

NOTIFICATION

Law and Judiciary Department,
Mantralaya, Mumbai 400 032.
Date : 7th October, 2011.

Constitution of
India.

No. HCT-1910/557/(81)/Desk-4 :- Whereas, the Department of Justice has identified a number of initiatives for improvement of Justice Delivery, one of the innovative being creation of the post of Court Manager to provide support to Judges for performing their administrative duties which would allow more time to them for discharging judicial functions;

And, whereas the 13th Finance Commission, after careful consideration, has agreed to support the proposals made by the Department of Justice by approving the grant of Rupees Five Thousand Crores;

And whereas, the share of the State of Maharashtra in the allocation of the grant for Improving Delivery of Justice has been ear-marked as Rs.542.65 Crores and out of this, for creation of the post of Court Manager, the allocation being Rs. 26.53 Crores for next 5 years;

And whereas, the first years allocation has been rolled out to the State Government which is to be utilized during the financial year 2010-2011;

Now, therefore, in exercise of the powers conferred by the proviso to article 309, 227 and 235 of the Constitution of India and all other powers enabling it in this behalf, the Governor of Maharashtra, in consultation with the High Court of Bombay, hereby makes the following rules for regulating the Recruitment and Conditions of Service of Court Manager in the State of Maharashtra, namely:-

Short title and Commencement :- (1) These Rules may be called the Maharashtra Court Manager Recruitment and Conditions of Service Rules, 2011.

(2) These Rules shall come into force on the date of publication in the Official Gazette.

2. *Definitions* :- In these Rules, unless the context otherwise requires,

(a) "Court Manager" means a person appointed under Rule 3 and includes Senior Court Manager and General Manager (High Court);

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- (b) "Government" means Government of Maharashtra;
- (c) "Governor" means the Governor of Maharashtra;
- (d) "High Court" means the High Court of Judicature at Bombay;
- (e) "Principal District Judge" means the principal Judicial Officer posted as head of the Judicial district;
- (f) "Appointing Authority" means the Registrar General of the High Court;
- (g) "Selection Committee" means the Committee constituted by the Chief Justice of the High Court to select Court Manager;
- (h) "State" means the State of Maharashtra.

3. *Appointment of Court Managers.*- (1) For each Judicial District there shall be one Court Manager. In the High Court, at its principal seat at Bombay there shall be Two Court Managers and for each Bench there shall be one Court Manager.

(2) The Court Manager appointed at the High Court shall be designated "General Manager (High Court)".

(3) The Court Manager appointed at the Districts, specified in the Schedule A, shall be designated "Senior Court Manager".

(4) The Court Manager appointed in the Districts other than those specified in Schedule 'A', shall be designated " Court Manger".

(5) The High Court may from time to time add to, or delete the entry in, Schedule 'A'.

4. *Recruitment.* - (1) The Selection Committee after holding appropriate examination/Test followed by viva-voce, shall prepare in the order of merit, a list of candidates eligible for appointment, and shall recommend the names of selected candidates.

(2) Subject to the provisions of Rule 8, the Appointing Authority shall appoint the candidates recommended by the Selection Committee.

5. *Qualification.*-

(1) *Court Manager* :- (1) A person to be appointed as " Court Manger",-

(a) must hold a degree of MBA or advanced diploma in general management;

(b) must have 5 years experience/training in systems and process management, IT systems management, HR management or financial systems management;

(c) must have passed MSCIT/DOEACC examination and excellent computer application skills;

(2) Preference will be given to the candidates who hold degree in law.

(II) *Senior Court Manager*. - Same as Court Manager with at least 5 years work experience in Government Organization or reputed Institution / Industry.

(III) *General Manager (High Court)*. - Same as Court Manager with at least 8 years work experience in Government Organization or reputed Institution / Industry.

6. *Age*. - A person who is not less than 25 years of age and not more than 40 years of age, as on the date of publication of Advertisement, shall be eligible for appointment as Court Manager:

Provided that, the upper age limit in the case of the candidates belonging to SC/ST and communities recognized as backward by the Government for the purpose of recruitment shall be 45 years.

7. *Disqualification for appointment*. - No person shall be eligible for appointment as Court Manager,-

(a) if he is not a citizen of India;

(b) if he has been convicted of an offence involving moral turpitude or he is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(c) if he directly or indirectly influences the 'Selection Committee' by any means for his candidature; or

(d) if he is a man, has more than one wife living and if a woman has married a man already having another wife; or

(e) if he has more than two children.

Explanation. - For the purposes of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

8. *Condition relating to suitability, fitness and Character*. - No person selected by the Selection Committee shall be appointed,-

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(i) unless the Appointing Authority is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(ii) unless he is certified by the medical authority specified by the High Court that he is medically fit to discharge the duties of the post for which he is selected.

Tenure. - (1) All appointments to the post of Court Manager shall be on contract basis;

(ii) The Court Manager may be appointed for a period up to 5 years.

10. (1) *Duty.* - (1) The Court Manager shall assist the Registrar General in the High Court and the Principal District Judge, in the District, in the administrative functioning of the Courts to enhance the efficiency of the Court Management.

(2) The administrative functions of the Principal District Judge may be entrusted to the Court Manager and the latter shall assist the Principal District Judge in exercising general control over the Courts and in the inspection of the Subordinate Courts.

(3) The Court Manager may be entrusted with the following responsibilities :-

(II) *Policies and Standards.* - (1) Based on applicable directives of superior courts, establish the performance standards applicable to the court (including on timeliness, efficiency; quality of court performance; infrastructure; and human resources; access to justice; as well as for systems for court management and case management).

(2) Carry out an evaluation of the compliance of the court with such standards; identify deficiencies and deviations; identify steps required to achieve compliance; maintain such an evaluation on a current basis through annual updates.

(III) *Planning.* - (1) In consultation with the stakeholders of a court (including the Bar, ministerial staff, Executive Agencies supporting judicial functions such as prosecutors/police/process serving agencies and court users), prepare and update annually a 5 year court wise Court Development Plan (CDP);

(2) Monitor the implementation of the CDP and report to superior authorities on progress.

(IV) *Information and Statistics.* - (1) Ensure that statistics on all aspects of the functioning of the court are compiled and reported accurately and promptly in accordance with systems established by the High Court ;

(2) Ensure that reports on statistics are duly completed and provided as required ;

(V) *Court Management.* - Ensure that the processes and procedures of the court (including for filing, scheduling, conduct of adjudication, access to information and documents and grievance redressal) are fully compliant with the policies and standards established by the High Court for court management and that they safeguard quality, ensure efficiency and timeliness, and minimize costs to litigants and to the State; and enhance access to justice. (Note : standard systems for court management should be developed at the High Court level).

(VI) *Case Management.* - Ensure that case management systems are fully compliant with the policies and standards established by the High Court for case management and that they address the legitimate needs of each individual litigant in terms of quality, efficiency and timeliness, costs to litigants and to the State (Note : standard systems for case management should be developed at the High Court level).

(VII) *Responsiveness Management: Access to Justice, Legal Aid and User Friendliness.* - Ensure that the court meets standards established by the High Court on access to justice, legal aid and user friendliness.

(VIII) *Quality Management.* - Ensure that the court meets quality of adjudication standards established by the High Court.

(IX) *Human Resource Management.* - Ensure that Human Resource Management of ministerial staff in the court comply with the Human Resource Management standards established by the High Court.

(X) *Core Systems Management.* - Ensure that the core systems of the court are established and function effectively (documentation management; utilities management; infrastructure and facilities management; financial systems management (audits, accounts, payments)

(XI) *IT systems Management.* - (1) Ensure that the IT systems of the court comply with standards established by the High Court and are fully functional.

(2) Feed the proposed National Arrears Grid to be set up to monitor the disposal of cases in all the courts, as and when it is set up.

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(XII) Without prejudice to the generality of the foregoing sub-rules,-
(1) The High Court and the Principal District Judge, with the prior approval of the High Court, may prescribe the duties of the Court Manager, by general or special order, from time to time and likewise, may provide for the subordination of, and internal relativity amongst, the staff of the district Court, viz-a-viz, Court Manager.

(2) The High Court and the Principal District Judge may further specify, modify, add to or delete from, the duties of the Court Manager, from time to time.

(XIII) Remuneration.- (a) The monthly emoluments may be as under,-

| Designation | Fixed Pay | HRA | Conveyance Allowance | Peon Allowance | Medical Allowance | Total |
|-------------------|-----------|--------|----------------------|----------------|-------------------|--------------|
| General Manager | 57,500 | 12,000 | 1,600 | 3,000 | 2,500 | Rs. 76,600/- |
| Sr. Court Manager | 51,500 | 9,000 | 1,400 | 2,500 | 2,000 | 66,400/- |
| Court Manager | 40,000 | 7,000 | 1,400 | 2,500 | 2,000 | 52,900/- |

(b) The fixed pay may be increased by 6% p.a., provided, the performance of the Court Manager is satisfactory.

11. Termination.- (1) The Appointing Authority may terminate the services of Court Manager at any time and without assigning any reason, with one month's notice or one month's pay in lieu thereof and upon such termination the Court Manager shall immediately cease to hold such office.

(2) The Court Manager may also seek termination of service with one month's notice or by depositing one month's pay in lieu thereof.

12. Transfer.- (1) The post of Court Manager shall be transferable throughout the State of Maharashtra.

(2) The appointing authority shall have the prerogative to transfer a Court Manager at any time.

13. Training.- (1) Every person appointed as a Court Manager, shall, undergo such training as may be prescribed by the High Court from time to time.

(2) The training program shall be 3 tiered, Viz. 1) Basic, 2) Advanced 3) Refresher Course.

14. Residuary Provision.- The Condition of the service of the Court Manager for which no express provision is made in these rules shall be determined by the Rules and Orders for the time being applicable to employees of the State.

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

Sd/-
(V. L. Achliya)
Principal Secretary & R.L.A.

Schedule
(See rule 3(3))

| Sr. No. | District Court at Divisional places |
|---------|-------------------------------------|
| 1 | Aurangabad |
| 2 | Nagpur |
| 3 | Pune |
| 4 | Nasik |
| 5 | Amravati |
| 6 | Thane (Konkan) |

Sd/-
(V. L. Achliya)
Principal Secretary & R.L.A.