

**HIGH COURT
APPELLATE SIDE
CALCUTTA**

NOTIFICATION

No. 4703 - G.

Dated, Calcutta, the 11th December, 2018.

The following Rules, as framed by the High Court at Calcutta, vide Hon'ble Court's Notification No. **10347 - G dated 21st October, 2011** (published in the Kolkata Gazette Extraordinary on 4.1.2012), read with the amendments made thereto from time to time under Hon'ble Court's Notification Nos. **2265-G dated 20th June, 2018** (published in the Kolkata Gazette *Extraordinary* on 2.7.2018) and **3055-G dated 30th July, 2018** (published in the Kolkata Gazette *Extraordinary* on 21.8.2018), respectively, with regard to **appointment of Law Clerk - cum - Research Assistants for Hon'ble Judges of the High court at Calcutta**, are compiled and hereby notified for information of all concerned.

The said Rules take effect from the respective date of publication of the same in the Official Gazette.

RULES.

(I) Eligibility:

1. * The candidate must be an Indian national, not less than 23 years of age and not more than 32 years of age as on the date of the advertisement inviting applications.
(* Amended vide Hon'ble Court's Notification No. **2265-G dated 20th June, 2018**, published in the Kolkata Gazette *Extraordinary* on 2.7.2018).
2. The candidate must have obtained a LLB degree from any recognized universities in India, whether enrolled or not as an advocate with Bar Council of India or with any Bar Council of any States.

(II) Appointment:

1. Applications will be invited from eligible candidates to appear at a written and/or viva voce examination for screening.
2. The list of successful candidates clearing the screening test would be made available to all the Hon'ble Judges to indicate their Lordships' choice of candidate from the list. The list will be circulated to the Hon'ble the Chief Justice and the Hon'ble Judges in accordance with seniority.
3. Candidates clearing the screening test will be required to present themselves for interview/introduction with individual Judge (s) for choice of suitable candidate.
4. Chief Justice selecting a suitable candidate to be exclusively associated with His Lordship, the modified list of available candidates will be presented before the senior-most Puisne Judge and upon the selection of a candidate by the senior-most Puisne Judge, the then modified list of candidates will be presented before the next senior-most Judge till the list is exhausted. It will be open to any Hon'ble Judge to either opt not to engage any law clerk altogether or upon assessing the candidates then available on the list, to not engage any of the available candidates on the ground of unsuitability. In such case fresh applications would be invited from candidates whose names had not already figured in the previous screened list.

5. The Hon'ble Judges shall have the right to appoint a law clerk of their choice subject to compliance with the eligibility criteria under these rules.

(III) Duties:

- (1) A law clerk will be expected to assist the concerned Judge both in the judicial work and in administrative duties.
- (2) A law clerk may be required by the concerned Judge to research on the law relating to any particular matter, assist in the preparation of articles and papers.
- (3) A law clerk may be required by the concerned Judge to be present in Court to take notes of arguments and research on the citations.
- (4) A law clerk will be expected to help in the preparation of judgements by the concerned Judge including correction and editing thereof.
- (5) A law clerk may be required to maintain case files and assist in Court and case management.
- (6) A law clerk may be required to prepare statistical reports including as to timely delivery of judgements and such other matters that the relevant Judge may stipulate.

(IV) Confidentiality:

- (1) A law clerk will ensure that utmost confidentiality is maintained in respect of the matters assigned to the law clerk or matters pertaining to pending and disposed of Court cases that may come to the law clerk's knowledge in connection with the work.
- (2) Such confidentiality has to be maintained both during the duration of the clerkship and thereafter.
- (3) Matters relating to Court cases, reports and statistics which come to the knowledge of a law clerk in course of the clerkship may not be used or divulged for any purpose without the express previous leave of the concerned Judge or, upon the retirement of the concerned Judge, of the Registrar General of the High Court.

(V) Tenure and Terms:

- (1) A law clerk will be engaged, subject to such clerk's continued satisfactory performance, for a maximum period of two years, renewable for subsequent periods of a year each as may be mutually decided by the relevant Judge and the law clerk.
- (2) ** The engagement of Law Clerk-cum-Research Assistants (with the Nomenclature, "Law Clerk") would be on a purely contractual basis at a fixed consolidated remuneration of Rs. 35,000/- per month without the engaged person having any claim as an employee of the Court. (** Amended vide Hon'ble Court's Notification No. 3055-G dated 30th July, 2018, published in the Kolkata Gazette *Extraordinary* on 21.8.2018).
- (3) The period of assignment can be terminated by the relevant Judge without any notice.
- (4) A law clerk will have such leave of absence as may be approved by the relevant Judge, subject to a maximum of 10 days per year during the period of assignment.
- (5) A law clerk will have to execute an undertaking in the appended form as acceptance of the assignment.

By Order of the High Court,

Sd/- Ananda Kumar Mukherjee.

**Registrar General
High Court, Calcutta.**