

**HIGH COURT OF HIMACHAL PRADESH
REVENSWOOD, SHIMLA-171001**

No.HHC/Estt.6(73)/2008-I-

Dated: 18.3.2014

Website: <http://hphighcourt.nic.in>

Applications for the Posts of Law Clerks

Applications on the prescribed format are invited for filling-up eleven posts of Law Clerks on a fixed contractual amount of ₹10,000/-, per month, for one year, on the Establishment of the High Court of Himachal Pradesh from amongst Law Graduates having obtained 3years/5years law degree from any of the recognized Universities/colleges.

Applications may be sent to the Registrar General, High Court of Himachal Pradesh, Shimla, so as to reach on or before 25th March, 2014.

By order

Registrar General

INSTRUCTIONS

1. Applications received after due date or incomplete applications, or not in accordance with the prescribed format, shall be out –rightly rejected and no correspondence will be entertained in that respect. The words "**Application for the post of Law Clerk**" should be super-scribed on top of the envelope containing the application form.
2. The candidature of only such candidates who are found eligible and whose applications are complete in all respects shall be considered for the posts.
3. No TA/DA shall be admissible to the candidates called for interview.

FORMAT
Application for the post of Law Clerk

1. Name:

Pl. paste your
recent passport
size photograph
here

2. Father's/ Husband's Name:

3. Date of Birth:

4. Academic Qualification:

5. Detail of examinations passed from matriculation onwards:

Sl. No.	Year	Examination passed	% of marks	Name of Board/ University
1.	2.	3.	4.	5.

6. Permanent Address:

7. Address for correspondence:

Signature of the Candidate

Place:

Date:

Verification:

Verified that the above information is true and correct to the best of my knowledge. No part of it is false or incorrect and nothing material has been concealed therefrom.

Verified on this the (date)_____Day of
(Month)_____2014 at _____.

Signature of the Candidate

SCHEME FOR APPOINTMENT OF LAW CLERKS

1. The Law Clerks would be appointed by a committee of Three Judges nominated by the Chief Justice of the High Court.
2. Graduates in law, post graduate in law or Doctorate in law from any recognized University in India only would be eligible to apply for appointment as Law Clerks. Candidates practicing at the Bar or having professional experience or literary works in law to their credit would get preference.
3. The applications would have to be made in the prescribed proforma annexed to the scheme and has to be addressed to the Registrar General of this Court. The application shall be accompanied by two certificates or recommendation from the faculty of the University/ College where the applicant had studied.
4. On receipt of the applications, the same shall be processed by the Registrar General of this Court or any other authority nominated by him and would thereafter be placed before the Committee.
5. The Committee would scrutinize the applications and on an assessment thereof short-list the candidates on merits. The committee would then conduct an interview and select the candidates to be appointed as Law Clerks on the basis of merit and suitability.
6. The appointment would be made by the Chief Justice of the High Court from the panel of the recommended candidates if so approved by him.
7. Each of the Judges of the High Court shall be entitled to have one Law Clerk and the Chief Justice two. Provided, that the Chief Justice may in his discretion increase the number if he considers it necessary for the work of any Judge concerned.
8. The tenure of the Law Clerks would be initially for one year extendable by another year in the maximum. The extension of the initial term would be contingent on the recommendation of the Judge or Judges concerned of whom the Law Clerk had been attached.
9. The appointment of a Law Clerk may at any time be terminated without assigning any reason if so recommended by the Judge under whom he is working.
10. At the time of appointment, every Law Clerk would undertake in writing that he would strictly adhere to the code of conduct appended hereto and that in case of any breach thereof, his services may be terminated by the appointing authority after considering his explanation if any, to the charge of such violation.
11. The salary payable to the Law Clerks would be ₹ 10,000/- per month or such higher amount as may be fixed by the Chief Justice of this Court in his discretion and as may be deemed fit and necessary.
12. The Law Clerk shall be subject to the Rules as applicable to the employees of this Court as to conduct and matters not specifically provided for in this Scheme.

DUTIES AND FUNCTIONS OF LAW CLERKS

- (a) The Law Clerk shall conduct such research as to facts and law on any case or cases pending before the Judge to whom he is attached as and when he is entrusted to do so by the Judge concerned. The Law Clerks would conduct the research in printed or in electronic form, statute, resolution, text etc. on the related question of laws and report the result of such research to the Judge orally or in writing as required. In doing so, the Law clerk would have to analyse various factual aspects and facets of law involved.
- (b) The Law Clerk may participate in the oral discussion of the Judge in the residence of the Judge or in the Judges chamber or at the discussion amongst Judges who are hearing a case or have heard the case to then extent allowed by the Judge or Judges concerned.
- (c) In any matter listed for final hearing before the court the Law Clerk shall have to read the file in advance and prepare a brief containing a summary of the facts of the case, final decision of the court below if any, the reasons thereof and the issues of fact or law thereon for adjudication. Such bench memorandum would fairly represent the contentions of the respective parties without any bias in favour of one party or other. The Law clerk in the memorandum would not express his opinion as to the correctness or otherwise of any plea of any of the parties, but may indicate as to whether a particular plea is supported by or is contrary to any documentary or oral evidence or any precedent of the Supreme court or any High Court. The Law Clerk would be obliged to keep the contents of the Bench memorandum and his discussions with the Judge absolutely confidential.
- (d) The Registry would also maintain absolute confidentiality of the Bench memorandum and follow a procedure by which even when files of the cases are circulated to the residences or chambers or court halls, the Bench memorandum is kept absolutely confidential. Alternatively, a Bench memorandum would be maintained confidentially at the residence of the Judges only and in case of need for consultation therewith in court, the Judge concerned would issue necessary directive(s) to the Law Clerk and the Court master for production thereof.
- (e) In any matter other than final hearing matters, the Law Clerks may prepare such synopsis of facts and conduct research on the law as may be required by the Judge.
- (f) The Law Clerk must conduct necessary research in the Judges library of the High Court or the residential library of the Judges library or the High Court or the residential library of the Judge or other library or through internet and must keep themselves abreast with the latest precedents of the Supreme court and of the High Courts, more particularly of this Court so as to be of maximum assistance to the judge concerned as and when necessary.
- (g) It shall be the duty of the Law Clerk to attend the residence of the Judge concerned in the mornings and evenings or on weekends and during holidays as may be directed by the Judge concerned.
- (h) It shall be the duty of the Law Clerk to attend the court of the Judge concerned and take notes of the arguments of the counsel.
- (i) The Law clerk may verify the final judgment prepared by the Judge to ascertain to refer to some arguments of the counsel or the errors as to the facts or grammar or construction of sentences. It shall be his duty to draw the attention of the judge concerned to such omissions or errors, if any.

- (j) The law Clerks shall also verify the citations of the precedents and compare the names of the respective parties therein. He shall also verify the correctness of the quotations from documents or judgments as set out in the final Judgment of the Judge concerned.
- (k) The Law Clerks would assist the Judge concerned in the preparation of any speech or presentation address to be delivered by the Judge on legal matters in conferences, seminars, workshops, symposiums etc.

CODE OF CONDUCT

- (i) The Law Clerks should uphold the integrity and independence of judiciary and the office. This prescription shall not affect or preclude other more stringent standards required by law, by court order, or by the direction of the Judge under whom the Law Clerk is working.
- (ii) The Law Clerk should avoid impropriety and appearance of impropriety in all activities.
- (iii) The Law Clerk would owe to the Judge and the court complete confidentiality, accuracy and loyalty. He would be required to maintain highest standard of conduct and for holding a post of public trust must adhere to the demanding essentials of his position.
- (iv) The Law Clerk must be respectful to the Judge concerned and at the same time be free to exchange his view with the Judge in the interest of better administration of justice.
- (v) The Law Clerk would be required to maintain confidentiality regarding circulation from the Chambers of the other judges, records and other informations to which he may be a privy.
- (vi) The Law Clerk should perform his duties of the office impartially and diligently.
- (vii) The law Clerk must exhibit impartial court room demeanor and should keep aloof from lawyers appearing in the court and the parties concerned.
- (viii) The law Clerk should regulate extra official activities to minimize the risk of conflict with official duties. He may write, lecture, teach and speak on non-legal subjects and engage in arts, sports and other social and recreational activities which do not affect the dignity of the office or interfere with the performance of his official duties.
- (ix) He should not solicit fund/contribution from any court personnel, lawyers or litigants for any charitable activity.
- (x) He should refrain from financial and business dealings that lead to detract from the dignity of the office and the performance of official duties, exploit his position or involve himself in frequent transactions with individuals likely to approach the court.
- (xi) During the clerkship, the Law Clerk should not seek and obtain employment elsewhere.
- (xii) Neither the Law Clerk nor a member of his family residing in the household should accept gift, bequest favour or take loan from any person whose interest has come or is likely to come before the

court or from any other person under circumstances that might reasonably be regarded as influencing the performance of law Clerk's official duties.

- (xiii) The law Clerk shall not practice law in any court or undertake to perform legal services for any client during his tenure as Law Clerk.
- (xiv) The Law Clerk shall not receive any other remuneration as compensation for official services from any source other than the High Court.
- (xv) The Law Clerk should refrain from Political activities.