

**THE HIMACHAL PRADESH DEPARTMENTAL EXAMINATION
RULES, 1997**

(Issued and published in Hindi in R.H.P. Extra., dated 15.5.97, p. 1773-1781).

**DEPARTMENT OF PERSONNEL
(Training and Foreign Assignments)**

NOTIFICATION

Shimla-2, the 13th March, 1997

No. Per. (Trg.)B(12)-40/95.- In exercise of the powers conferred by Proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following Rules regarding conduct of Departmental Examinations for the various categories of services in Himachal Pradesh:-

1. Short title.- These Rules shall be called the Himachal Pradesh Departmental Examination Rules, 1997.

2. Commencement and application.- (1) These shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

(2) These shall govern the Departmental Examination in respect of:-

- (i) the members of the Himachal Pradesh Administrative Service;
- (ii) the members of the Himachal Pradesh Forest Service ;
- (iii) Tehsildars and Naib-Tehsildars ;
- (iv) all other Gazetted Officers working in connection with the affairs of the State of Himachal Pradesh not included in clauses (i) to (iii) above ;
- ¹[(v) All the Superintendents Grade-II and Senior Assistants Class-III (Non-Gazetted) working under the Himachal Pradesh Government; and
- (vi) any other class or category of officers which may be included by the Government from time to time :

1. Existing clause (v) renumbered as (vi) and new clause (v) ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074.

THE H.P. DEPARTMENTAL EXAMINATION RULES, 1997

Provided that the Departmental Examination prescribed in these rules, shall in its relation to Indian Administrative Service and Indian Forest Service Officers, be deemed to be the Departmental Examination or examination contemplated in rule 6(1) of the Indian Administrative Service (Pay) Rules, 1954 and rule 6 (1) of the Indian Forest Service (Pay) Rules, 1968 respectively.

3. Definitions.- In these rules, unless the context otherwise requires:-

- (i) "BOARD" means Board of Departmental Examination constituted under these rules ;
- (ii) "CHAIRMAN" means Chairman of the Board of Departmental Examination ;
- (iii) "COMMISSION" means the Himachal Pradesh Public Service Commission ;
- (iv) "DEPARTMENTAL EXAMINATION" means the Departmental Examination prescribed under these rules ;
- (v) "FORM" means Form attached to these rules ;
- (vi) "GOVERNMENT" means the Government of Himachal Pradesh;
- (vii) "SCHEDULE" means schedule attached to these rules ;
- (viii) "SECRETARY" means Secretary of the Board of Departmental Examinations ;
- (ix) "SERVICE" means Service or Services to which these rules are applicable from time to time ; and
- (x) "TECHNICAL OFFICER" means an officer who at the time of entry into gazetted service is required to possess a special professional qualification for example B.Sc. (Agriculture), M.B.B.S., Bachelor of Engineering, B.V. Sc., M.Sc. (Geology) etc. or is imparted training at specialised institutions and the training was deemed complete only after the end of course/ examination.

Note.- The State Government shall in consultation with the Himachal Pradesh Board of Departmental Examination, through notification in the Official Gazette declare the "Technical Officers" under the above definition.

4. Board of Departmental Examination.- (1) The Board of Departmental Examination shall consist of-

- (i) The Chief Secretary of the Government ..
Chairman

THE H.P. DEPARTMENTAL EXAMINATION RULES, 1997

- (ii) The Financial Commissioner (Revenue) .. Member
 - (iii) Secretary (Horticulture) .. Member
 - (iv) Secretary (Personnel) .. Member
 - (v) Secretary (Finance) .. Member
 - (vi) Secretary (Training) .. Member
 - (vii) Director, Himachal Pradesh Institute of
Public Administration .. Member
- :

Provided that the Chairman may co-opt a Secretary to the Government and/or Head of Department concerned as Member whenever necessary.

The Secretary of the Board of Departmental Examination will be ex- officio member.

(2) The Board shall be overall in-charge of Departmental Examination and shall be responsible to ensure the implementation of these rules. The decision of the Board under these rules shall be final.

5. Appointment and Duties of Secretary.- (1) The Officer on Special Duty, Himachal Pradesh Institute of Public Administration or any other officer of the Himachal Pradesh Institute of Public Administration as may be appointed by the Chairman, shall be the Secretary of the Board.

(2) The Secretary shall issue all orders on behalf of the Board.

(3) The Secretary under the over all control of the Chairman shall be responsible :-

- (a) for making arrangements for the conduct of the Departmental Examinations;
- (b) for the appointment of the examiners and to receive the question papers and make arrangements for their printing or cyclostyling in accordance with these rules ;
- (c) for making arrangements of superintendents of the examination, transmission of answer books to the examiners and to receive back the answer books from the examiners ;
- (d) for compiling and declaring the result (s); and
- (e) for any other functions envisaged by these rules or entrusted by the Chairman from time to time.

6. Conduct of Examination.- (1) The Departmental Examination shall be held twice in a year on such dates as may be

notified by the Secretary with the approval of the Chairman and published in the Rajpatra, Himachal Pradesh, at least one month before the commencement of the examination:

Provided that the Board may in its discretion decide to hold an examination on a shorter notice, if the circumstances so warrant :

Provided further that the Board may decide to hold an additional examination or may hold only one examination in a year instead of two keeping in view exigencies of public service.

(2) The examination may be held at such place or places as may be notified by the Secretary with the approval of the Chairman.

7. Application for Departmental Examination.- (1) An officer eligible in accordance with these rules and desiring to appear in the Departmental Examination prescribed for his service shall intimate on the prescribed Form his intention of appearing in the Departmental Examination after the nomination of the date of commencement of examination in the Rajpatra, Himachal Pradesh.

The application should be submitted to the Secretary through the Head of Department concerned which should reach him before the date prescribed in this behalf.

(2) An officer who fails to intimate his intention to appear in the Departmental Examination in the manner mentioned in sub-rule (1) above will not be permitted to appear in that examination. Similarly if an officer fails to include any paper of examination in the list of papers intimated in the Form prescribed, he shall be precluded from the examination in that paper even if he may subsequently desire to be examined in it :

Provided that if the facilities are available, the Secretary may permit such officer to appear in that paper as a special case.

(3) The officers of Indian Administrative Service mentioned in rule 6(1) of the Indian Administrative Service (Pay) Rules, 1954 and officers appointed to the Himachal Pradesh Administrative Service under rule 15 of the Himachal Pradesh Administrative Service Rules, 1973 and those mentioned in rule 19 of the said rules shall be eligible to appear in the Departmental Examination prescribed for them under these rules.

(4) The Officers of the Indian Forest Service mentioned in rule 6(1) of the Indian Forest Service (Pay) Rules, 1968 and officers appointed to Himachal Pradesh Forest Service shall be eligible to appear in the Departmental Examination prescribed for them under these rules.

(5) (a) The officers eligible for appointment as Tehsildars in accordance with Himachal Pradesh Tehsildar Service Rules, 1973

shall be allowed to appear in Departmental Examination in papers 1 to 8 prescribed for them under these rules.

(b) The officers eligible for appointment as Naib-Tehsildars in accordance with the Himachal Pradesh Naib-Tehsildars Service Rules, 1973 shall be allowed to appear in Departmental Examination in papers 1 to 5 prescribed for them under these rules.

(c) The applications of the candidates referred to in sub-rule (a) and (b) above for appearing in the Departmental Examination shall be forwarded to the Secretary by the Financial Commissioner in case of officers mentioned in sub-rule (a) above and by the Divisional Commissioner (Revenue) in case of officers mentioned in sub-rule (b) above after certifying the eligibility of the officers.

(6) The officers of all other Departments appointed to the gazetted services of the State of Himachal Pradesh by promotion or by direct recruitment or by any other method other than Technical Officers as declared by the State Government under Clause (x) of Rule 3 of these rules shall be eligible to appear in the Departmental Examination prescribed for the service under these rules.

(7) The officers who have been declared as Technical Officers under clause (x) of Rule 3 of these rules shall be eligible to appear in the Departmental Examination prescribed for that service under these rules.

²[(8) All the Superintendent Grade-II and Senior Assistant, Class-III (Non Gazetted) appointed to the non-gazetted services of the State of Himachal Pradesh by promotion or by direct recruitment or by any other method of recruitment shall be eligible to appear in the Departmental examination under these rules, irrespective of the fact whether departmental examination has been prescribed in their respective recruitment and promotion rules or not.]

8. Commencement of the Examination.- The date of the commencement of the examination will be notified in the Rajpatra ,Himachal Pradesh, by the Secretary and the date sheet thereof will also be sent to each candidate alongwith the roll number on the address given in his application form.

9. Appointment of Superintendent(s) and Invigilators etc.- The Secretary will with the approval of the Chairman appoint examination Superintendent(s), Invigilators and other staff for the examination centre, keeping in view the work load and may issue such instructions as he may deem necessary for the conduct of the examination.

2. Ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074.

10. Answer Books.- (1) The Secretary will supply the required number of blank answer books (in which the examinees will write answers), piece of blotting paper and question papers. The answer books will bear the seal of the Secretary and will be signed or stamped by the Superintendent of the Examination.

(2) Answers by the candidates must be written legibly on both sides of the paper. On no account whatever, must a sheet or part of a sheet be torn or removed from the answer book. The examinees shall not write their names or any other marks anywhere in the answer book, which may indicate the identity of the candidate.

(3) All answer books collected from the examinees will be packed properly immediately on the conclusion of each paper and shall be sealed by the Examination Superintendent and forwarded to the Secretary. At the end of the examination the Superintendent of the Examination will send to the Secretary an account of the answer books received and used together with all the unused answer books, on the prescribed Form.

11. Question papers.- (1) The Secretary shall appoint the examiner for each paper with the approval of the Chairman. The question papers received from the examiners will be printed or cyclostyled by the Secretary with the approval of the Chairman under complete secrecy.

(2) The question papers for the examination duly sealed will be despatched to the Examination Superintendent by the Secretary, before the commencement of the examination.

(3) The sealed packets containing questions papers will be kept intact in his personal custody by the Examination Superintendent.

(4) The packets containing question papers will be opened by the Examination Superintendent in the examination hall not more than half an hour before the commencement of the examination. The seals will be broken after showing these to the Invigilators present, who will sign the covers containing the papers in token of their having found the seals intact before being opened and also send a certificate to this effect on the prescribed Form.

(5) At the end of the examination, the Examination Superintendent will return to the Secretary all the unused question papers together with an account of the same on the prescribed Form.

12. Examination of answer books and publication of result.- (1) The Secretary will cause the answer books of various papers examined by the examiners appointed under Rule 11 (1) and

the examiners shall prepare an award list on the prescribed Form and forward the same to the Secretary alongwith the answer books.

(2) The result will be compiled by the Secretary on the receipt of award lists and will be placed before the Board for approval with such recommendations as he may deem necessary.

³[3(i) Marks will be conveyed to all the examinees in their result card. If a candidate feels that his/her answer sheet has not been fairly evaluated and his/her score is not less than 40% he/she may within 21 days from the date of issue of the result card by the Board of Departmental Examination, apply to the Secretary, Board of Departmental Examination on a simple application accompanied by a result card in original and the prescribed fee @ Rs. 100/- per paper in the shape of Bank Draft payable in favour of Director, HIPA, Fairlawns, Shimla-12.

(ii) An Examiner other than the one who had originally evaluated will re-evaluate the Answer Sheet and average of the two awards shall be the final award in case the variation (increase or decrease) in the two awards is not more than 10% of the maximum marks allotted to the papers.

(iii) The answer sheet be referred to a third Examiner in case variation (increase or decrease) is more than 10% in the two awards and the average of the two higher awards (out of the three) shall be the final awards.

(iv) Decimals will be rounded off to the nearest whole number.

(v) The change in the awards after re-evaluation shall be conveyed to the candidate.

(vi) In case the re-evaluation result is received after the commencement of the subsequent examination which the applicant has taken out of the two results i.e. one on the basis of the re-evaluation and the other on the basis of his performance in the subsequent examination, the result that is advantageous to the applicant, will be conveyed to him.

(vii) Board will not be responsible for the delay/rejection of the case, if the form is not complete in all respects or not accompanied by full fee and original detailed marks card/ certificate.

(viii) A candidate who applied for re-evaluation shall not be entitled to claim any retrospective benefit on the basis of declaration of the result of re-evaluation.]

13. Pass percentage.- The pass percentage for each paper prescribed for all services shall be 50 % of the total marks for that paper.

3. Rule 12(3) ins vide Not. No. Per(Trg..)E (3)/96, dated 20.10.1998, published in R.H.P. Extra., dated 14.11.1998, p. 3928-3929.

14. Remuneration for paper setters, evaluation of answer books, Superintendents of Examination etc.- The remuneration shall be paid to the paper setters-cum-examiners and the officials deployed for the purpose of conducting various examination at the rates approved from time to time by the Board of Departmental Examination with the prior concurrence of the Finance Department.

15. Directions for conduct of Departmental Examination.- The Secretary may with the approval of the Chairman from time to time issue directions in consonance with these rules for the conduct of Departmental Examination and for implementation of these rules and such instructions will be deemed to have the effect of these rules.

16. Conduct in the Examination Hall.- (1) A candidate appearing in the Departmental Examination shall be required to maintain perfect discipline and abide by the instructions given by the Examination Superintendent who will ensure that during his absence from the examination hall, the candidate has no opportunity of obtaining any information relating to the question paper.

(2) Any violation of the sub-rule (1) committed by the candidate will be deemed to be misconduct and the matter will be reported to the Secretary and the case will be dealt with in the manner mentioned in rule 17.

17. Unfair means.- The case of an officer who either at the time of examination or subsequently is found to have used unfair means will be reported to the Secretary forthwith alongwith the answer book (s) and any other documentary or oral evidence who shall place the matter before the Board for deciding the action to be taken against such officer.

The Board may impose one or more of the following penalties:-

- (i) the officer may be declared fail in the entire examination ;
- (ii) the officer may be declared fail in one or more papers ;
- (iii) debarring the officer from appearing in the future examinations; and
- (iv) any other action which the Board may like to suggest to the department concerned to be taken against him :

Provided that before imposing any of the penalties the Board may give an opportunity to the candidate to make representation, oral or in writing.

18. Use of books.- The candidate will be allowed to answer questions with the aid of only Bare Acts and Rules as applicable for answering the questions set in the paper.

19. Grant of travelling allowance/leave etc.- (1) The Departmental Examination prescribed under these rules will be treated as obligatory examination and every member of the service will be entitled to draw T.A. as envisaged in supplementary Rules 130 or any other corresponding rules as may be applicable in Himachal Pradesh for appearing in the Departmental Examination prescribed for his service.

(2) The period spent for appearing in the Departmental Examination will be treated as duty.

⁴[**19-A.** The Departmental Examination under these rules to the categories of employees as specified in clause (v) of sub-rule (2) of rule 2 shall be treated as optional Examination but every such member shall be entitled for the grant of T.A./Leave etc. and the period spent for appearing in departmental examination will be treated as duty as per provisions of Rule 19.]

20. Destruction of answer books.- The answer books of the Departmental Examinations will be destroyed on the expiry of three months from the date of declaration of the result unless a particular answer book or a set of answer books is needed for the decision of any case for which the Secretary shall use his discretion.

21. Failure to pass the Departmental Examination.- A member of the service shall not be eligible for :-

- (i) crossing of efficiency bar/proficiency step up/higher scale next due;
- (ii) confirmation in the service even after completion of probationary period ; and
- (iii) promotion to the next higher post. unless he passes the Departmental Examination prescribed in these rules:

Provided that if there are specific rules governing the conditions of service of a category or a class of officers, the provisions contained in such rules relating to the effect of failure to pass the Departmental Examination shall prevail:

4. 19-A. Ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074

⁵[Provided further that the provisions of this Rule shall not be applicable to the category of employees as specified in clause (v) of sub-rule (2) of Rule 2 until they are promoted/appointed against the Gazetted posts:

Provided further that any employee falling under the category as specified in clause (v) of sub-rule (2) of Rule 2 who passes the Departmental Examination under these rules shall not be required to pass the Departmental Examination under these rules on his appointment/promotion to the Gazetted post as specified in clause (iv) of sub-rule (2) of Rule-2.]-

22. Issue of Directory.- The Secretary shall in January each year issue a directory containing the name of all officers in the State with other particulars as may be necessary indicating the Departmental Examination or part thereof passed by each officer to facilitate reference by all concerned.

23. Exemption Clause.- (1) If an officer has passed the Hindi Examination in Matriculation or equivalent examination or above either as an elective subject or as an optional subject or has qualified the same in a competitive examination conducted by the Himachal Pradesh Public Service Commission or the Union Public Service Commission he shall not be required to re-qualify the same.

5. Second and third proviso added Ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074

⁶[(2) A gazetted officer on the attainment of 50 years of age shall not be required to appear in the Departmental Examination prescribed under these rules, as amended from time to time for the purpose of crossing the Efficiency Bar/Proficiency Step-up/Higher scale next due and confirmation in the service. However, the Gazetted Officers who have crossed the age of 55 years shall not be required to pass the Departmental Examination prescribed under these rules for the purpose of further promotion.]

(3) The officers who have qualified the Departmental Examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided that for the Indian Administrative Service/ Himachal Pradesh Administrative Service officers who have qualified the Departmental Examination prescribed under the rules notified vide Government of Himachal Pradesh (Department of Personnel-A) notification No. 7-10/72-Apptt., dated the 5th May, 1972 as amended upto 1.9.1974 by the prescribed standard or Punjab Extra Assistant Commissioner Departmental Examination by the higher standard only shall not be required to qualify the whole or part of the examination as the case may be.

⁷[(4) The Financial Commissioner may, in consultation with Commission, grant exemption in pursuance of rule 14 (vi) of the Himachal Pradesh Tehsildari Service Rules, 1973 for reasons to be recorded in writing in accordance with these rules.

(5) The Divisional Commissioner may grant exemption in pursuance of rule 13 of the Himachal Pradesh Naib-Tehsildari Service Rules, 1973 for reasons to be recorded in writing in accordance with these rules.

(6) The officers of the Finance Department who have qualified the S.A.S examination may be exempted by the Finance Department in pursuance of rule 23-A from appearing in such paper(s) which are included in the S.A.S Examination.]

Note.-Application for exemption should be made on the prescribed Form attached to these Rules.

23-A. Power to grant exemption.- The Government may in consultation with Commission, grant exemption in pursuance of the respective Service Rules of the category of officers, covered by these Rules, for reasons to be recorded in writing, in accordance with these rules.

6. Sub-rule (2) subs. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074.

7. Sub-rules (4), (5) and (6) ins. vide Not. No. Per(Trg.) D(12)40/95, dated 6th June, 1997, published in R.H.P.Extra., dated 12th June, 1997, p.2221-2222.

24. Paper and Syllabus.- (1) The number of papers and the syllabus for the examinations conducted by the Board of Departmental Examination for various categories of posts are given in the Schedules A, B, C, D & E and A1, B1, C1, D1 and E attached to these rules.

(2) The papers for the Departmental Examination and the syllabus for the papers prescribed in the above schedules may be amended by the Board of Departmental Examination with the prior consultation of the Commission from time to time.

(3) The Officers ⁸[officials (Non-Gazetted)] belonging to the Education Department, Technical Education Department, Law Department, Architects and Assistant Town Planners of the Public Works Department, except Administrative and Ministerial Officers ⁹[officials (Non-Gazetted)] of these departments are only required to pass papers 1 and 2 i.e. Financial Administration and Hindi.

(4) The Private Secretaries (Gazetted) of the Himachal Pradesh Government shall only be required to pass paper 1, 2 and 3 i.e. Financial Administration, Hindi and Secretariat Administration and General (Office Management).

INTERPRETATIONS, REPEAL AND SAVINGS

25. Copies or order passed regarding exemption.- A copy of the orders passed under rule 23 shall be forwarded to the Secretary.

26. Power to relax.- Where the Government is of the opinion that it is necessary or expedient to do so, it may in consultation with the Board and Himachal Pradesh Public Service Commission, by order for reasons to be recorded in writing relax any of the provisions of these rules with regard to any class or category of persons or posts.

27. Repeal and Savings.- (1) The Himachal Pradesh Departmental Examination Rules, 1976 notified vide Notification No. HIPA (Exam) 12/75, dated 23rd March, 1976 and as amended from time to time are hereby repealed.

8. Ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074.

9. Ins. vide Not. No. Per(Training)B(12)-40/95-I, dated 28.11.1998, p.4073-4074.