

The Maharashtra Judicial Service (Seniority) Rules, 2007

(Amended upto 16th February 2017)

In exercise of the powers conferred by the proviso to Article 309 read with Articles 233 and 235 of the Constitution of India, the Governor of Maharashtra after consultation with the High Court of Judicature at Bombay and in supersession of the existing Rules and Orders on the subject is pleased to make the following rules to regulate the seniority of the Judicial Officers in the Judicial service of the State, namely:-

1. **Short Title.**- These rules may be called Maharashtra Judicial Service (Seniority) Rules, 2007.
2. **Commencement.**- These rules shall be deemed to have come into force from 1st July, 1996.
3. **Seniority.**- (1) An Officer appointed in accordance with the rules of recruitment on regular basis shall be senior to persons appointed temporarily.

(2) Where more than one Officer is promoted to a cadre at the same time, the inter-seniority of persons so promoted shall be in accordance with their positions in the select list.

(3) Where direct recruitment is made to a cadre, the inter-se-seniority of persons so recruited shall be in the order in which their names are arranged in the select list:

Provided that in case of doubt, or where these rules are silent, the Maharashtra Civil Services (Regulation of Seniority) Rules, 1982, shall apply so as to fix seniority of the Judicial Officers.

4. **Initial Seniority of officers forming unified cadre of District Judges.**- (1) On the date of commencement of these rules, initial seniority of Officers who are to form the unified cadre of District Judges shall be determined as under:-

(a) Separate lists of officers as on 1st July, 1996 in the existing cadres of District Judges, Judges of City Civil and Sessions Court; Chief Judges and Additional Chief Judges of Small Causes Court; and Additional District Judges in accordance with their existing seniority shall be drawn up.

(b) (i) Lists of District Judges / Joint District Judges and Judges of City Civil Court shall be merged by arranging the names of Officers according to their respective dates of entry in any of these posts, either on temporary or regular basis, provided that while so merging the lists, inter-se-seniority of Officers in each original cadre shall be maintained.

(ii) The name of Chief Judge of Court of Small Causes shall be appended to the list prepared as per sub-clause (i) above:

Provided that those appointed as City Civil Court Judges or District Judges after 1st July, 1996 but before 31st March, 2003, either by direct recruitment or promotion, shall be included in a common list, wherein they shall be listed in an order of seniority based on the date of their appointment to the respective posts. Officers included in this list, shall be placed enbloc in the initial seniority list, immediately below those included under Rule 4(1)(b)(i) and before those covered by Rule 4(1)(b)(ii) and 4(1)(c).

(c) List of Additional District Judges and Additional Chief Judges of the Court of Small Causes shall be merged by arranging the names of Officers according to their dates of entry on any of these posts, either on temporary or regular basis, provided that while so merging the lists, inter-se-seniority of officers in each original cadre shall be maintained.

List so prepared shall be appended to the list prepared as per clause (b)(i) above, below the Chief Judge, Court of Small Causes.

(2) Officers appointed to posts in the unified cadre of District Judges on or after 1st July, 1996 other than those covered by the proviso to Rule 4(1)(b)(ii) shall be placed below the Officers in the seniority list as on 1st July, 1996 and below those covered under Rule 4(1) according to the dates of their first permanent or temporary appointment on regular basis to any of the posts in the unified cadre of District Judges.

(3) Initial seniority as on 1st July, 1996 in the unified cadre of Senior Civil Judges shall be determined as under:-

- a) The Chief Metropolitan Magistrate shall be placed on the top.
- b) Additional Chief Metropolitan Magistrates shall be placed below Chief Metropolitan Magistrate;
- c) Judges, Court of Small Causes and Metropolitan Magistrates shall be placed below Additional Chief Metropolitan Magistrates.
- d) Civil Judges, Senior Division / Chief Judicial Magistrates shall be placed below Judges, Court of Small Causes and Metropolitan Magistrates.

Inter-se-seniority in each of the above four blocks shall be determined on the basis of date of entry in the respective block on a permanent and temporary post on a regular basis.

¹(4) Subject to the provisions of Rule 5A, officers appointed to any of the posts in the unified cadre of Senior Civil Judges on or after 1st July 1996, shall be placed below the officers in the seniority list as on 1st July 1996 according to the dates of their first permanent or temporary appointment to any of the posts in the unified cadre of Senior Civil Judges:

Provided that, *inter-se-seniority* of Officers in each original cadre shall be maintained.”.

25. *Seniority of District Judges-* Subject to provisions of sub-rules (1) and (2) of rule 4, the seniority of the Officers who are appointed in the cadre of District Judge shall be regulated as per Forty Points Roster in Appendix-I appended to these rules:

Provided that, on and after 6th February 2012, out of ten per cent or sixty-five per cent of his seniority which is higher in place shall be considered, whereas *inter-se-seniority* in sixty-five per cent promotional appointment will be in accordance with their seniority in the cadre of Senior Civil Judges.

- 5A. *Seniority of Senior Civil Judges-* Subject to provisions of sub-rules (3) and (4) of rule 4, the seniority of the Senior Civil Judges who are appointed on and after the amendment in entry 2 in TABLE “C” of rule 5 of the Maharashtra Judicial Service Rules, 2008, by the Maharashtra Judicial Service (Amendment) Rules, 2015 shall be regulated as per 40 Points Roster in Appendix-II appended to these rules:

Provided that, out of ten per cent or ninety per cent of his seniority which is higher in place shall be considered whereas *inter-se-seniority* in ninety per cent promotional appointment will be in accordance with their seniority in the cadre of Civil Judges Junior Division.”.

6. *Gradation lists.-* Every year in the month of January seniority lists of Officers in all cadres shall be prepared and published by the High Court of Judicature at Bombay and the lists so published shall be used for the purpose of making promotions to the next higher cadre.

1. Substituted vide notification dated 16.02.2017. Prior to that it was as follows: “(4) officers appointed to any of the posts in the unified cadre of Senior Civil Judges on or after 1st July, 1996, shall be placed below the officers in the seniority list as on 1st July, 1996 according to the dates of their first permanent or temporary appointment to any of the posts in the unified cadre of Senior Civil Judges, provided that *inter-se-seniority* of officers in each original cadre shall be maintained.”

2. Substituted vide notification dated 16.02.2017. Prior to that it was as follows: “(5) Seniority of District Judges to be appointed after these rules come into force.- Seniority of the Officers who are appointed under rule 4(1) shall be regulated as per Forty Point Roster in Appendix appended to these rules.

³ [APPENDIX – I
40 Points Roster

1. Direct recruit.
2. Direct recruit.
3. Promotee (Through competitive exam.).
4. Promotee.
5. Promotee.
6. Promotee.
7. Promotee.
8. Promotee.
9. Promotee.
10. Promotee.
11. Direct recruit.
12. Direct recruit.
13. Direct recruit.
14. Promotee (Through competitive exam.).
15. Promotee.
16. Promotee.
17. Promotee.
18. Promotee.
19. Promotee.
20. Promotee.
21. Direct recruit.
22. Direct recruit.
23. Promotee (Through competitive exam.).
24. Promotee.
25. Promotee.
26. Promotee.
27. Promotee.
28. Promotee.

3. Appendix is renumbered as "APPENDIX – I" by notification dated 16.02.2017.

29. Promotee.
30. Promotee.
31. Direct recruit.
32. Direct recruit.
33. Direct recruit.
34. Promotee (Through competitive exam.).
35. Promotee.
36. Promotee.
37. Promotee.
38. Promotee.
39. Promotee.
40. Promotee.]

4“ APPENDIX – II
40 Points Roster

1. Promotee (Through competitive exam).
2. Promotee (Through competitive exam).
3. Promotee.
4. Promotee.
5. Promotee.
6. Promotee.
7. Promotee.
8. Promotee.
9. Promotee.
10. Promotee.
11. Promotee (Through competitive exam).
12. Promotee (Through competitive exam).
13. Promotee.
14. Promotee.
15. Promotee.

