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THE HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

The 30th June 2021

No. 802/R--In exercise of the powers conferred under Article-229 of the Constitution of India, the Chief Justice of the High Court of Orissa is pleased to substitute the following Scheme in place of the existing scheme appended as **Appendix-7** of "The High Court of Orissa (Appointment of Staff and Conditions of Service) Rules, 2019" for selection and appointment of the Research Assistant in the High Court of Orissa, as follows:-

APPENDIX-7

SCHEME FOR SELECTION AND APPOINTMENT OF RESEARCH ASSISTANT

[See Rule. 5(6)]

Whereas, sanction of posts of Research Assistant on fixed honorarium basis, for their attachment with Hon'ble High Court Judges, has been issued by the Government of Orissa, with a view, that the attached Research Assistant may assist Hon'ble Judges in Judicial work i.e. Searching out case law, articles, papers; taking

down notes or arguments and preparing of speech/articles etc. which add and enrich knowledge and experience of concerned Research Assistants also.

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 ;

Whereas Govt. of Orissa in the mean time has enhanced the honorarium of the Research Assistant and there is a need of revamping the Scheme framed to ensure better service from the Research Assistants;

Therefore, the following Scheme for Selection and appointment of Research Assistants in the High Court of Orissa is framed;

1. **TITLE-** The scheme shall be herein after 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 Official Gazette..
2. **DEFINITIONS:** Unless there is anything repugnant in the subject of context;
 - (i) "Chief Justice" means Hon'ble Chief Justice of the High Court of Orissa.
 - (ii) "Judge" means Hon'ble Judge of the High Court of Orissa
 - (iii) "Research Assistant" means the person to assist the Hon'ble Judges in the Research work in Legal issues coming up for adjudication.
 - (iv) "Schedule" means schedule attached to this Scheme.
 - (v) "Website" means official website of the High Court of Orissa as may be uploaded from time to time. (At present it is <http://orissahighcourt.nic.in>)
 - (vi) "Universities / Colleges / institutions" shall mean the Universities / Colleges / Institutions established by law in India.
 - (vii) "Registrar General" means Registrar General of the High Court of Orissa.

3. TERM AND NATURE OF ENGAGEMENT:

(i) Research Assistant shall be engaged on purely temporary and contractual basis for a term coterminous to the tenure of the Chief Justice/Judge or for a term of two years whichever comes to an end earlier and the term of two years can be extended further for such period as may be considered appropriate.

Provided that the Hon'ble Judge with whom he/she is attached satisfies with his/her performance, can recommend for extension of engagement beyond two years period. However, the same shall not entail person concerned to claim any regular appointment and such continuance shall not be beyond a further period of two years. The Research Assistant once engaged shall not be re-engaged through any subsequent advertisement.

(ii) Hon'ble the Chief Justice shall be entitled to have services of a maximum of three Research Assistants and each Hon'ble Judge shall be entitled to maximum of two Research Assistants, subject to the approval of the State Government.

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

(iv) A Research Assistant intending to leave assignment prematurely shall be required to give prior notice of three months or residuary tenure of assignment whichever is higher.

4. METHOD OF SELECTION

Pursuant to advertisement published in at least two widely circulated 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 indicating their willingness to work with the Chief Justice or with a particular Judge, who requires the services of Research Assistant. The applications so received shall be scrutinized by the Registry and the defect free applications shall be placed before the Chief Justice/Judge as per the willingness given by the applicant(s).

The Chief Justice/Judge in his/her discretion may or may not call any of the applicants for interview or personal interaction. The applicants will be finally selected as Research Assistants by the Chief Justice/Judge to whom such Research Assistants are expected to be attached. Upon intimation of such selection to the Registrar General, he shall issue the required letter of engagement to such Research Assistant.

5. 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 a citizen of India.

6. ELIGIBILITY CONDITIONS & QUALIFICATIONS:

- (i) A candidate must have acquired LLB degree/LLM degree from any recognized Universities/Colleges/ Institutions, 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 unfit for such assignment.

7. DISQUALIFICATIONS:

- (i) A candidate must not have more than one living spouse, nor should be married to such a person, who already has a living spouse.
- (ii) A candidate should not have been convicted or involved in any pending criminal case.

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 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 but without any dearness or other allowance/ perquisite, shall be paid 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, up till 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, 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,
- (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 the course of arguments, or as may be relevant for judgment,
- (vi) He/she shall maintain record of judgments 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 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 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 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 concerned.

13. TRAINING:

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

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 assignment as Research Assistant.

- (iii) He/She will not leave headquarter without seeking permission from Hon'ble Judge concerned.
- (iv) He/She will not avail leave without getting it sanctioned. In any 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 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:

- (a) 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.
- (b) 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.
- (c) 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, if and when needed.

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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 form as is 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 given.

19. PUBLICATION OF THE SCHEME:

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

20. POWER TO REMOVE DIFFICULTIES:

- (a) The Chief Justice shall have the power to remove difficulties in implementation of this Scheme.
- (b) If any dispute 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

C. R. DASH

REGISTRAR GENERAL

SCHEDULE - I**ORISSA HIGH COURT, CUTTACK**

Adv No. _____/Research Assistant

Space for
Photograph

1. Name of Applicant : _____
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:

Name of Exam Passe	Name of Board/ University	Name of Institution /College	Year of Passing	Total Marks	Marks Obtained	Percentage of Marks Obtained	Date of enrollment in the Bar

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

(a) 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 engaged research Assistant, If so, details

12. I offer my willingness to work as a Research Assistant with Hon'ble the Chief Justice/Hon'ble Justice_____. (Strike out which is not applicable)

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, extracurricular 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 out-right.
8. Applications received after last date shall not be entertained and the Court will not be responsible for any postal delay.
9. The candidate shall not practise in any court of law nor engage himself in any professional pursuit during the engagement as Research Assistant.

SCHEDULE - II**UNDERTAKING**

I _____ son/daughter of _____
resident of _____ having been assigned job of Research
Assistant 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 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)

SCHEDULE- III**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 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.

Date:**REGISTRAR****GENERAL**
