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Status: **Pending**

Case Number: **WA 1397/2026**  
(KAHC010330152026)

Classification: **S RES**

Date of Filing: **05/05/2026**  
10:45:59

Petitioner: **THE REGISTRAR**  
**GENERAL**

Petitioner Advocate: **KRUTIKA**  
**RAGHAVAN**

Respondent: **SRI YOGESHA B**

Respondent Advocate:  
**VAIBHAV RAVI MALIMATH**

Filing No.: **WA 1424/2026**

Judge: **H.P.SANDESH AND P**  
**SREE SUDHA**

Last Posted For: **ORDERS**

Last Date of Action: **12/05/2026**

Last Action Taken:  
**ADJOURNED**

Next Hearing Date:

**Daily Orders: WA 1397/2026**

1	<u>12/05/2026</u>	H.P.SANDESH AND P SREE SUDHA	<b>ADJOURNED</b>
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Heard the learned counsel appearing for the appellant and also the counsel appearing for the respondent on I.A.No.5 of 2026, praying this Court to vacate the interim order dated 07.05.2026 passed in the above appeal and consequently, restore the order dated 29.04.2026.

Learned counsel appearing for the respondents in his argument would vehemently contend that the last date for filing application for Civil Judges examination is fixed on 15.05.2026 and the learned Single Judge allowed them to permit to file an application and consider the same and the same has been done, permitting them to participate in the preliminary examination, final examination and viva-voce, and the same has been stayed by the learned Division Bench of this Court vide order dated 07.05.2026, and the same amounts to curtailing the rights of the respondents. The learned counsel also brought to notice of this Court to paragraph number 6 of the order of this Court dated 07.05.2026, wherein the questions are raised in the writ appeal and the same is answered, it is nothing but if the last date of filing of application is over and if it is answered belatedly in favour of the respondents, it causes prejudice to the respondents and hence, the same may be set aside or modified, permitting to enter appearance. The learned counsel also submits that for filing an application time bound period is fixed i.e., on or before 15.05.2026. The learned counsel further submits that if the same is not modified, their rights will be prejudiced. The learned counsel would also contend that the parties are going to approach the Apex Court and there cannot be any observation by the Apex Court that they have not approached the appropriate forum for filing an application.

The learned counsel appearing for the appellant would submit that the amendment is made pursuant to the judgment of the Apex Court and the same is in consonance with the directions of the Apex Court. The counsel also submitted that the Apex Court has also taken note of the same and the subject is seized before the Apex Court in a review petition. The Apex Court also vide order dated 13.03.2026 seized of the matter regarding issue arising out of the prescription of 3 years of practice as a pre-condition for recruitment as Judicial Officers at the entry level. All the High Courts and State Public Service Commission are directed to extend the last date of submission of applications, if they have already advertised the post, up to 30.04.2026. The fresh advertisement that may be issued by any High Court or the State Public Service Commission shall also have a cut-off date after 30.04.2026 and even directed to post the matter for further consideration on 19.04.2026 at 2.30 p.m. The learned counsel also brought to notice of this Court that matter was not listed and counsel also submitted that in case if the matter is considered by the Apex Court with regard to minimum 3 years of practice and in case, if they succeed in the same, this Court is going to re-consider the same, permitting them to appear for the examination. The same is subject to the result of the order of the Apex Court in taking its decision and also a direction of the Apex Court.

Having considered the submissions of both the counsel and also last date is fixed for filing an application on 15.05.2026 and in view of the amendment brought into effect pursuant to the judgment of the Apex Court, liberty is given to the respondents to approach the Apex Court to seek the clarity in the issue involved between the parties and also the amendment that was brought into effect consequent upon the directions of the Apex Court. Unless the same is clarified by the Apex Court, it is not appropriate for this Court to vacate or modify the order dated 07.05.2026.

The submission of the counsel appearing for the High Court is taken on record.  
Accordingly, I.A.No.5 of 2026 is disposed of.

**Last Updated On:** 2026-05-12 17:24:21

2	<u>07/05/2026</u>	SACHIN SHANKAR MAGADUM AND RAJESH RAI K	<b>ADJOURNED</b>
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Heard learned Senior Counsel appearing for the appellants and learned Senior Counsel appearing for the respondents/writ petitioners. Perused the records.

2. The present intra-Court appeals are directed against the interim order dated 29.04.2026 passed by the learned Single Judge in the writ petitions, whereby the learned Single Judge has permitted the writ petitioners to submit applications pursuant to the Notification dated 16.04.2026 and further permitted them to participate in the preliminary examination, main examination and viva voce relating to recruitment to the post of Civil Judge (Junior Division).

3. The writ petitions are instituted assailing the validity of the Karnataka Judicial Service Recruitment (Amendment) Rules, 2025 notified on 12.03.2026, insofar as the said amendment modifies Rule 4 of the Karnataka Judicial Service Recruitment Rules, 2004 and withdraws the enabling provision which earlier permitted in-service candidates, namely judicial staff/court staff, to participate in the process of direct recruitment to the cadre of Civil Judge.

4. Learned Senior Counsel appearing for the appellants would vehemently contend that the amendment brought to Rule 4 is not a mere policy alteration, but is a conscious legislative exercise undertaken in obedience to the binding directions issued by the Hon'ble Supreme Court in All India Judges Association case as well as in Civil Appeal No.561 of 2013. It is contended that the amended Rules now prescribe a minimum of three years' continuous practice as an Advocate as an essential eligibility criterion for direct recruitment to the post of Civil Judge and the amendment consciously excludes in-service judicial staff/court staff from the zone of consideration, while expressly preserving a limited exception only in respect of Law Clerks/Research Assistants.

5. Learned Senior Counsel would submit that once the statutory Rules stand amended in conformity with the directions issued by the Hon'ble Apex Court and the eligibility criteria now mandates continuous Bar practice for a minimum period of three years, the learned Single Judge was not justified in permitting admittedly ineligible candidates to submit applications and participate in the selection process by way of an interim arrangement.

6. Having given anxious consideration to the submissions made at the Bar and on examining the material placed on record, the following points would arise for prima facie consideration at this stage:

(i) Whether the learned Single Judge was justified in permitting the writ petitioners, who are admittedly in-service judicial staff/court staff, to submit applications and participate in the recruitment process for appointment to the post of Civil Judge (Junior Division), notwithstanding the amendment brought to Rule 4 of the Karnataka Judicial Service Recruitment Rules, 2004 by the Karnataka Judicial Service Recruitment (Amendment) Rules, 2025?

(ii) Whether, after the amendment prescribing minimum three years' continuous practice as an Advocate as an essential eligibility condition for direct recruitment to the cadre of Civil Judge, persons not satisfying the said eligibility criteria could have been permitted to participate in the selection process by way of an interim order?

(iii) Whether the amendment brought to Rule 4, having been introduced in purported compliance with the binding directions issued by the Hon'ble Supreme Court in All India Judges Association case and Civil Appeal No.561 of 2013, could be interdicted at an interlocutory stage by permitting participation of candidates who fall outside the amended eligibility criteria?

(iv) Whether, in a writ petition involving challenge to the vires of the Karnataka Judicial Service Recruitment (Amendment) Rules, 2025, the learned Single Judge was justified in granting an interim arrangement which virtually eclipses the operation of the amended statutory Rules?

7. Prima facie, this Court finds that the amendment brought to Rule 4 appears to be a conscious legislative response to the mandate issued by the Hon'ble Supreme Court emphasizing the necessity of prior Bar experience for entry into the judicial service through direct recruitment. The amended Rule now consciously withdraws the earlier recruitment channel available to in-service judicial staff/court staff and prescribes minimum three years' continuous practice as an Advocate as an essential qualification.

8. Prima facie, the amended framework does not carve out any exception in favour of in-service staff of the High Court or District Judiciary and, on the contrary, specifically recognizes only Law Clerks/Research Assistants as a distinct category. Therefore, the continuance of the interim order permitting participation of candidates who admittedly do not satisfy the amended eligibility criteria would have a direct bearing on the ongoing recruitment process governed by the amended Rules.

9. This Court is also of the prima facie view that when the vires of the amendment itself is under challenge and the amendment is stated to have been brought in conformity with the directions issued by the Hon'ble Apex Court, an interim order enabling candidates, who presently lack the prescribed eligibility under the statutory Rules, to participate in the recruitment process would require deeper examination.

10. In that view of the matter, this Court is satisfied that the appellants have made out a prima facie case for grant of interim relief. Balance of convenience also lies in favour of maintaining the recruitment process strictly in accordance with the amended statutory Rules, pending consideration of the larger issue concerning validity of the amendment.

11. Accordingly, there shall be an interim stay of the operation and implementation of the order dated 29.04.2026 passed by the learned Single Judge insofar as it permits the writ petitioners to submit applications and participate in the preliminary examination, main examination and viva voce relating to recruitment to the post of Civil Judge (Junior Division).

Issue notice to the respondents.

Re-list these matters for further consideration.



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