

2026 LiveLaw (SC) 306

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL/INHERENT JURISDICTION
SURYA KANT; CJI., JOYMALYA BAGCHI; J. VIPUL M. PANCHOLI; J.
CIVIL APPEAL NO. 3947/2020; March 11, 2026
REJANISH K.V versus K. DEEPA & ORS.

Constitution of India – Article 233(2) – Eligibility of Judicial Officers for District Judge Recruitment – Direct Recruitment vs. Promotion – Practice Requirement - Held: In-service judicial officers are eligible for appointment as District Judges through direct recruitment - Their past service as a judicial officer must be counted toward the minimum practice requirement of seven years as stipulated under Article 233(2) - Categories of Relief held – i. Category A (Appointed but Reverted): Officers whose appointments were reversed due to an erroneous interpretation of law are deemed to have continued in service without a break - They are entitled to seniority and notional pay fixation but no arrears of pay; ii. Category B (Selected but not Formally Appointed): Selected candidates whose appointments were stalled by judicial intervention must be immediately offered appointments, subject to vacancy availability. Seniority will be determined by a committee of three senior High Court judges; iii. Category C & D (Ongoing or Future Selection): Officers currently in the selection process or seeking to participate must be treated as eligible; iv. Age Relaxation: Candidates who crossed the age limit while erroneously considered ineligible are granted a one-time relaxation to participate in the next selection process; v. Cadre Management: All officers benefiting from these directions shall be treated as District Judges appointed through direct recruitment. [Overruled Dheeraj Mor v. High Court of Delhi, (2020) 7 SCC 401; Paras 5-22]

WITH W.P.(C) No. 759/2017, W.P.(C) No. 1278/2019, R.P.(C) No. 381/2021 in W.P.(C) No. 396/2018, R.P.(C) No. 385/2021 in C.A. No. 1700/2020, R.P.(C) No. 1027/2021 in W.P.(C) No. 405/2016, R.P.(C) No. 379/2021 in W.P.(C) No. 578/2018, M.A. No. 179/2021 in W.P.(C) No. 405/2016, R.P.(C) No. 669/2021 in W.P.(C) No. 999/2019, R.P.(C) No. 380/2021 in W.P.(C) No. 222/2017, M.A. No. 1050/2021 in C.A. No. 1698/2020, R.P.(C) No. 781/2021 in W.P.(C) No. 316/2017, R.P.(C) No. 774/2021 in W.P.(C) No. 744/2019, R.P.(C) No. 780/2021 in W.P.(C) No. 602/2016, R.P.(C) No. 853/2021 in W.P.(C) No. 1080/2019, R.P.(C) No. 621/2021 in C.A. No. 1698/2020, R.P.(C) No. 868/2021 in W.P.(C) No. 414/2016, R.P.(C) No. 867/2021 in W.P.(C) No. 405/2016, R.P.(C) No. 782/2021 in W.P.(C) No. 639/2018, W.P.(C) No. 857/2021, R.P.(C) No. 989/2021 in T.P.(C) No. 272/2018, R.P.(C) No. 996/2021 in C.A. No. 1703/2020, W.P.(C) No. 864/2021, R.P.(C) No. 835/2021 in C.A. No. 1704/2020, R.P.(C) No. 836/2021 in C.A. No. 1706/2020, Diary No(s). 18470/2021, R.P.(C) No. 1354/2021 in C.A. No. 1698/2020, R.P.(C) No. 1042/2022 in W.P.(C) No. 999/2019, C.A. No. 11390/2025, W.P.(C) No. 827/2025, W.P.(C) No. 1189/2025

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ORDER

1. Application for listing review petition in open Court is allowed.
2. Delay condoned.
3. IA No.277571/2025 and IA No.289375/2025 (application(s) for intervention/impleadment) in Diary No.18470 of 2021 are allowed.

I. INTRODUCTION

4. These appeals, review petitions, writ petitions, and miscellaneous applications raise pertinent questions regarding the interpretation of Article 233(2) of the Constitution of India. Specifically, the issue under dispute was whether service as a judicial officer should be included when calculating the seven-year period referred to in that provision. Consequently, the arguments centred on whether serving or former judicial officers are eligible for appointment as District Judges through the process for vacancies to be filled *via* direct recruitment.

5. The Constitution Bench judgment dated 09.10.2025 passed in the instant proceedings, which is also reported in *2025 SCC OnLine SC 2196*, has now conclusively answered the question of law and held that judicial officers are eligible for being appointed as District Judges through direct recruitment, and their past period of service as a judicial officer shall count towards the minimum practice requirement for such eligibility. In doing so, the Constitution Bench has overruled a previous three-judge bench decision of this Court in *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401. However, keeping in mind that the final directions which would need to be passed would require an analysis of the factual background of each case, the Constitution Bench, through paragraph 175 of its judgment, directed that these cases be placed before an appropriate bench for final adjudication. It is in this context that the instant cases have since been listed before this Court, from time to time. To assist in categorising the different cases and fully implementing the directions contained in the Constitution Bench judgment, this Court has, *vide* order dated 13.11.2025, also appointed Ms. Suhasini Sen, learned counsel, as an *Amicus Curiae*.

6. We have heard the learned *Amicus Curiae*, as well as learned Senior Counsel and counsel for the High Courts and the private litigants, and perused the material placed on record.

7. At the outset, we may notice that paragraphs 170 to 174 of the judgment dated 09.10.2025 contain guiding directions for giving effect to the decision of this Court. However, for adequately effectuating such directions, the findings and observations made by the Constitution Bench throughout the entire judgment also have a material bearing.

Therefore, the directions cannot be read in isolation, and the entire judgment must be applied in its true letter and spirit.

8. With this in mind, the learned *Amicus Curiae* was requested to recommend the manner in which the decision of the Constitution Bench can be implemented in the case of the present litigants. The learned *Amicus* has, to this end, submitted a self-explanatory note dated 16.12.2025, broadly identifying the five categories of circumstances under which the present batch of cases may be placed. Accordingly, it is further suggested as to which categories of judicial officers may or may not be entitled to the specific beneficial directions of this Court. Having gone through the said note, as well as the responses received from the various High Courts on the same, we deem it appropriate to address and issue directions on each category of cases separately.

II. CATEGORY A – PERSONS WHO HAVE BEEN APPOINTED OR APPOINTED BUT THEN REVERTED

9. The first category of cases covers all those officers who have, at the relevant time, undergone the complete selection process, been selected, and also been granted formal appointments. However, in some cases, the appointments of such officers were reversed due to judicial orders, passed on the premise that such judicial officers were ineligible for direct recruitment into the Higher Judicial Services. That position of law now having been held to be erroneous by the Constitution Bench, there can be no doubt that the reversion of appointments is also liable to be declared illegal and has to be set aside. Ordered accordingly.

10. It is clarified that all such judicial officers who had earlier been appointed but had suffered reversion of their appointments on account of erroneous interpretation of law shall be deemed to have continued in service since when they were originally borne into the Higher Judicial Service. They shall be entitled to all concomitant benefits of seniority and notional pay fixation/increments, but without any arrears of pay.

III. CATEGORY B – PERSONS WHOSE SELECTIONS WERE COMPLETE, BUT THEIR APPOINTMENTS WERE NOT FORMALISED

11. The second category of officers comprises those who participated in the direct recruitment process and were selected upon completion of the entire process, but final appointment orders could not be issued in their favour on account of judicial intervention. Similarly, there are also those officers who underwent the entire selection process, but the formal declaration of results was withheld due to a dispute over the issues, which now stand finally answered by the Constitution Bench. We may, again, observe that such judicial intervention was based on what has been held to be an incorrect interpretation of the law, and in this vein, meritorious judicial officers deserve the benefit of the directions of this Court.

12. We, therefore, direct the High Courts and the State Governments to immediately offer appointments to all such selected judicial officers, subject to the availability of vacancies in the respective Higher Judicial Services. If the current vacancies are insufficient, the remaining officers shall be prioritised for placement in any future vacancies that arise, regardless of the source from which such vacancy would otherwise be filled.

13. Such appointments shall be deemed to be with effect from 10.10.2025, i.e., a day after the Constitution Bench judgment was delivered. Accordingly, the officers shall be entitled to the benefits of notional pay fixation/increments.

14. However, the determination of *inter se* seniority in respect of such officers involves complex issues based upon the individual facts and circumstances, varying from High Court to High Court. Keeping that in mind, we direct that the seniority of these newly appointed officers *vis-à-vis* those officers, who have been appointed meanwhile without any controversy regarding their eligibility, shall be determined by a Committee of three senior Judges of the relevant High Court. Such a determination shall be made after giving an opportunity to be heard to all the officers likely to be affected. Furthermore, the Committee shall take into account that various judicial officers who are part of the instant category have already been appointed as District Judges through the different avenues of promotion, but this development shall, in no manner, cause prejudice to the claim of such officers for appointment through direct recruitment.

15. The seniority ascertained by the Committee of Judges shall be placed before the Full Court of the High Court for final determination. The High Courts, on the administrative side, are directed to complete this process and publish the *inter-se* seniority of these officers within a period of four months.

16. The administrative decision on seniority shall be considered as a fresh cause of action, and if any officer is aggrieved by the same, he or she shall be at liberty to approach the appropriate forum for redressal.

IV. CATEGORY C – PERSONS WHOSE SELECTIONS HAVE NOT BEEN CONCLUDED WITH CATEGORY D – PERSONS WHO WERE SEEKING THE RIGHT TO PARTICIPATE IN THE SELECTION PROCESS

17. Adverting to the third category, we find that in some cases, the respective selection process for direct recruitment had not been completed due to a cloud over the eligibility of in-service judicial officers. Now that such a shadow has been cleared, we direct the High Courts to treat such officers as eligible and complete the selection process in accordance with the governing statutes and service rules.

18. Similarly, those judicial officers who are yet to participate in a selection process, which comprises the fourth category, already stand entitled to participate in the same as per the dictum of the Constitution Bench.

19. Upon completion of the selection process and in the event of consequential appointment, such officers shall be accorded seniority only as per the date of actual appointment. They shall, in other words, not be entitled to raise any retrospective claim which would reopen the old, settled seniority on the basis of any imaginative right which has not yet crystallised.

20. However, if such officers have, in the meantime, crossed the minimum age limit while they were erroneously considered to be ineligible for direct recruitment due to being a judicial officer, they shall be entitled to age relaxation for only one opportunity to participate in the selection process for the Higher Judicial Services. For this purpose, the High Court may consider undertaking a fresh selection process, wherein such age-barred candidates would be permitted to participate as a one-time measure.

V. CATEGORY E – CHALLENGES TO APPOINTMENT/SELECTION OF JUDICIAL OFFICERS

21. The final category of cases involves challenges made to appointments of judicial officers. The Constitution Bench of this Court, now having affirmed the eligibility of judicial officers for being directly recruited as District Judges, such challenges are liable to fail, and the selection and/or appointment of the respective officers is accordingly upheld.

VI. CONCLUDING OBSERVATIONS

22. For the purposes of cadre management, we deem it apposite to issue a final clarification: all the judicial officers, who would benefit from deemed service from the original date of appointment or a retrospective notional date due to the judgment passed by the Constitution Bench and the instant final order, shall be taken to be District Judges appointed through direct recruitment.

23. In the interest of complete fairness, we acknowledge that, in the course of oral submissions, various other related issues have been raised by learned senior counsel/counsel for the parties. However, in the absence of specific pleadings with reference to each High Court and the factual determinations that would be required to be made for adjudication thereon, we are afraid that it would not be prudent for this Court to go into those questions at this stage. The same are, accordingly, kept open for the parties to agitate, at the first instance, before the Committee of Judges described above. The Committee shall decide the factual disputes and submit its recommendation to the Full Court of the High Court. The Full Court shall, in turn, take the final decision, within four months of the aggrieved party having submitted its representation. There shall, however, be an endeavour by each High Court to not generate new inter-se seniority disputes, especially given that members of the bar have given up their practice to join the Higher Judicial Services with a legitimate expectation of seniority based upon the date of their appointment.

24. In any case, the parties shall be at liberty to raise such contention(s), if need be, in appropriate judicial proceedings.

25. The appeals, petitions, and miscellaneous applications stand disposed in the above terms, along with all pending applications.

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