during or after completion of term of assignment, unless such disclosure is legally required in discharge of lawful duties.
- (ii) The Research Assistant will not accept any other assignment during term of engagement as Research Assistant.
- (iii) He/ she will not leave the headquarters without seeking permission from Hon'ble Judge concerned.
- (iv) He/she will not avail leave without getting it sanctioned. In case of emergency, he/she will immediately contact and convey the Hon'ble Judge concerned, of his/her inability to attend office.
- (v) The Research Assistant shall recuse himself/herself from rendering any service to the Hon'ble Judge to whom he/she is attached, in respect of a case, in which he/she has got any direct or indirect interest.

- (vi) Research Assistant shall abide by such other Rules and conditions of services as may be prescribed by the Chief Justice.

15. BAR TO PRACTICE AS AN ADVOCATE:

- (i) No Research Assistant shall practice as an Advocate in any Court of law or Tribunal and it will be obligatory for him/her on accepting the assignment as Research Assistant to surrender/keep in abeyance his/her advocate license, so long as he or she continues with the assignment as a Research Assistant.
- (ii) The Research Assistant shall refrain from practicing before the Judge with whom he/she was attached for a period of two years after cessation of his/her assignment as Research Assistant.
- (iii) After cessation of assignment, a Research Assistant shall not be entitled to appear in any case, if he/she had worked on that case during the course of his/her assignment.

16. DRESS CODE FOR RESEARCH ASSISTANT:

- (i) For Male Research Assistant: Black Full Pant, White Shirt (Full Sleeves) with Black Tie and Black Shoes.
- (ii) For Female Research Assistant: White Blouse with Light Colour Saree (or) White Salwar Kameez with Black Dupatta.
- (iii) Black Sweater and Black Coat, as and when needed.

17. UNDERTAKING:

Before taking over assignment, the Research Assistant shall submit an undertaking in format, as prescribed in Schedule II, before the Registrar General of the High Court of Orissa.

18. CERTIFICATE:

- (i) On successful completion of term of assignment, a certificate by the Registrar General shall be issued, in the Form as prescribed in Schedule III.

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

19. PUBLICATION OF THE SCHEME:

The Scheme shall be uploaded in the website of High Court and in any other additional manner as the Chief Justice may direct.

20. POWER TO REMOVE DIFFICULTIES:

- (i) The Chief Justice shall have the power to remove difficulties in implementation of this Scheme.
- (ii) If any doubt arises involving interpretation of this Scheme, the decision of the Chief Justice shall be final.

21. REPEAL & SAVINGS:

The Scheme framed earlier in this regard is hereby repealed.

Provided that any action taken or appointment made or things done under the earlier Scheme so repealed shall be deemed to have been taken, made or done under this Scheme.

By order of the Chief Justice
PRATAP KUMAR PATRA
Registrar General

SCHEDULE – I
ORISSA HIGH COURT, CUTTACK

Adv. No. _____ / Research Assistant

1. Name of Applicant:
2. Date of Birth:
3. Sex (Male/Female):
4. Nationality:
5. Full Name of the Father / Husband:
6. Present Postal Address:
7. Permanent Address:
8. Educational Qualification:

Name of the Exam	Name of the Board / University	Name of the Institute/ College	Year of Passing	Total Marks	Percentage of Marks Obtained	Date of Enrolment in Bar

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

(b) Whether you have undergone any certificate/diploma course in computer operation from a recognized 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. Whether you had earlier been engaged as a Research Assistant, If so, details.

Place

Date:

Signature of Applicant

Note:

1. Candidates should affix a latest coloured photograph snapped within three months preceding the date of application in passport size with his/her own signature thereon and duly attested by a Gazetted Officer at the space provided in the application.
2. The envelope containing application should be marked **“APPLICATION FOR THE POST OF RESEARCH ASSISTANT,20...”**
3. Envelope shall contain only one application form. An envelope containing more than one application form shall stand rejected.
4. Candidates must attach with the application form, attested copies of the certificates & mark sheets in support of their age and educational qualifications, extra-curricular activities and also in support of their having computer knowledge.
5. Two Character certificates as per Clause 8 of the Scheme.
6. Applications may be sent either by Speed Post, Registered Post with A.D., or through Courier, or can be deposited by hand during office hours.
7. The defective applications, which are not complete in any respect, will be rejected summarily.
8. Applications received after the last date shall not be entertained and the Court will not be responsible for any postal delay.
9. The candidate shall not practice in any court of law nor engage himself in any professional pursuit during the engagement as a Research Assistant.

SCHEDULE-II**UNDERTAKING**

I _____ Son/daughter of _____ resident of _____
_____ having been assigned the job of Research Assistant to 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 SELECTION AND APPOINTMENT OF RESEARCH ASSISTANT IN THE HIGH COURT OF ORISSA”** and have fully understood the provisions contained therein. I understand and do undertake that I shall be bound by the provisions contained in the above said Scheme and that I will abide by the provisions of it.

Signature (Name of Candidate)

Date:

Verified

(Registrar General)

SCHEDULE-III

CERTIFICATE

(To whomsoever it may concern)

It is to certify that Mr./Mrs./Miss.

Son/ Daughter /Wife of Resident of

..... had performed job and

successfully participated in the training as Research Assistant w.e.f.

..... to..... He was attached to Hon'ble

Mr. Justice..... Hon'ble The Chief

Justice/ Hon'ble Judge of Orissa High Court and his/her performance was found to be

satisfactory/ good /outstanding.

REGISTRAR GENERAL

Date:
