

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18274/2026

[Arising out of impugned judgment and order dated 01-04-2026 in WPL No. 39995/2025 passed by the High Court of Judicature at Bombay]

AJAYKUMAR SHYAMKISHOR TRIPATHI & ORS. Petitioner(s)

VERSUS

REGISTRAR GENERAL & ANR. Respondent(s)

Date : 26-05-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Prashant Bhushan, Adv.
Mr. Niraj Gupta, AOR
Mrs. Anshu Gupta, Adv.
Mr. Subham Gupta, Adv.
Ms. Siddhi Gupta, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. The petitioners in this Special Leave Petition are advocates practicing in various courts in the State of Maharashtra. They appeared in the 2024 Selection Process for recruitment to the post of District Judges, namely, the Maharashtra Higher Judicial Services. The selection process comprised two parts, i.e. the written examination and the viva voce. The petitioners have apparently performed well in the written examination, with one of them, statedly, having secured the third-highest marks in it. Initially, 28 posts were advertised, but subsequently, more vacancies became available, which were added through two addenda,

resulting in a total of 42 vacant posts. Having cleared the written examination, the petitioners were called for the viva voce. However, they failed to secure more than 40% i.e., 20 marks, prescribed as the qualifying marks. As a result of this, their names did not feature in the final selection list. Ultimately, the High Court was able to select only 13 candidates against 42 vacancies. Aggrieved by the non-inclusion of their names in the final selection list, the unsuccessful petitioners approached the High Court, but their writ petition was dismissed, giving rise to the instant proceedings.

2. We have heard Mr. Prashant Bhushan, learned counsel for the petitioners and perused the record. Various issues, such as the prescription of minimum marks for viva voce and/or uniformity in the prescription of such marks on a pan-India basis, have been raised during the course of arguments. However, we are of the view that such issues may be independently examined by this Court in the proceedings already pending before us concerning the judicial services.

3. As regards the petitioners, it is evident that they could not be selected only owing to their inability to secure the minimum qualifying marks in the viva voce. Since large-scale vacancies have remained unfilled, and two out of three of the petitioners are women candidates, with one belonging to the Scheduled Caste category, it seems to us that the petitioners' candidature can be sympathetically reconsidered by the High Court. In this regard, if the High Court is satisfied, the requirement of minimum marks for viva voce may be relaxed by invoking the appropriate powers under

the statutory rules and/or the High Court may invoke any other mechanism to facilitate such reconsideration. We, however, leave it to the complete discretion of the High Court to adjudge the overall suitability of the petitioners. All that we observe is that, keeping in view the fact that a substantial part of the vacancies remained unfilled, the claim of the petitioners may be sympathetically reconsidered.

4. The Special Leave Petition is disposed of accordingly.

5. Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
ASSISTANT REGISTRAR