

महाराष्ट्र शासन राजपत्र, असा, ऑगस्ट ३१, १९९८/खत्र ९, शके १९२० [भाग चार-ब]

(d) "District Judge" shall have the same meaning as defined by Article 236 of the Constitution of India ;

(e) "Government" means the Government of Maharashtra

(f) "High Court" means the High Court of Judicature at Bombay ;

(g) "Judge" means a Judge of the Co-operative Court ;

(h) "Member" means a member of the Co-operative Appellate Court ;

(i) "President" means the President of the Co-operative Appellate Court ;

(j) "Selection Committee" means the Selection Committee constituted by Government in accordance with Rule 5 of these Rules.

3. Appointment to the post of the President shall be made by the Governor in consultation with the High Court, by any one of the following modes as may be determined by the High Court, namely :—

(i) promotion

(ii) nomination

(iii) transfer.

Mode of Appointment :

(a) By promotion on the recommendation of the High Court of a suitable person, who has worked for not less than three years as a member of the Co-operative Appellate Court ;

(b) By nomination on the recommendation of the Selection Committee of a person who,—

(i) is qualified to be appointed as a Judge of the High Court, or

(ii) is or has been a District Judge for not less than three years.

(c) by transfer, of a suitable District Judge, who fulfils the requirements prescribed in sub-clause (ii) of clause (b).

4. Appointment to the post of a Member shall be made by Governor in consultation with the High Court, by any one of the following modes as may be determined by the High Court, namely :

(i) Promotion

(ii) nomination

(iii) transfer

Provided the appointments by promotion and by nomination shall be made, as far as possible, in the ratio, 50 : 50.

Mode of Appointment—

(a) By promotion, on the recommendation of the High Court of a suitable Judge, who has worked for not less than five years as a Judge of the Co-operative Court ;

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(b) By nomination, on the recommendation of the Selection Committee of a person who,—

(i) is not less than thirty five years of age and unless already in the judicial service is not more than fifty years of age; and

(ii) has practised as an Advocate in the High Court or any Court subordinate to it, for not less than seven years.

Provided that, the upper age limit may be relaxed by the Selection Committee upto five years in favour of a candidate having exceptional qualifications or experience.

(c) by transfer of a suitable District Judge.

5. The Selection Committee shall consist of two Hon'ble Judges of the High Court, as may be nominated by the Chief Justice from time to time; senior out of the two being the Chairman and the Chief Secretary to the Government of Maharashtra or his nominee, who shall be an Officer not lower in rank of Additional Chief Secretary.

6. Appointment to the post of judge, Co-operative Court shall be made:—

(a) By nomination, in consultation with Maharashtra Public Service Commission, by the Governor of a person:

(i) Who has practised as an Advocate in the High Court or in the Court subordinate to it, for not less than three years.

(ii) who is not less than twenty five and not more than thirty five years of age:

Provided the upper age limit may be relaxed by Government upto five years in favour of backward class candidates or on the recommendation of the said Commission, in favour of a candidate with exceptional qualifications or experience:

Provided that a Judge of the High Court to be nominated by the Chief Justice shall be one of the members of the Selection Committee of the Maharashtra Public Service Commission and the opinion given by him with regard to the suitability of a candidate shall not be disregarded unless there are strong and cogent reasons for not accepting the opinion, which reasons must be recorded in writing.

(b) By transfer of a suitable Civil Judge, Junior Division and Judicial Magistrates. First Class, by the High Court.

7. (a) A person to be appointed as President, Member or a Judge shall have sufficient knowledge of Marathi, enabling him to speak, read, write and translate with facility from the Written character into English and Vice-Versa;

(b) A person appointed to any of the posts, by nomination, shall be required

to pass the examinations in *Hindi* and *Marathi* according to the Rules made in that behalf, unless he has already passed or has been exempted from passing those examinations.

8. A person appointed to the post of the President, Member or the Judge shall retire on completing the age of 60 years, subject to assessment and evaluation of potential for continued utility at the age of 58 years, by the Committee of Hon'ble Judges of the High Court constituted by the Hon'ble the Chief Justice in addition to and independent of the assessment for compulsory retirement that may be undertaken under the relevant service rules at the earlier stage/s.

9. A person appointed to be a Member or a Judge shall be liable to be transferred anywhere in the State of Maharashtra.

10. A person appointed to any of the posts, by nomination, shall be on probation for a period of two years, and shall not be confirmed save and except on the recommendation of the High Court, provided the period of probation may be extended by the High Court from time to time, as it may deem fit.

During the period of probation and until expressly confirmed by a written order, the services of an appointee shall be terminable by one month's notice on either side, without any reason being assigned therefor or by payment of salary in lieu of notice.

11. A person appointed to the post of—

(i) the President or a Member, as the case may be shall be debarred for a period of two years from the date on which he ceases to be in service from practising in any Court in which he has presided as the President or a Member while in service or in any courts subordinate thereto ; or

(ii) a Judge of a Co-operative Court shall be debarred from practising in any court in which he was the Presiding Officer, while in service, for a period of two years from the date on which he ceases to be in service.

12. Subject to control of the High Court under Article 235 of the Constitution, the provisions of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 shall apply, in the matter of disciplinary actions against the President a Member and Judge.

By order and in the name of the Governor of Maharashtra,

SYED SHAHZAD HUSSAIN,
Secretary to Government.

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