

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. OF 2026

DISTRICT- MUMBAI

Suraj Deepak Mane & Ors.

...Petitioner

Versus

State Of Maharashtra & Anr.

...Respondent

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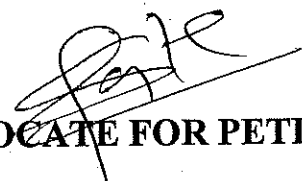
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PLACE: MUMBAI

DATE: 9/6/26

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— ADVOCATE FOR PETITIONER

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A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. OF 2026

DISTRICT- MUMBAI

Suraj Deepak Mane & Ors. ...Petitioner

Versus

State Of Maharashtra & Anr. ...Respondent

SYNOPSIS.

I. Challenge in the brief: Being aggrieved by the action of Respondent No. 2 in publishing the result dated 14.05.2026 and by the continued inaction of the Respondents in considering the Petitioners' representation dated 19.05.2026, the Petitioners have no efficacious alternative remedy and are therefore constrained to approach this Hon'ble Court under Article 226 of the Constitution of India.

II. List of Dates and Events:

Sr. No.	Dates	Particulars
1.	2025	In accordance with the constitutional scheme and the directions issued by the Hon'ble Supreme Court, recruitment to the Higher Judicial Service is divided into three distinct and mutually exclusive channels.
2.	January 2026,	The Respondents initiated a recruitment process to fill 89 vacancies

B

		in the cadre of District Judge by Nomination 25%.
3.	30.01.2026	Respondent No. 2 issued Advertisement No. A.5504/2025 from eligible Advocates for appointment to the post of District Judge.
4.	2026	Respondents have purported to alter the said channel of recruitment by relying upon proposed amendments allegedly framed pursuant to the judgment of the Hon'ble Supreme Court
5.	2026	On the date of issuance of the advertisement and commencement of the recruitment process, the said amendments had not been notified in the Official Gazette.
6.		The impugned advertisement and the recruitment process undertaken pursuant thereto are ex facie contrary to the governing statutory framework and are liable to be set aside.
7.	09.10.2025	Hon'ble Supreme Court of India, in its Constitution Bench Judgment in Rejanish K.V. v. K. Deepa & Ors. (Civil Appeal No. 3947 of 2020), issued comprehensive directions requiring all High Courts, in consultation and coordination with their respective State Governments
8.	11.03.2026	Hon'ble Court may please to direct the Respondent no. 2 to produce the said

C

		amendment on record before the Hon'ble Court.
9.		Draft Maharashtra Judicial Service (Amendment) Rules, 2025 themselves provide that the amendments shall come into force only from the date of their publication in the Official Gazette
10.	26.03.2026	Hon'ble Supreme Court, the Respondents issued a Corrigendum granting relaxation in the upper age limit to certain serving judicial officers, thereby enabling their participation in the recruitment process conducted under the nomination quota
11.	05.05.2026	Respondent no. 2 issued a hall ticket and directed the petitioner to appear for the preliminary examination on 10/05/2026.
12.	10.05.2026	Preliminary Examination was conducted by the respondent no. 2.
13.	14.05.2026	Results were declared by the Respondent no. 2.
14.	19/05/2026	Petitioners have addressed a detailed representations to the Respondents, setting out their grievances and seeking appropriate corrective and remedial measures
15.	27.06.2026 & 28.06.2026.	Respondent No. 2 has notified the schedule for the Main Written Examination, which is to be conducted
16.		Hence, this Petition

D

III. Points to be urged:

As stated in the Petition

IV. Acts to be referred:

- 1) Maharashtra Judicial Service Rules, 2008
- 2) Constitution Of India, 1950.

V. Authorities to be cited:

Nil at Present

PLACE: MUMBAI

DATE: 9/6/2026


ADVOCATE FOR PETITIONER

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. _____ OF 2026
(U/A 226 of Constitution of India)
DISTRICT: PUNE

1. Suraj Deepak Mane
Age: 36 years, Occu: Advocate,
Residing at plot No. 131A, Flat No. 2,
Shrusti Apartment, Tapodham Colony,
Talegaon Dabhade, Tal. Maval, Dist. Pune – 410507.
2. Chandrakanta S. Gongane,
Age : 40 years, Occ.: Advocate,
Residing at Flat no. 702, Building No 22,
Shivaganga CHS, Riverwood park



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Sagarli Goan Kalyan shill road
dombivli (E). 421 402

3. Ashwini Pandharinath Adhalge
Age: 44 years, Occ. : Advocate,
Residing at 67/8A, Parvati Darshan,
Taluka Haveli, District Pune - 411009.
4. Supriya Chavan,
Age: 41 years, Occ. : Advocate,
Residing at Pancham A 501, Nanded City,
Pune.
5. Vrushali Ganesh Deshmukh,
Age 42 years, Occ Advocate,
Residing at 3 floor, Yashwant Baba Apt,
Paranjape Layout, Camp, Amravati
6. Anuradha Ganpati Desai,
Age 42 years, Occ Advocate,
Residing at 235/66 Adhika apt
5th floor Hanuman Nagar, Kolhapur 410007
7. Priti Dashrath Warudkar,
Age 40 years, Occ Advocate,
Residing at Plot No.3B, Jayshree Apartment,
Paryawaran Nagar, Wardha road,
Somalwada, Nagpur
8. Mayadevi Fulchand Gupta,
Age 42 years, Occ Advocate,
Residing at Unnathi woods, Aanand Nagar,
G.B.Road Thane West. ...Petitioners

Versus



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1. The State of Maharashtra
Through, Secretary,
Law and Judiciary Department,
Mantralay, Mumbai
2. High Court of Judicature at Bombay
Through its Registrar General,
Having office at Bombay High Court,
Fort, Mumbai

...Respondents

TO

THE HONOURABLE THE CHIEF JUSTICE AND
THE OTHER HONOURABLE PUISINE JUDGES OF
THE HIGH COURT OF JUDICATURE AT BOMBAY

HUMBLE PETITION OF THE
PETITIONER OF ABOVE NAMED

MOST REPSECTFULLY SHEWETH:

1. The petitioners are the residents of the above mentioned address and are citizens of India. The petitioners are entitled to the rights guaranteed under part III of the Constitution of India, 1950.
2. The Respondent no. 1 is a state under the meaning of Article 12 of the Constitution of India, 1950. The Respondent No. 2 – Through its Registrar General, High Court of Judicature at Bombay, is the designated administrative authority responsible



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for conducting and overseeing the recruitment and selection process for appointments to the Higher Judicial Service in the State of Maharashtra, in accordance with the applicable service rules and Article 233 of the Constitution of India, 1950.

3. Brief facts of the case are as follows:- The appointments to the cadre of District Judges in the State of Maharashtra are governed by the provisions of the Maharashtra Judicial Service Rules, 2008, framed in consonance with Article 233 of the Constitution of India and in view of the direction issued by the Hon'ble Supreme Court in the case of All India Judges' Association vs. Union of India and connected matters. The Copy of the Judgement in the case of All India Judges Association Vs. Union of India is annexed herewith and marked as **Exhibit A**.
4. The Petitioners submit that in accordance with the constitutional scheme and the directions issued by the Hon'ble Supreme Court, recruitment to the Higher Judicial Service is divided into three distinct and mutually exclusive channels, namely:
- i. 50% of the vacancies are filled by regular promotion from amongst eligible Civil Judges



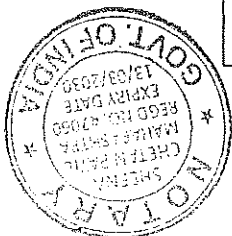


(Senior Division) on the principle of merit-cum-seniority;

- ii. 25% of the vacancies are filled through a Limited Competitive Examination from amongst eligible Civil Judges (Senior Division); and
- iii. 25% of the vacancies are filled by direct recruitment by nomination from amongst eligible practising Advocates having not less than seven years' continuous practice at the Bar.

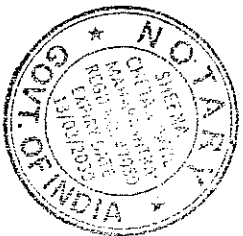
5. The petitioners submit that, the education qualifications of the petitioners are as follows:

Sr. No.	Name	Education	Institution	Year of passing	Last place of Practice and Designation.
1	Suraj Deepak Mane	B.S.L., LL.B.	University of Pune	2017	Practicing Advocate
2	Chandrakanta S. Gongane	LL.M.	University of Mumbai	2010	Practicing Advocate



3	Ashwini Pandharinath Adhalge	LL.M.	Savitribai Phule University, Pune	2018	Practicing Advocate
4	Supriya Chavan	LL.M.	Pune University	2014	Practicing Advocate
5	Vrushali Ganesh Deshmukh	LLM	S.G.B. Amravati University	2020	Practicing Advocate
6	Anuradha Ganpati Desai	LLB	Shivaji university Kolhapur	2010	Practicing Advocate
7	Priti Dashrath Warudkar	B.A. LLB	Nagpur University	2009	Practicing Advocate
8	Mayadevi Fulchand Gupta	B.A. LLB.	Mumbai University	2014	Practicing Advocate

The Petitioners crave leave to refer and rely upon the certificates and sanad at the time of oral hearing.



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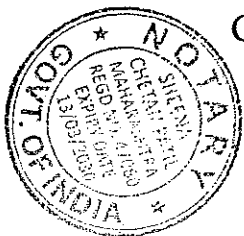
6. The Petitioners submit that, upon completing their legal education and acquiring the requisite eligibility, they intended to participate in the recruitment process for appointment to the post of District Judge by nomination 25%.
7. The Petitioners further submit that, in January 2026, the Respondents initiated a recruitment process to fill 89 vacancies in the cadre of District Judge by Nomination 25%. Accordingly, Respondent No. 2 issued Advertisement No. A.5504/2025 dated 30.01.2026 inviting online applications from eligible Advocates for appointment to the post of District Judge by Nomination against 89 vacancies under the 25% direct recruitment quota. Earlier, the said channel of recruitment was constitutionally and statutorily reserved exclusively for members of the Bar who are actively engaged in legal practice and satisfy the eligibility requirements prescribed under the Maharashtra Judicial Service Rules, 2008. The Petitioners submit that the Respondents have purported to alter the said channel of recruitment by relying upon proposed amendments allegedly framed pursuant to the judgment of the Hon'ble Supreme Court in Rajenish Kumar v.s K. Deepa and Ors (Civil Appeal No. 3947 of 2020) “ para no. 174. *Consequently, all such rules framed by the State*



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Governments in consultation with the High Courts which are not in accordance with the aforesaid answers shall stand quashed and set aside. It is directed that all the State Governments in consultation with the High Courts shall frame/amend the rules in accordance with what has been held by us hereinabove, within a period of three months from today.”. However, the said amendments had not been notified and had not attained statutory force on the date of issuance of the impugned advertisement. The Copy of the advertisement dated 30/01/2026 is annexed herewith and marked as **Exhibit B**.

8. The Petitioners submit that Clause 2 of Advertisement No. A.5504/2025 mention as follows : *“This selection process is regulated by the Maharashtra Judicial Service Rules, 2008 and the amendments approved by the High Court thereto which are yet to be notified.”* Therefore, the said clause specifically records that the recruitment process is being conducted in accordance with certain amendments to the Maharashtra Judicial Service Rules, 2008, which had been approved by the Hon'ble High Court but were yet to be notified by the State Government.



9. The Petitioners further submit that, under the settled principles governing subordinate legislation and statutory rules, any amendment to the service rules acquires legal force and becomes enforceable only upon its publication in the Official Gazette, unless otherwise provided. Admittedly, on the date of issuance of the advertisement and commencement of the recruitment process, the said amendments had not been notified in the Official Gazette. In these circumstances, the Respondents could not have lawfully initiated or conducted the recruitment process on the basis of amendments which had not yet come into force. Consequently, the impugned advertisement and the recruitment process undertaken pursuant thereto are ex facie contrary to the governing statutory framework and are liable to be set aside.

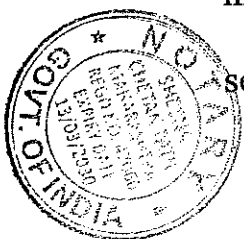
10. The Petitioners submit that even assuming, without admitting, that amendments to the Maharashtra Judicial Service Rules, 2008 were under consideration, the Respondents could not have implemented the same without following the mandatory rule-making procedure prescribed in law. Any amendment to statutory service rules affecting eligibility conditions and mode of recruitment is required to undergo the prescribed consultative



and statutory process, including publication of the draft rules, invitation of objections and suggestions from stakeholders, consideration thereof and completion of the waiting period before final notification. The Petitioners submit that no such procedure was completed prior to issuance of the impugned advertisement. In the absence of compliance with the mandatory procedural requirements, the proposed amendments remained merely draft proposals incapable of being enforced or acted upon by the Respondents.

11. The Petitioners submit that the Respondents have sought to implement substantive changes in the recruitment process through an advertisement without first bringing the amended rules into force in accordance with law. Such action defeats the very purpose of the statutory procedure requiring publication and invitation of objections, which is intended to ensure transparency, fairness and participation of affected stakeholders.

12. The Petitioners submit that Clause 11.5 of Advertisement No. A.5504/2025 introduces an entirely new mechanism whereby vacancies advertised for recruitment by nomination as impugned in this Writ Petition, are permitted to be filled by serving Judicial Officers by promotion in the event said post is



unfilled. The Petitioners submit that no such provision existed under the Maharashtra Judicial Service Rules, 2008 as applicable prior to the proposed amendments and same also not mentioned in the earlier advertisements issued by the respondent no. 2. The Copy of the earlier advertisement of last three years are annexed herewith and marked as **Exhibit C**.

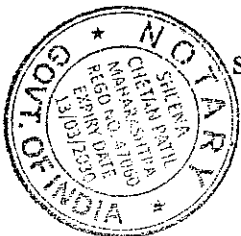
13. The Petitioners submit that the vacancies advertised under the 25% nomination quota constitute a distinct source of recruitment earmarked for eligible practising Advocates. By permitting serving Judicial Officers to be considered against vacancies forming part of the nomination quota, the Respondents have effectively merged two separate and distinct channels of recruitment. The impugned provision enables Judicial Officers to compete for and ultimately occupy vacancies intended for members of the Bar, thereby substantially prejudicing the rights and opportunities available to Advocate candidates. The Petitioners submit that Clause 11.5 has been introduced solely on the basis of amendments which admittedly had not been notified on the date of issuance of the advertisement. Consequently, the Respondents could not have lawfully altered the source of recruitment or provided for



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diversion of vacancies from the nomination quota to Judicial Officers. The said clause is therefore ex facie illegal, arbitrary and without authority of law.

14. The Petitioners submit that on 09.10.2025, the Hon'ble Supreme Court of India, in its Constitution Bench Judgment in Rejanish K.V. v. K. Deepa & Ors. (Civil Appeal No. 3947 of 2020), issued comprehensive directions requiring all High Courts, in consultation and coordination with their respective State Governments, to carry out and notify necessary amendments to the applicable Judicial Service Rules within a period of three months. In compliance with the said judgment, the Respondents purportedly amended the relevant rules. However, the said amendments were not brought into force by publication in the Official Gazette. Despite the absence of such statutory notification, the Respondents proceeded to initiate the recruitment process for the post of District Judge by acting upon the purported amended provisions, which had not attained legal enforceability. The proposed amendment rules have not been placed in the public domain and are not readily accessible to affected candidates affected by the recruitment process and / or stakeholders. Therefore, this Hon'ble Court may please to direct



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the Respondent no. 2 to produce the said amendment on record before the Hon'ble Court. The Copy of the Judgement in the case of Rejanish K.V. v. K. Deepa & Ors., in Civil Appeal No. 3947 of 2020, decided on 11.03.2026 is annexed herewith and marked as **Exhibit D**.

15. The Petitioners further submit that the said judgment recognizes that Article 233 constitutes a self-contained constitutional code governing appointments to the cadre of District Judges and contemplates two distinct and separate sources of recruitment, namely:

- (i) promotion from the judicial service; and
- (ii) direct recruitment from amongst eligible Advocates having the prescribed period of continuous practice at the Bar. The constitutional distinction between these two streams has been consistently maintained and reaffirmed by the Hon'ble Supreme Court.

16. The Petitioners submit that, admittedly, the amendments purportedly introduced pursuant to the aforesaid judgment had not been notified in the Official Gazette on the date of issuance of Advertisement No. A.5504/2025. Consequently, the recruitment process was required to be conducted strictly in



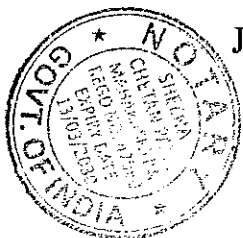
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accordance with the prevailing statutory framework and the law declared by the Hon'ble Supreme Court.

17. The Petitioners submit that the draft Maharashtra Judicial Service (Amendment) Rules, 2025 themselves provide that the amendments shall come into force only from the date of their publication in the Official Gazette. Consequently, in the absence of such publication, the said amendments have not acquired statutory force and remain unenforceable in law.

18. The Petitioners submit that it is a settled principle of administrative law that subordinate legislation and statutory amendments become operative only upon publication in the manner prescribed by law. Until such publication, the proposed amendments remain inchoate and incapable of conferring rights, creating obligations, or altering existing eligibility conditions. Therefore, the Respondents could not have lawfully relied upon the unnotified amendments while issuing Advertisement No. A.5504/2025 or while determining the eligibility of candidates for participation in the recruitment process.

19. The Petitioners submit that the recruitment process was required to be conducted strictly in accordance with the Maharashtra Judicial Service Rules, 2008 as they stood on the date of

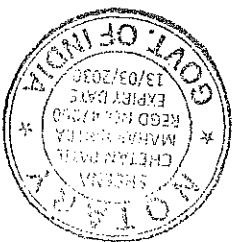


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issuance of the advertisement. The implementation of unnotified amendments has the effect of changing the governing eligibility conditions and introducing a new class of candidates into the selection process without any authority of law. Such action is arbitrary, contrary to Articles 14, 16 and 233 of the Constitution of India and liable to be declared illegal.

20. The Petitioners submit that during the pendency of proceedings concerning the eligibility issue before the Hon'ble Supreme Court, the Respondents issued a Corrigendum dated 26.03.2026 granting relaxation in the upper age limit to certain serving judicial officers, thereby enabling their participation in the recruitment process conducted under the nomination quota. A copy of the Corrigendum dated 26.03.2026 is annexed hereto and marked as **Exhibit "E"**.

21. The Petitioners submit that the respondent no. 2 issued a hall ticket dated 05.05.2026 and directed the petitioner to appear for the preliminary examination on 10/05/2026. A copy of the hall ticket instructions dated 05.05.2026 is annexed hereto and marked as **Exhibit "F"**. The Petitioners further submit that accordingly, the Preliminary Examination was conducted on 10.05.2026 and the results thereof were declared by the



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Respondents on 14.05.2026. A copy of the result and the cut-off list dated 14.05.2026 is annexed hereto and marked as **Exhibit "G"**.

22. The Petitioners submit that they applied pursuant to Advertisement No. A.5504/2025 and appeared for the Preliminary Examination conducted by Respondent No. 2. However, upon declaration of the result, the Petitioners were not found eligible for selection to the next stage of the recruitment process. The Petitioners crave leave to refer and rely upon the application form and other relevant documents at the time of oral hearing.

23. The Petitioners submit that, being aggrieved by the manner in which the recruitment process has been conducted, Petitioners have addressed a detailed representations to the Respondents, setting out their grievances and seeking appropriate corrective and remedial measures. However, despite receipt of the said representation, no effective steps have been taken by the Respondents to redress the grievances raised therein. The Copy of the representation dated 19/05/2026 is annexed herewith and marked as **Exhibit H**. The Petitioners further submit that despite receipt of the said representation, the Respondents



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neither responded to the grievances raised therein nor took any corrective action. In view of the inaction on the part of the Respondents and the imminent continuation of the recruitment process, the Petitioners are constrained to invoke the writ jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.

24. The Petitioners submit that Respondent No. 2 has notified the schedule for the Main Written Examination, which is to be conducted on 27.06.2026 and 28.06.2026. A copy of the said notification is annexed hereto and marked as **Exhibit "I"**. Therefore, having been left with no efficacious remedy, due to inaction on the part of the respondent no. 2, the petitioners herein approaching this Hon'ble High Court by filling this writ petition under Article 226 of the Constitution of India, 1950.

25. Being aggrieved by the action of Respondent No. 2 in publishing the result dated 14.05.2026 and by the continued inaction of the Respondents in considering the Petitioners' representation dated 19.05.2026, the Petitioners have no efficacious alternative remedy and are therefore constrained to approach this Hon'ble Court under Article 226 of the

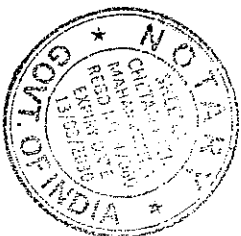


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Constitution of India on the following amongst other, grounds which are without prejudice to each other :

:::GROUNDS:::

- a. At the outset, it is submitted that the act of respondent no. 2 is illegal, arbitrary and contrary to the settled principles of the law. Therefore, the interference of this Hon'ble High Court is necessary.
- b. The Petitioners submit that inaction on the part of Respondent No. 2 in not considering the corrections and representations submitted by the Petitioners dated 19/05/2026 is arbitrary, unreasonable and violative of Articles 14 and 16 of the Constitution of India, and hence liable to be set aside.
- c. It is submitted that the impugned recruitment process has been conducted on the basis of proposed amendments to the Maharashtra Judicial Service Rules, 2008 which, as admitted in Advertisement No. A.5504/2025 itself, had not been notified by the State Government on the date of commencement of the recruitment process. It is a settled principle of law that statutory rules and amendments thereto acquire legal force only upon publication in the Official Gazette. The draft Maharashtra



Judicial Service (Amendment) Rules, 2025 themselves contemplate that the amendments shall come into force only upon such publication. Consequently, the Respondents could not have altered eligibility conditions, introduced new categories of candidates, or conducted the recruitment process on the basis of unnotified amendments. The entire exercise is therefore without authority of law, arbitrary, contrary to Articles 14, 16 and 233 of the Constitution of India, and liable to be quashed and set aside.

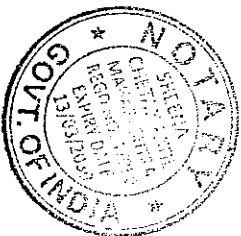
- d. The impugned action is contrary to the directions issued by the Hon'ble Supreme Court in *Rejanish K.V. v. K. Deepa & Ors.*, Civil Appeal No. 3947 of 2020 (2025 SCC OnLine SC 2196), wherein all High Courts and State Governments were directed to carry out and notify the requisite amendments to their respective Judicial Service Rules. In the absence of such notification, the Respondents could not have acted upon the proposed amendments while conducting the recruitment process.
- e. It is submitted that the Respondents could not have implemented the proposed amendments before completion of the statutory rule-making process and before the amendments



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attained legal enforceability in accordance with law. The action of acting upon draft and unenforceable amendments is arbitrary, illegal and without jurisdiction.

- f. It is submitted that Clause 11.5 of Advertisement No. A.5504/2025 permits vacancies earmarked for direct recruitment from the Bar to be filled by serving Judicial Officers if suitable Advocate candidates are not available. Such a provision fundamentally alters the source of recruitment prescribed under the existing statutory framework and could not have been introduced through an administrative advertisement.
- g. It is submitted that the effect of Clause 10.3(1) and Clause 11.5, read together, is to permit serving Judicial Officers to participate in and ultimately occupy vacancies advertised under the 25% nomination quota. Such encroachment substantially diminishes the opportunities available to Advocate candidates and frustrates the constitutional object of maintaining a separate source of recruitment from the Bar.
- h. It is submitted that, having treated Judicial Officers and Advocate candidates as separate categories at the stage of application, issuance of hall tickets and conduct of examination, the Respondents could not thereafter merge such distinct classes



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into a common merit process and apply a common cut-off mechanism. The preparation of a common merit pool for candidates belonging to different sources of recruitment is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

- i. It is submitted that the Petitioners had a legitimate expectation that the recruitment process would be conducted strictly in accordance with the notified Maharashtra Judicial Service Rules, 2008. The impugned action has defeated such expectation and has prejudicially affected the rights of eligible Advocate candidates participating in the recruitment process.
- j. The impugned actions of the Respondents are arbitrary, unreasonable, contrary to Article 233 of the Constitution of India, violative of Articles 14 and 16 of the Constitution, and liable to be quashed and set aside in exercise of the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India.
- k. Even otherwise for meeting ends of justice interference of this Hon'ble High Court is necessary.

26. The petitioners submit that there is no delay in filing this petition.



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27. The petitioners have not filed any other petition before this Honourable High Court or before the Honourable Supreme Court of India touching the subject matter of the present petition.

28. The petitioners have no other efficacious and alternate remedy except to file the present petition.

29. The petitioners crave leave to add, amend, modify and/or alter the above petition as and when required.

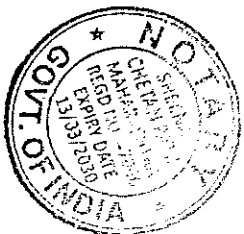
30. The petitioners have paid requisite court fee.

31. The petitioners have not received any caveat notice till today.

32. **The petitioners, therefore, prays that:**

a) Be pleased to call for records of the Advertisement No. A.5504/2025 dated 30.01.2026 and the Corrigendum dated 26.03.2026 and Preliminary exam Results dated 14.05.2026 and after satisfying about the legality and proprieties of the same, be pleased to quash and set aside the same by issuing writ of certiorari or any other writ / order or direction under Article 226 of the Constitution of India, 1950.

b) During pendency of this Writ Petition, be pleased to direct the respondent no. 2 to place on record the proposed



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amended rule as approved by the respondent no. 2 but not notified by the Respondent no. 1.

- c) Pending the hearing and final disposal of the present Petition, be pleased to stay the conduct of the Main Written Examination scheduled on 27.06.2026 and 28.06.2026 and restrain the Respondents from taking any further steps pursuant to Advertisement No. A.5504/2025.
- d) Ad interim Relief in terms of prayer clause (b) & (c).
- e) Any other relief, as deemed fit and proper may please be granted in favour of the petitioner herein.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER
AS IN DUTY BOUND SHALL EVER PRAY**

Place: Mumbai

Date: 04/06/2026


Petitioner No.1


Advocate for Petitioner



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VERIFICATION

I, Suraj Deepak Mane, Age: 36 years, Occu: advocate Housewife, Residing at – plot No. 131A, Flat No. 2, Shruti Apartment, Tapodham Colony, Talegaon Dabhade, Tal. Maval, Dist. Pune – 410507, the petitioner No. 1 of above named and on behalf of the other petitioners, solemnly declare that what is stated in paragraph Nos.1 to 24 is true to my own knowledge, and that what is stated in the remaining paragraph Nos. 25 to 32 is stated on information and belief, and I believe the same to be true.

Solemnly declared at Kolhapur)

On this 09th Day of June, 2026)

Mane

DEPONENT

[Signature]
Advocate for the Petitioners

BEFORE ME

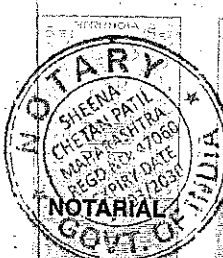
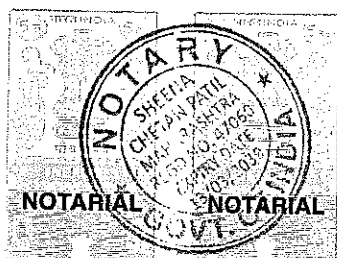
BEFORE ME

[Signature]
S. C. PATIL

ADVOCATE & NOTARY (GOVT. OF INDIA)
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Reg. No.	7
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ALL INDIA JUDGES' ASSN. v. UNION OF INDIA

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three learned Judges. It appears, therefore, that these matters should be heard and disposed of by a Bench of five learned Judges and, to the extent possible with expedition.

a

2. The papers shall be placed before the Hon'ble the Chief Justice for directions.

Court Masters

b

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(BEFORE B.N. KIRPAL, G.B. PATTANAİK AND V.N. KHARE, JJ.)

ALL INDIA JUDGES' ASSOCIATION AND OTHERS .. Petitioners;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

c

Writ Petition (C) No. 1022 of 1989[†], decided on March 21, 2002

A. Service Law — Judiciary — Subordinate judiciary — Pay scales — Pay scales recommended by Justice Shetty Commission — Propriety — Although taking into consideration the number of years put in by a judicial officer to reach the higher scales the pay scales recommended by the Commission were lower than those of IAS officers, held, parity between them was not, by and large, disturbed — Hence, the recommendations are just, fair and reasonable — Further held, the earlier rulings of Supreme Court disapproving equation or parity between judicial service and executive service did not warrant any great distortion between the pay scales of judicial officers vis-à-vis the executive — Constitution of India, Arts. 233 and 234

d

e

B. Service Law — Judiciary — Subordinate judiciary — Miscellaneous — Liability to meet the increase in financial burden as a result of upward revision of pay scales of members of subordinate judiciary, held, is that of the States and cannot be fastened on the Union of India — Justice Shetty Commission's recommendation that 50% of the total expenses should be borne by Union of India, rejected — Possible modes of raising additional funds, suggested — Constitution of India, Arts. 233 and 234

f

C. Constitution of India — Preamble, Arts. 233, 234 and 368 — Basic structure of the Constitution — What constitutes — An independent and efficient judicial system, held, is part of the basic structure of the Constitution

g

D. Constitution of India — Arts. 233 and 234 — Inadequacy in the number of judges — Remedial measures — Supreme Court directing the existing vacancies in subordinate courts to be filled, as far as possible, by 31-3-2003 — Further, the existing judge-population ratio of 10.5 or 13 judges per million people directed to be raised to 50 judges per million people in a phased manner within 5 years

h

E. Service Law — Judiciary — Subordinate judiciary — Retirement — Age of retirement — Fixing retirement age — Same age of retirement for members of Subordinate Judicial Service and High Court, held, would be

[†] Under Article 32 of the Constitution of India

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inappropriate — The existing difference in age of retirement for members of subordinate judiciary, High Court and Supreme Court, held, proper — Hence, Justice Shetty Commission's recommendation for enhancing the age of retirement of judicial officers from 60 to 62, rejected — However, in view of the backlog of vacancies and the necessity to increase the judge strength, States given liberty to amend, in consultation with High Court, the service rules to provide for re-employment of retiring judicial officers till the age of 62 years in case of any vacancy — Constitution of India, Arts. 124(2), 217(1), 233 and 234

F. Service Law — Judiciary — Subordinate judiciary — Miscellaneous — Importance of subordinate judiciary — Held, it is the foundation of the edifice of the judicial system and it should be as strong as possible — Constitution of India, Arts. 233 and 234

G. Service Law — Judiciary — Subordinate judiciary — Appointment — Higher Judicial Service — Sources and mode of recruitment — Supreme Court directing the existing two sources of recruitment, viz., promotion and direct recruitment to be replaced by three sources: (i) direct recruitment to 25% of the posts from advocates by competitive examination both written and viva voce, (ii) promotion to 50% of the posts on the basis of merit-cum-seniority for which High Court should prescribe a test to assess the candidate's legal knowledge and efficiency with adequate knowledge of case-law, and (iii) promotion to remaining 25% of the posts strictly on the basis of merit through limited departmental competitive examination from Civil Judges (Senior Division) with not less than 5 years' service as such — High Courts directed to frame rules for this purpose — Constitution of India, Arts. 233 and 234

H. Service Law — Seniority — Inter se seniority — Direct recruits versus promotees on seniority-cum-merit basis versus promotees on merit basis — Higher Judicial Service — Recruitment from three sources on quota basis: direct recruitment 25%, promotion on the basis of seniority-cum-merit 50% and promotion strictly on merit basis 25% — With a view to avoid litigation among such members of the service, Supreme Court directing the High Courts to promulgate seniority rules on the basis of roster principle as approved by Supreme Court in *R.K. Sabharwal case* (1995) 2 SCC 745 — The said system would operate only prospectively except where under the existing rules seniority is determined on the basis of quota and rota system — However, the existing relative seniority of the members of HJS directed to be protected — Rules so amended directed to be adopted by High Courts, with approval by States wherever necessary, by 31-3-2003 — Justice Shetty Commission's recommendation for giving weightage of one year to promotees for every five years of experience, rejected — Constitution of India, Arts. 233 and 234

I. Service Law — Judiciary — Subordinate judiciary — Other service matters — Equation of posts — Chief Metropolitan Magistrate — Post of, held, has to be equated with, and placed in, the cadre of Civil Judge (Senior Division) and not in the cadre of District Judge — Criminal Procedure Code, 1973, Ss. 12, 17 and 9

J. Service Law — Judiciary — Subordinate judiciary — Appointment — Qualifications — Recruitment to judicial posts in the lowest rung of

a judicial hierarchy — Requirement of at least three years' standing as advocate, laid down in *All India Judges' Assn. case* (1993) 4 SCC 288, dispensed with by Supreme Court — High Courts and State Governments directed to amend the rules to enable even a fresh law graduate to compete for and enter judicial service — However, such fresh recruits should be imparted training of not less than one year, preferably two years

b K. Service Law — Judiciary — Subordinate judiciary — Other service matters — Nomenclature of judicial officers — Functional pay scales — Suggestion for change in the nomenclature with the change of pay scale — Held, it would be appropriate for each State, taking into consideration the local requirements, to adopt appropriate nomenclatures — However, in respect of each pay scale, there should be a different nomenclature — Constitution of India, Arts. 233 and 234

c L. Service Law — Judiciary — Subordinate judiciary — Other service matters — Government accommodation — Supreme Court directing free government accommodation to be made available to judicial officers without any house rent allowance — However, in case of non-availability of such accommodation a judicial officer, held, would be entitled to house rent allowance at existing rates or as directed by Justice Shetty Commission, whichever is higher

d M. Service Law — Judiciary — Subordinate judiciary — Other service matters — Allowances — Electricity and water charges allowance — Justice Shetty Commission's recommendation for an allowance to reimburse 50% of electricity and water charges at the residence of judicial officers — Accepted by Supreme Court subject to the condition that the 50% expense should not become very exorbitant

e N. Service Law — Pay — Arrears of pay — Modality for payment of — Revised pay scales for judicial officers recommended by Justice Shetty Commission w.e.f. 1-1-1996 and payable w.e.f. 1-7-1996 — Supreme Court approving the said pay scales in March 2002 and directing payment of salary to judicial officers in the revised scales w.e.f. 1-7-2002 with option to the States to pay the arrears between 1-7-1996 to 30-6-2002 either in cash or by transferring the same to provident fund account of the judicial officer concerned — However, such arrears directed to be spread over between the years 1-7-1996 to 30-6-2002 so as to minimise the income tax liability — Further the amount to be credited to provident fund directed to be so credited after deducting income tax — Income Tax — Relief

f In *All India Judges' Assn. case* (1992) 1 SCC 119, the Supreme Court gave certain directions in regard to the working conditions and some benefits which should be given to the members of the subordinate judiciary. That decision was subsequently reviewed in *All India Judges' Assn. case* (1993) 4 SCC 288 and the said directions were partly modified. On 21-3-1996, pursuant to the directions issued in the latter case, the Government of India constituted the First National Judicial Pay Commission under the Chairmanship of Mr Justice K.J. Shetty and specified its terms of reference. Consequently, the reference to the Fifth Central Pay Commission with regard to the fixation of the pay scales of the judicial officers was deleted. The Fifth Central Pay Commission submitted its report on 30-1-1997 which was accepted by the Government on 30-9-1997 and became applicable retrospectively w.e.f. 1-1-1996. On 31-1-1998 some interim relief was

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granted to the judicial officers by Justice Shetty Commission subject to adjustment after the final report. The Commission submitted its report on 11-11-1999. According to the Commission, the pay scales recommended by it should be deemed to come into force with effect from 1-1-1996, but the monetary benefit was to be payable with effect from 1-7-1996. Other allowances, which the Commission had recommended, were to be given effect to from 1-11-1999. Eight States accepted the recommendations of the Commission provided that the Central Government bore 50% of the expenses. The Central Government, however, evolved its own pay scales in the Union Territories on the basis that there should be a parity between the executive and the judiciary. The Supreme Court considered the following questions arising out of the recommendations of Justice Shetty Commission:

- (i) Propriety of the pay scales recommended by the Commission.
- (ii) Propriety of the recommendation of the Commission that the Union of India should bear 50 per cent of the total expense.
- (iii) The need to increase the strength of Judges, in view of huge backlog of undecided cases.
- (iv) The age of retirement of members of subordinate judiciary.
- (v) The method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges.
- (vi) Determination of seniority in Higher Judicial Service.
- (vii) The Commission's recommendation that the post of Chief Metropolitan Magistrate should be in the cadre of District Judges.
- (viii) Qualifications for appointment to judicial posts at the lowest rung in judicial hierarchy.
- (ix) The Commission's recommendation that the judicial officers should be called "Civil Judge" in place of "Civil Judge (Junior Division)" and "Senior Civil Judge" in place of "Civil Judge (Senior Division)".
- (x) The Commission's recommendation for providing official accommodation on lease to the members of judicial service and also granting them house rent allowance.
- (xi) Electricity and water charges allowance.
- (xii) Date of enforcement of revised pay scales and mode of payment of arrears.

Held :

(i) Justice Shetty Commission has taken into consideration the recommendations of the Fifth Central Pay Commission while determining the pay scales for the judicial officers. The pay scales recommended by it are just and reasonable. Considering the years of service put in by the judicial officers at different stages, the parity in the scales of pay recommended by the Commission for the judicial officers with the scales of pay of IAS officers is not, by and large, disturbed. In fact, the scales of pay recommended are somewhat lower, on the average, than the scales of pay recommended for an IAS officer if one takes into consideration the number of years a judicial officer has put in service. Therefore, the pay scales recommended by Justice Shetty Commission should be accepted. Although in the earlier judgments, it has rightly been said that there should be no equation or parity between the judicial service and the executive service, nevertheless even on the basis that there should not be great distortion in the pay scales of the judicial officers vis-à-vis the executive, one would find the



recommendations made by the Shetty Commission as just, fair and reasonable.

(Paras 20, 16, 18 and 19)

- a (ii) Admittedly, at present the entire expense on the administration of justice in the States is incurred by the respective States. It is their responsibility and they discharge the same. Logically, if there is to be any increase in the expenditure on the judiciary, then it would be for the States to mobilise the resources in such a way whereby they can meet the expenditure on the judiciary for discharging their constitutional obligations. Merely because there is an increase in the financial burden as a result of acceptance of Justice Shetty Commission Report, that can be no ground for fastening liability on the Union of India when none exists at present. Therefore, disagreeing on this point with Justice Shetty Commission's recommendations, it is directed that the entire expenditure on account of the recommendations of Justice Shetty Commission, as accepted, should be borne by the respective States. It is for the States to increase the court fee or to approach the Finance Commission or the Union of India for allocation of more funds.
- b They can also mobilise their resources in order to meet the financial obligation.
- c If such a need arises and the States approach the Finance Commission or the Union of India for allocation of more funds, there is no doubt that such a request shall be favourably considered. (Para 23)

- d (iii) An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the judiciary, namely, the Chief Justice of India has on more occasions than one made observations in this regard. Under the circumstances, it is a constitutional obligation of the Supreme Court to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, it appears that time has come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing increase, in the first instance, in the judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people. It is a fact that overnight these vacancies cannot be filled. In order to have additional judges, not only will the posts have to be created but the infrastructure required in the form of additional courtrooms, buildings, staff etc., would also have to be made available. It is also a fact that at present a large number of vacancies even from amongst the sanctioned strength remain to be filled. Therefore, it is directed that the existing vacancies in the subordinate courts at all levels should be filled, if possible latest by 31-3-2003, in all the States. The increase in the judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from the date of this judgment. (Para 25)

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- h (iv) Justice Shetty Commission's recommendation that there should be an increase of retirement age from 60 to 62 years, cannot be accepted for the simple reason that the age of retirement of a High Court Judge is constitutionally fixed at 62 years. It will not be appropriate, seeing the constitutional framework with

regard to the judiciary, to have an identical age of retirement between the members of the Subordinate Judicial Service and a High Court. At present, the age of retirement of a Supreme Court Judge is 65 years, of a High Court Judge it is 62 years and logically the age of retirement of a judicial officer is 60 years. This difference is appropriate and has to be maintained. However, as there is a backlog of vacancies which has to be filled and as the judge strength has to be increased, as directed by the Supreme Court, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring judicial officers till the age of 62 years if there are vacancies in the cadre of the District Judge. (Para 26)

(v) At present, there are two sources for recruitment to the Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The subordinate judiciary is the foundation of the edifice of the judicial system. It is, therefore, imperative that it should become as strong as possible. The weight on the judicial system essentially rests on the subordinate judiciary. While the Supreme Court has accepted the recommendation of Justice Shetty Commission which will result in the increase in the pay scales of the subordinate judiciary, it is at the same time necessary that the judicial officers become more efficient. There has to be certain minimum standard, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While Justice Shetty Commission is right in recommending that the recruitment to the Higher Judicial Service i.e. the District Judge cadre from amongst the advocates should be 25 per cent and the process of recruitment is to be by a competitive examination, both written and viva voce, it is necessary that there should be an objective method of testing the suitability of the subordinate judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. Therefore, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, there should be two methods for appointment by promotion: 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case-law. The remaining 25 per cent of the posts in the service should be filled by promotion strictly on the basis of merit through a limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard. (Paras 27 and 28)

(vi) As a result of the judgment in the present case, there will be three ways of recruitment to the Higher Judicial Service. Experience has shown that the least amount of litigation in the country, where quota system in recruitment exists, insofar as seniority is concerned, is where a roster system is followed. One of the methods of avoiding any litigation and bringing about certainty in this regard is by specifying quotas in relation to posts and not in relation to the vacancies. Therefore, the High Courts are directed to suitably amend and promulgate seniority rules on the basis of the roster principle as approved by the Supreme Court in *R.K. Sabharwal case* (1995) 2 SCC 745 as early as possible. However,

- a this system can only apply prospectively except where under the relevant rules seniority is to be determined on the basis of quota and rotational system. The existing relative seniority of the members of the Higher Judicial Service has to be protected but the roster has to be evolved for the future. Appropriate rules and methods will be adopted by the High Courts and approved by the States, wherever necessary by 31-3-2003. (Para 29)
- R.K. Sabharwal v. State of Punjab*, (1995) 2 SCC 745 : 1995 SCC (L&S) 548 : (1995) 29 ATC 481, *relied on*
- b Justice Shetty Commission's recommendation that for determining inter se seniority between direct recruits and promotees, the promotees be given weightage of one year for every five years of judicial service rendered by them subject to a maximum of three years is rejected. The roster system will ensure fair play to all while improving efficiency in the service. [Paras 30 & 9(7)]
- (vii) Justice Shetty Commission's recommendation that Chief Metropolitan Magistrates should be in the cadre of District Judges, is neither proper nor practical. The appeals from orders passed by the Chief Metropolitan Magistrates under the provisions of CrPC are required to be heard by the Additional Sessions Judge or the Sessions Judge. If both the Additional Sessions Judge and the Chief Metropolitan Magistrate belong to the same cadre, it will be paradoxical that any appeal from one officer in the cadre should go to another officer in the same cadre. If they belong to the same cadre then it would be possible that a junior officer would be acting as an Additional Sessions Judge while a senior may be holding the post of the Chief Metropolitan Magistrate. It cannot be that against the orders passed by the senior officer it is the junior officer who hears the appeal. In respect of the posts of the Chief Judicial Magistrates, Justice Shetty Commission has rightly recommended that they should be filled from amongst Civil Judges (Senior Division). Considering the nature and duties of the Chief Judicial Magistrates and the Chief Metropolitan Magistrates, the only difference being their location, the posts of Chief Judicial Magistrate and Chief Metropolitan Magistrate have to be equated and they have to be placed in the cadre of Civil Judge (Senior Division). (Para 31)
- (viii) In *All India Judges' Assn. case* (1993) 4 SCC 288, the Supreme Court had observed that in order to enter the judicial service, an applicant must be an advocate of at least three years' standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the judicial service. A bright young law graduate after 3 years of practice finds the judicial service not attractive enough. Therefore, Justice Shetty Commission's recommendation that the need for an applicant to have been an advocate for at least 3 years should be done away with, is accepted. The High Courts and the State Governments are directed to amend their rules so as to enable a fresh law graduate who may not even have put in three years of practice, to be eligible to compete and enter the judicial service. However, a fresh recruit into the judicial service should be imparted training of not less than one year, preferably two years. (Para 32)
- All India Judges' Assn. v. Union of India*, (1993) 4 SCC 288 : 1994 SCC (L&S) 148 : (1993) 25 ATC 818, *referred to*
- (ix) It will be more appropriate for each State, taking into consideration the local requirements, to adopt appropriate nomenclatures at different pay scales. In some States, the entry point to the judicial service is at the level of a Munsif or a

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Subordinate Judge. Those are nomenclatures which are also to be considered but what is important is that in respect of each scale the nomenclature should be different. In this way, a judicial officer will get a feeling that he has made progress in his judicial career with his nomenclature or designation changing with an upward movement within the service. (Para 34) a

(x) The double benefit suggested by Justice Shetty Commission is uncalled for. It is most desirable and imperative that free government accommodation should be made available to the judicial officers but no house rent allowance will be payable on such an allotment being made. If, however, the Government for any reason is unable to make allotment or make available official accommodation, then in that event the judicial officer would be entitled to get house rent allowance similar to that which has been as existing or as directed by Justice Shetty Commission, whichever is higher. However, once a government or official accommodation is allotted to an officer and in pursuance thereof he occupies such an accommodation, he would not be entitled to draw house rent allowance. (Para 35) b

(xi) Another suggestion which has been made by the Shetty Commission is that 50 per cent of the electricity and water charges of the residences of the judicial officers should be reimbursed by the Government. There is merit in this suggestion subject to a cap being placed so that the 50 per cent expense does not become very exorbitant. This allowance should be paid, inasmuch as judicial officers do and are required to work at their residence in discharge of their judicial duties. Therefore, it will not be inappropriate that 50 per cent of the electricity and water charges should be borne by the State Government. (Para 36) c

(xii) Justice Shetty Commission has recommended the pay scales w.e.f. 1-1-1996 but has directed the same to be paid w.e.f. 1-7-1996. The pay scales so approved by the Supreme Court are w.e.f. 1-7-1996. However, it will take some time for the States to make necessary financial arrangements for the implementation of the revised pay scales. The judicial officers shall be paid the salary in the revised pay scales w.e.f. 1-7-2002. The arrears of salary between 1-7-1996 to 30-6-2002, will either be paid in cash or the States may make the payment by crediting the same in the provident fund account of the respective judicial officers. Furthermore, the payment by credit or otherwise should be spread over between the years 1-7-1996 to 30-6-2002 so as to minimise the income tax liability which may be payable thereon. In calculating the arrears, the Government will, of course, take into account the interim relief which had been granted and drawn by the judicial officers. The amount to be credited in the provident fund account would also be after deducting the income tax payable. (Para 38) d

All India Judges' Assn. v. Union of India, (1992) 1 SCC 119 : 1992 SCC (L&S) 9 : (1992) 19 ATC 42, referred to e

O. Service Law — Judiciary — Subordinate judiciary — Other service matters — Allowances — Servant allowance — Justice Shetty Commission's recommendation for payment of an allowance of Rs 2500 to enable engagement of a servant by a judicial officer — Rejected as inappropriate (Para 36) f

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a **P. Service Law — Judiciary — Subordinate judiciary — Other service matters — Domestic help allowance — Justice Shetty Commission's recommendation for making cash payment of Rs 1250 per month as domestic help allowance to retired judicial officers to enable them to engage a servant, accepted by Supreme Court** [Paras 9(13) & 37]

b **Q. Service Law — Judiciary — Subordinate judiciary — All-India Judicial Service — Justice Shetty Commission's recommendation for establishment of — Accepted by Supreme Court — Constitution of India, Art. 233** [Paras 9(14) and 37]

c **R. Constitution of India — Arts. 32 and 141 — Issue of directions or guidelines or orders — Orders in respect of working conditions of judicial officers issued in the instant case — Clarification, if any, required in respect of any matter arising out of such orders, directed by Supreme Court to be sought only from it — Proceedings, if any, for implementation of the directions, also directed to be filed in Supreme Court alone and other courts barred from entertaining them** (Para 40)

H-M/TZ/25597/CL

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Chronological list of cases cited

on page(s)

- 1. (1995) 2 SCC 745 : 1995 SCC (L&S) 548 : (1995) 29 ATC 481, R.K. *Sabharwal v. State of Punjab* 271b, 271c a
- 2. (1993) 4 SCC 288 : 1994 SCC (L&S) 148 : (1993) 25 ATC 818, *All India Judges' Assn. v. Union of India* 257a, 265b-c, 272b
- 3. (1992) 1 SCC 119 : 1992 SCC (L&S) 9 : (1992) 19 ATC 42, *All India Judges' Assn. v. Union of India* 256b-c, 258a

The Judgment of the Court was delivered by

KIRPAL, J.— This writ petition pertains to the working conditions of the members of the subordinate judiciary throughout the country. This is the third round before this Court. b

2. In a decision entitled *All India Judges' Assn. v. Union of India*¹ directions were given by this Court in regard to the working conditions and some benefits which should be given to the members of the subordinate judiciary. The directions were as follows: (SCC pp. 140-41, para 63) c

“63. We would now briefly indicate the directions we have given in the judgment:

(i) An All-India Judicial Service should be set up and the Union of India should take appropriate steps in this regard.

(ii) Steps should be taken to bring about uniformity in designation of officers both in civil and the criminal side by 31-3-1993. d

(iii) Retirement age of judicial officers be raised to 60 years and appropriate steps are to be taken by 31-12-1992.

(iv) As and when the Pay Commissions/Committees are set up in the States and Union Territories, the question of appropriate pay scales of judicial officers be specifically referred and considered. e

(v) A working library at the residence of every judicial officer has to be provided by 30-6-1992. Provision for sumptuary allowance as stated has to be made.

(vi) Residential accommodation to every judicial officer has to be provided and until State accommodation is available, Government should provide requisitioned accommodation for them in the manner indicated by 31-12-1992. In providing residential accommodation, availability of an office room should be kept in view. f

(vii) Every District Judge and Chief Judicial Magistrate should have a State vehicle, judicial officers in sets of five should have a pool vehicle and others would be entitled to suitable loans to acquire two-wheeler automobiles within different time-limits as specified. g

(viii) In-service institute should be set up within one year at the Central and State or Union Territory level.

3. A number of directions which were given have been implemented. The Union of India, however, filed a review petition seeking certain h

¹ (1992) 1 SCC 119 : 1992 SCC (L&S) 9 : (1992) 19 ATC 42

modifications/clarifications. This review petition was disposed of by the judgment entitled *All India Judges' Assn. v. Union of India*². The relevant findings in the said decision are as follows:

- a (i) Each of the general and special objections of the Union of India and the States/UTs was dealt with and rejected. The distinction between judicial and other services specifically emphasized. (SCC paras 7 to 10)
- b (ii) "The service conditions of the judicial officers should be laid down and reviewed from time to time by an independent Commission exclusively constituted for the purpose, and the composition of such Commission should reflect adequate representation on behalf of the judiciary." (SCC p. 297, para 11)
- c (iii) "By giving the directions in question, this Court has only called upon the executive and the legislature to implement their imperative duties. The courts do issue directions to the authorities to perform their obligatory duties whenever there is a failure on their part to discharge them. ... The further directions given, therefore, should not be looked upon as an encroachment on the powers of the executive and the legislature to determine the service conditions of the judiciary. They are directions to perform the long overdue obligatory duties." (SCC p. 298, para 14)
- d "The directions are essentially for the evolvement of an appropriate national policy by the Government in regard to the judiciary's condition. *The directions issued are mere aids and incidental to and supplemental of the main direction and intended as a transitional measure till a comprehensive national policy is evolved.*" (SCC p. 299, para 15)
- e (iv) The question of financial burden likely to be imposed is misconceived and should not be raised to discharge mandatory duties: (SCC p. 299, para 16)
- f "16. The contention with regard to the financial burden likely to be imposed by the directions in question, is equally misconceived. Firstly, the courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other plan and non-plan expenditure, we find that the financial burden caused on account of the said directions is negligible. We should have thought that such plea was not raised to resist the discharge of the mandatory duties. The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribe the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the calibre of the persons appointed to administer it
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are not of different grades in different States. Such contentions are ill-suited to the issues involved in the present case.”

(v) The directions given in the main judgment dated 13-11-1991¹ were maintained except as regards the following: a

(a) SCC p. 314, para 52(a)

“52. (a) The legal practice of 3 years should be made one of the essential qualifications for recruitment to the judicial posts at the lowest rung in the judicial hierarchy.

Further, wherever the recruitment of the judicial officers at the lowest rung is made through the Public Service Commission, a representative of the High Court should be associated with the selection process and his advice should prevail unless there are strong and cogent reasons for not accepting it, which reasons should be recorded in writing. b

The rules for recruitment of the judicial officers should be amended forthwith to incorporate the above directions.” c

(b) SCC p. 315, para 52(b)

“52. (b) The direction with regard to the enhancement of the superannuation age is modified as follows:

While the superannuation age of every subordinate judicial officer shall stand extended up to 60 years, the respective High Courts should, as stated above, assess and evaluate the record of the judicial officer for his continued utility well within time before he attains the age of 58 years by following the procedure for the compulsory retirement under the Service Rules applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years. d

The assessment in question should be done before the attainment of the age of 58 years even in cases where the earlier superannuation age was less than 58 years.” e

(c) SCC p. 316, para 52(c)

“52. (c) The direction for granting sumptuary allowance to the District Judges and the Chief Judicial Magistrates stands withdrawn for the reasons given earlier.” f

(d) SCC p. 316, para 52(d)

“52. (d) The direction with regard to the grant of residence-cum-library allowance will cease to operate when the respective State Governments/Union Territory Administrations start providing the courts, as directed above, with the necessary law books and journals in consultation with the respective High Courts.” g

(e) SCC p. 316, para 52(e) h

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a “52. (e) The direction with regard to the conveyance to be provided to the District Judges and that with regard to the establishment of the training institutes for the Judges have been clarified by us in paragraphs 45(vii) and 49(viii) respectively. It is the Principal District Judge at each district headquarter or the metropolitan town as the case may be, who will be entitled to an independent vehicle. This will equally apply to the Chief Judicial Magistrate and the Chief Metropolitan Magistrate. The rest of the Judges and Magistrates will be entitled to pool-vehicles — one for every five Judges for transport from residence to court and back — and when needed, loans for two-wheeler automobiles and conveyance allowance. The State Governments/Union Territory Administrations are directed to provide adequate quantity of free petrol for the vehicles not exceeding 100 litres per month in consultation with the High Court.”

c (f) SCC p. 316, para 52(f)

“52. (f) In view of the establishment of the National Judicial Academy, it is optional for the States to have their independent or joint training judicial institutes.”

d (g) SCC pp. 316-17, para 52(h)

In view of the time taken to dispose of the review petitions, following orders were passed:

e “(i) the time to comply with the directions for bringing about uniformity in hierarchy, designations and jurisdictions of judicial officers on both civil and criminal sides is extended up to 31-3-1994;

(ii) the time to comply with the directions to provide law books and law journals to all courts is extended up to 31-12-1993 failing which the library allowance should be paid to every judicial officer with effect from 1-1-1994 if it is not paid already;

f (iii) the time to provide suitable residential accommodation, requisitioned or Government, to every judicial officer is extended up to 31-3-1994;

(iv) the time to comply with the rest of the directions is maintained as it was directed by the judgment under review.”

(vi) Regarding uniform pay scales the review judgment emphasised the following: (SCC pp. 307-08, para 36)

g “36. We have already discussed the need to make a distinction between the political and the administrative executive and to appreciate that parity in status can only be between Judges and the political executive and not between Judges and the administrative executive. Hence the earlier approach of comparison between the service conditions of the Judges and those of the administrative executive has to be abandoned and the

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service conditions of the Judges which are wrongly linked to those of the administrative executive have to be revised to meet the special needs of the judicial service. Further, since the work of the judicial officers throughout the country is of the same nature, the service conditions have to be uniform. We have also emphasised earlier the necessity of entrusting the work of prescribing the service conditions for the judicial officers to a separate Pay Commission exclusively set up for the purpose. Hence we reiterate the importance of such separate Commission and also of the desirability of prescribing uniform pay scales to the Judges all over the country. Since such pay scales will be the minimum deserved by the judicial officers, the argument that some of the States may not be able to bear the financial burden is irrelevant. The uniform service conditions as and when laid down would not, of course, affect any special or extra benefits which some States may be bestowing upon their judicial officers.”

4. The question with regard to the pay scales in respect of the members of the judicial service was first referred to the Fifth Central Pay Commission. Subsequently by an amendment made on 24-10-1996, the reference to the Fifth Central Pay Commission with regard to the fixation of the pay scales of the judicial officers was deleted. We may here note that the Fifth Central Pay Commission submitted its report on 30-1-1997 which was accepted by the Government on 30-9-1997. It became applicable with retrospective effect, that is to say, with effect from 1-1-1996. This is relevant when considering the question as to with effect from which date the report of the Shetty Commission is to become effective.

5. On 21-3-1996, pursuant to the directions issued by this Court in the review judgment, the Government of India by a resolution constituted the First National Judicial Pay Commission under the Chairmanship of Mr Justice K.J. Shetty. As per the said resolution, the following were the terms of reference:

“(a) To evolve the principles which should govern the structure of pay and other emoluments of judicial officers belonging to the subordinate judiciary all over the country.

(b) To examine the present structure of emoluments and conditions of service of judicial officers in the States/UTs taking into account the total packet of benefits available to them and make suitable recommendations having regard, among other relevant factors, to the existing relativities in the pay structure between the officers belonging to the Subordinate Judicial Service vis-à-vis other civil servants.

(c) To examine and recommend in respect of minimum qualifications, age of recruitment, method of recruitment etc., for judicial officers. In this context, the relevant provisions of the Constitution and directions of the Supreme Court in *All India Judges' Assn. case* and other cases may be kept in view.

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a (d) To examine the work methods and work environment as also the variety of allowances and benefits in kind that are available to judicial officers in addition to pay and to suggest rationalization and simplification thereof with a view to promoting efficiency in judicial administration, optimising the size of the judiciary etc.”

b 6. As the Fifth Central Pay Commission Report had been accepted but no relief was available to the members of the Subordinate Judicial Service, a question arose that pending the recommendation of the Shetty Commission whether any interim orders can be passed giving some relief. Accordingly, on 16-12-1997, another term of reference was added according to which the Commission was empowered to consider and grant such interim relief as it may consider just and proper to all categories of judicial officers of all the States/Union Territories. It was made clear that the interim relief, if recommended, was to be adjusted against and included in the package which c may become admissible to the judicial officers on the final recommendations of the Commission.

d 7. By a preliminary report dated 31-1-1998, some interim relief was granted by Justice Shetty Commission. It is not necessary for our purpose to refer to the relief so granted, except to note that wherever the relief has been granted the same was subject to adjustment on the acceptance, with or without modification, of the Final Report of Justice Shetty Commission. The Interim Report has been fully implemented by the Union of India in respect of Union Territories and by the States.

e 8. After thorough deliberations, Justice Shetty Commission submitted its report on 11-11-1999. By order dated 14-12-1999‡, the State Governments and the Union Territories were directed to send their responses to the Union of India so that it could correlate the responses and indicate its own stand on the recommendations of the Commission.

9. The recommendations of the Shetty Commission were in respect of the following topics:

f (1) The High Courts were required to frame the rules specifying particular age of retirement and it was also recommended that the procedure prescribed for writing the confidential reports by the self-assessment process was better and more transparent and should be adopted by the High Courts for judicial officers.

g (2) The Commission recommended appropriate nomenclatures to be given to the judicial officers. The recommendation was that they should be called “Civil Judge” in place of “Civil Judge (Junior Division)” and “Senior Civil Judge” in place of “Civil Judge (Senior Division)”.

h (3) It further gave recommendation with regard to equation of posts of the Chief Metropolitan Magistrate and the Chief Judicial Magistrate. While it recommended that the Chief Judicial Magistrate should be in the

‡ *All India Judges' Assn. v. Union of India*, (2002) 4 SCC 274

cadre of Civil Judge (Senior Division), in respect of Chief Metropolitan Magistrate, it recommended that it should be placed in the cadre of District Judge. a

According to the learned amicus curiae, the Chief Metropolitan Magistrate and Chief Judicial Magistrate must be in the same cadre equivalent to Civil Judge (Senior Division) and that they should be on a par with each other. We shall deal with this aspect slightly later.

(4) Recommendations were made with regard to recruitment to the cadre of Civil Judge (Junior Division)-cum-Magistrate of the First Class as well as recruitment to the post of Civil Judge (Senior Division). The recommendation in this regard was that the posts of Civil Judge (Senior Division) should only be filled by promotion. b

(5) The Commission also made recommendation with regard to appointment to the post of District Judge which includes the Additional District Judge in the Higher Judicial Service. It pointed out some problems which had arisen as a result of direct recruitment to the post of District Judges, the problem really being with regard to the inter se seniority amongst them. c

(6) The Commission also recommended that service Judges who were between 35 and 45 years of age should be made eligible for direct recruitment to the Higher Judicial Service which consists of the posts of District Judges and Additional District Judges and for this purpose, if necessary, there should be an amendment to Article 233(2) of the Constitution of India. d

(7) With regard to inter se seniority between direct recruits and promotees, the Commission recommended that the promotees be given weightage of one year for every five years of judicial service rendered by them subject to a maximum of three years. e

(8) The report also recommended steps being taken for judicial education and training.

(9) With regard to pay scales, the Shetty Commission set out the principles governing the pay structure of the subordinate judiciary. It referred to *All India Judges' Assn. case* (supra) wherein it had been observed that the parity in status should be between the political executive, the legislature and the Judges and not between the Judges and the administrative executive. f

After taking into consideration the recommendations which had been made by the Fifth Central Pay Commission and the pivotal role of the subordinate judiciary and the essential characteristics of a judicial officer, the Shetty Commission evolved a master pay scale. It came to the conclusion that the number of pay scales should be equal to the number of clearly identifiable levels of responsibility. Scope for promotional avenues must also be taken into consideration. After considering all the g
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relevant circumstances the Commission recommended the following scales of pay:

a	(i)	Civil Judges (Jr. Divn.)	Rs 9000-250-10,750-300-13,150-350-14,550
	(ii)	Civil Judges (Jr. Divn.) (I Stage ACP scale)	Rs 10,750-300-13,150-350-14,900
	(iii)	Civil Judges (Sr. Divn.) (II Stage ACP scale for Civil Judges (Jr. Divn.)	Rs 12,850-300-13,150-350-15,950-400-17,550
b	(iv)	Civil Judges (Sr. Divn.) (I Stage ACP scale)	Rs 14,200-350-15,950-400-18,350
	(v)	District Judges (entry level)	Rs 16,750-400-19,150-450-20,500
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		(II Stage ACP scale for Civil Judges (Sr. Divn.)	
c	(vi)	District Judges (selection grade)	Rs 18,750-400-19,150-450-21,850-500-22,850
	(vii)	District Judges (super time scale)	Rs 22,850-500-24,850

d In arriving at the aforesaid pay scales, the Commission noted that while fixing the maximum of the master pay scale it had been constrained by the vertical cap of the salaries of the High Court Judges. In other words, the District Judges could not get more salary than a High Court Judge whose salary was statutorily fixed. It, however, recommended that as and when the salary of a High Court Judge is raised, then the salary of the judicial officers should also be increased by maintaining the ratio which it had recommended. According to the Commission, the pay scales recommended by it should be deemed to come into force with effect from 1-1-1996, but the monetary benefit was to be payable with effect from 1-7-1996. Other allowances, which the Commission had recommended, were to be given effect to from 1-11-1999. Taking into consideration that there were at present 12,771 posts on regular pay scales, the estimated impact of the introduction of the new pay scales was stated to be of the order of Rs 95.71 crores for one year.

f (10) The Commission recommended that administration of justice in the States should be the joint responsibility of the Centre and the States. It noted that the expenditure on the judiciary in India in terms of gross national product was relatively low: it was not more than 0.2%. The main recommendation of the Shetty Commission was that the Central Government must, in every State, share half of the annual expenditure on subordinate courts and quarters for judicial officers. This was to be without prejudice to the rights and privileges of the North-Eastern States and the State of Sikkim wherein about 90-92% of the expenditure of the States was to be made by the Central Government under the provisions for special category of States.

g (11) The Commission also recommended Assured Career Progression Scheme and functional scales. Recommendations were also

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made with regard to dearness allowance, allowances for electricity and water charges, home orderly allowances, newspaper allowances, city compensatory allowance, robe allowance, conveyance allowance, sumptuary allowance, hill allowance and further recommended provisions with regard to medical facilities, leave travel concession, special pay, concurrent charge allowance, encashment of leave and leave salary, composite transfer grant allowance, housing and house rent allowance, telephone facilities and advances of loans to the judicial officers.

(12) The report also made recommendation to the effect that there should be an increase in the retirement age of the judicial officers from 60 to 62 years and recommendations were also made with regard to retirement benefits.

(13) One more recommendation which was made for retired judicial officers was that cash payment of Rs 1250 per month should be given as domestic help allowance to enable the retired judicial officer to engage a servant.

(14) Another recommendation which was made was for the establishment of an All-India Judicial Service.

10. Pursuant to the order which was passed by this Court requiring the response of the various States to be given to the Union of India, it was noted in this Court's order of 27-8-2001 that six States, namely, those of West Bengal, Assam, Karnataka, Manipur, Kerala and Mizoram had accepted the recommendations of the Shetty Commission and had agreed to implement the same subject to the Union of India bearing 50 per cent of the expenditure as envisaged in the report. The States of Bihar and Jharkhand had also conveyed that they were accepting the Shetty Commission Report subject to the Union of India bearing 50 per cent of the expenditure and the report being further modified and scaled down. Affidavits have also been filed by the States of Andhra Pradesh and Haryana with regard to the scales of pay accepted by them.

11. From the various affidavits which have been filed and the responses given to the Union of India, we find that none of the States has accepted the recommendation of the Shetty Commission with regard to the pay scales in toto.

12. Pursuant to an order dated 27-8-2001, an affidavit has also been filed by Shri Kamal Pande, Secretary, Government of India, Department of Justice detailing the decisions taken by the Central Government with regard to the judicial officers in the Union Territories. According to this affidavit, with regard to the Union Territory of Delhi the pay scales which have been accepted by the Union of India are as follows:

Civil Judge (Jr. Division)	Rs 8000-275-13,500
Civil Judge (senior time scale)	Rs 10,650-325-15,850
Senior Civil Judge	Rs 12,750-375-16,500
District Judge (entry level)	Rs 15,100-400-18,300
District Judge (selection grade) (20% of the posts of District Judges)	Rs 18,400-500-22,400

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a 13. We have heard the learned amicus curiae as well as the learned Solicitor-General and the Advocate-General for the State of Karnataka and other learned counsel. We will first deal with some of the contentious issues on which arguments have been addressed and also deal with the recommendations of the Shetty Commission which, in our opinion, need modification or cannot be accepted as such.

b 14. The most important point in these proceedings appears to us to be as to whether the recommendation of the Shetty Commission laying down different scales of pay should be accepted or not. It is to be borne in mind that pursuant to the judgment in the review case (*All India Judges case*²) the Central Government had accepted the recommendation and had constituted the Shetty Commission. Correspondingly, it had deleted from the terms of reference of the Fifth Central Pay Commission the consideration in respect of the pay scales of the judicial officers. Therefore, it can safely be concluded
 c that the Central Government had agreed to set up a Pay Commission specifically for judicial officers and normally the recommendations made in that behalf should be accepted unless for some specific and valid reason a departure was required to be made. We may here bear in mind that the Fifth Central Pay Commission Report which was submitted has been largely accepted by the Government of India with little or no modification. It was,
 d therefore, rightly urged by Shri F.S. Nariman that there must be good and compelling reasons for the States and the Central Government in not accepting the recommendations of the Shetty Commission.

e 15. From the facts narrated hereinabove, it is clear that at least eight of the States have accepted the recommendations of the Shetty Commission provided the Central Government bears 50 per cent of the expense. This means that in principle there is acceptance of the pay scales as determined by the Shetty Commission.

f 16. The Central Government, however, has evolved its own pay scales with regard to the Subordinate and the Higher Judicial Services in the Union Territories, including the Union Territory of Delhi. The pay scales which have now been approved by the Government of India had been formulated on the basis that there should be a parity between the executive and the judiciary. Mr Nariman rightly contended that this basis is contrary to the decision of this Court in *All India Judges' Assn. case* (supra) as well as in the review judgment. It was stated in no uncertain terms that the judiciary could not be equated with the executive and it must have its own pay structure.

g 17. Even if we were to examine the two scales of pay, one for the IAS officers after the Fifth Central Pay Commission Report and the scales of pay recommended for the judicial service, we find that there is a fundamental error which has been committed by the Union of India. The scales of pay approved for the IAS officers are as follows:

h	Junior scale	Rs 8000-275-13,500
	Senior scale:	
	(i) Time scale	Rs 10,650-325-15,850

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(ii) Jr. Admn. grade	Rs 12,750-375-16,500
(iii) Selection grade	Rs 15,100-400-18,300
(iv) Super time scale	Rs 18,400-500-22,400
(v) Above ST scale	Rs 22,400-525-24,500
Secretary to Govt. of India	Rs 26,000 (fixed)
Cabinet Secretary	Rs 30,000 (fixed)

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18. What the Union of India has done is that it equated the District Judge at the entry level with the selection grade for the IAS officers. The pay scale approved is Rs 15,100-400-18,300. We, however, find that an IAS officer enters the selection grade after having put in approximately 14 years of service. On the other hand, a Civil Judge would normally enter the level of the District Judge, and is appointed first as an Additional District Judge, after having put in 18 to 20 years of service. As far as the IAS officers are concerned, after 17 years of service, an IAS officer would normally enter the super time scale of Rs 18,400-500-22,400. If the number of years which are put in service, is a measure to be adopted in determining as to what should be the pay scales, we find that the Government of India has erred in equating the District Judge at the entry level with the scale of pay of a selection grade IAS officer. The proper equation should have been between the District Judge at the entry level with a super time scale of an IAS officer. It is on that basis that the scale of pay should have been determined upwards and downwards.

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19. The Shetty Commission has trifurcated the scales of pay as far as the District Judges are concerned. It has recommended scales of pay of a District Judge at the entry level at Rs 16,750-20,500, District Judge (selection grade) at Rs 18,750-22,850 and District Judge (super time scale) at Rs 22,850-24,850. As we have already noted, a judicial officer would enter the District Judge (entry level) after having put in 18-20 years of service. The scale of pay of Rs 16,750-20,500 recommended by the Shetty Commission is lower than the super time scale for an IAS officer of Rs 18,400-22,400, when such an officer enters the super time scale after 17 years of service. A judicial officer enters the selection grade of a District Judge after having put in 21 to 25 years of service. The pay scale recommended by the Shetty Commission is Rs 18,750-22,850. This is less than the scale above ST scale recommended for an IAS officer which is of Rs 22,400-24,500 even though an IAS officer enters that scale after having put in 25 years of service which is on a par with the number of years put in by a judicial officer on his entry into selection grade. It is only the District Judge (super time scale) as recommended by the Shetty Commission which is comparable with the last scale of an IAS officer.

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20. From the aforesaid, it is clear, and it is so mentioned in the Shetty Commission Report, that the said Commission has taken into consideration the recommendations of the Fifth Central Pay Commission while determining the pay scales for the judicial officers. In our opinion, the pay scales recommended by the Shetty Commission are just and reasonable. Considering the years of service put in by the judicial officers at different stages, the parity in the scales of pay recommended by the Shetty

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- a Commission for the judicial officers with the scales of pay of IAS officers is not, by and large, disturbed. In fact, the scales of pay recommended by the Shetty Commission appear to us to be somewhat lower, on the average, than the scales of pay recommended for an IAS officer if we take into consideration, as we must do, the number of years a judicial officer has put in service. We are, therefore, of the opinion that the pay scales recommended by the Shetty Commission should be accepted. We wish to emphasise that even though in the earlier judgments, it has rightly been said that there should be
- b no equation or parity between the judicial service and the executive service, nevertheless even on the basis that there should not be great distortion in the pay scales of the judicial officers vis-à-vis the executive, we find the recommendations made by the Shetty Commission as just, fair and reasonable.

- c 21. The next question which arose for consideration is whether the Shetty Commission was justified in recommending that 50 per cent of the expense should be borne by the Central Government. It has been contended by the learned Advocate-General for the State of Karnataka as well as on behalf of the other States that the judicial officers working in the States deal not only with the State laws but also with the federal laws. They, therefore, submitted that, in fairness of things, the Central Government should bear half of the
- d expenses of the judiciary.

- e 22. The learned Solicitor-General, however, submitted that the recommendation of the Shetty Commission that the Union of India should bear 50 per cent of the total expense was inconsistent with the constitutional set-up. Had there been an All-India Judicial Service, then the Union of India may have been under an obligation to bear the expense, but as the State Governments had not agreed to the establishment of the All-India Judicial Service and no legislation had been passed under Entry 11-A of List III by Parliament, therefore it will not be correct to direct the Central Government to bear 50 per cent of the expense on the judicial system. The learned Solicitor-General submitted that the obligation to meet the expenses of the
- f judicial service, except for the Supreme Court and the courts in the Union Territories, was on the State Governments. He contended that when allocation of funds between the Centre and the States takes place the expenses which the States are required to meet in connection with the administration of justice is a factor which is taken into consideration. The provision for devolution of funds from the Union to the States is either by assignment of taxes or distribution of taxes or by grants-in-aid. As and when
- g the need arises, either the Finance Commission or the Union of India allocates more funds to the States.

- h 23. It has not been disputed that at present the entire expense on the administration of justice in the States is incurred by the respective States. It is their responsibility and they discharge the same. Logically, if there is to be any increase in the expenditure on the judiciary, then it would be for the States to mobilise the resources in such a way whereby they can meet the expenditure on the judiciary for discharging their constitutional obligations.

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Merely because there is an increase in the financial burden as a result of the Shetty Commission Report being accepted, can be no ground for fastening liability on the Union of India when none exists at present. Accordingly, disagreeing on this point with Justice Shetty Commission recommendations, we direct that the entire expenditure on account of the recommendations of the Justice Shetty Commission, as accepted, be borne by the respective States. It is for the States to increase the court fee or to approach the Finance Commission or the Union of India for more allocation of funds. They can also mobilise their resources in order to meet the financial obligation. If such a need arises and the States approach the Finance Commission or the Union of India for allocation of more funds, we have no doubt that such a request shall be favourably considered.

24. Mr F.S. Nariman has drawn our attention to yet another important aspect with regard to dispensation of justice, namely, the huge backlog of undecided cases. One of the reasons which has been indicated even in the 120th Law Commission Report was the inadequate strength of Judges compared to the population of the country. Even the Standing Committee of Parliament headed by Shri Pranab Mukherjee in its 85th report, submitted in February 2002, to Parliament, has recommended that there should be an increase in the number of Judges. The said Committee has noted the Judge-population ratio in different countries and has adversely commented on the Judge-population ratio of 10.5 Judges per 10 lakh people in India. The report recommends the acceptance, in the first instance, of increasing the Judge strength to 50 Judges per 10 lakh people as was recommended by the 120th Law Commission Report.

25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the judiciary, namely, the Chief Justice of India has had more occasion than one to make observations in regard thereto. Under the circumstances, we feel it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges per 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional Judges, not only will the posts have to be created but infrastructure required in the form of additional courtrooms, buildings, staff etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned

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- strength remain to be filled. We, therefore, first direct that the existing vacancies in the subordinate courts at all levels should be filled, if possible latest by 31-3-2003, in all the States. The increase in the Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.

26. The Shetty Commission had recommended that there should be an increase in retirement age from 60 to 62 years. In our opinion, this cannot be done for the simple reason that the age of retirement of a High Court Judge is constitutionally fixed at 62 years. It will not be appropriate, seeing the constitutional framework with regard to the judiciary, to have an identical age of retirement between the members of the Subordinate Judicial Service and a High Court. As of today, the age of retirement of a Supreme Court Judge is 65 years, of a High Court Judge it is 62 years and logically the age of retirement of a judicial officer is 60 years. This difference is appropriate and has to be maintained. However, as there is a backlog of vacancies which has to be filled and as the Judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring judicial officers till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as early as possible.

27. Another question which falls for consideration is the method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges. At the present moment, there are two sources for recruitment to the Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The subordinate judiciary is the foundation of the edifice of the judicial system. It is, therefore, imperative, like any other foundation, that it should become as strong as possible. The weight on the judicial system essentially rests on the subordinate judiciary. While we have accepted the recommendation of the Shetty Commission which will result in the increase in the pay scales of the subordinate judiciary, it is at the same time necessary that the judicial officers, hard-working as they are, become more efficient. It is imperative that they keep abreast of knowledge of law and the latest pronouncements, and it is for this reason that the Shetty Commission has recommended the establishment of a Judicial Academy, which is very necessary. At the same time, we are of the opinion that there has to be certain minimum standard, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e. the District Judge cadre from amongst the advocates should be 25 per cent and the process of recruitment is to be by a

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competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the subordinate judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by promotion is concerned: 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case-law. The remaining 25 per cent of the posts in the service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard.

28. As a result of the aforesaid, to recapitulate, we direct that recruitment to the Higher Judicial Service i.e. the cadre of District Judges will be:

(1)(a) 50 per cent by promotion from amongst the Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years' qualifying service; and

(c) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by respective High Courts.

(2) Appropriate rules shall be framed as above by the High Courts as early as possible.

29. Experience has shown that there has been a constant discontentment amongst the members of the Higher Judicial Service in regard to their seniority in service. For over three decades a large number of cases have been instituted in order to decide the relative seniority from the officers recruited from the two different sources, namely, promotees and direct recruits. As a result of the decision today, there will, in a way, be three ways of recruitment to the Higher Judicial Service. The quota for promotion which we have prescribed is 50 per cent by following the principle "merit-cum-seniority", 25 per cent strictly on merit by limited departmental competitive examination and 25 per cent by direct recruitment. Experience has also shown that the least amount of litigation in the country, where quota system in recruitment exists, insofar as seniority is concerned, is where a roster system is followed.

- For example, there is, as per the rules of the Central Government, a 40-point roster which has been prescribed which deals with the quotas for Scheduled
- a Castes and Scheduled Tribes. Hardly, if ever, there has been a litigation amongst the members of the service after their recruitment as per the quotas, the seniority is fixed by the roster points and irrespective of the fact as to when a person is recruited. When roster system is followed, there is no question of any dispute arising. The 40-point roster has been considered and approved by this Court in *R.K. Sabharwal v. State of Punjab*³. One of the
- b methods of avoiding any litigation and bringing about certainty in this regard is by specifying quotas in relation to posts and not in relation to the vacancies. This is the basic principle on the basis of which the 40-point roster works. We direct the High Courts to suitably amend and promulgate seniority rules on the basis of the roster principle as approved by this Court in *R.K. Sabharwal case*³ as early as possible. We hope that as a result thereof there
- c would be no further dispute in the fixation of seniority. It is obvious that this system can only apply prospectively except where under the relevant rules seniority is to be determined on the basis of quota and rotational system. The existing relative seniority of the members of the Higher Judicial Service has to be protected but the roster has to be evolved for the future. Appropriate rules and methods will be adopted by the High Courts and approved by the
- d States, wherever necessary by 31-3-2003.

30. We disapprove the recommendation of giving any weightage to the members of the Subordinate Judicial Service in their promotion to the Higher Judicial Service in determining seniority vis-à-vis direct recruits and the promotees. The roster system will ensure fair play to all while improving efficiency in the service.

- e 31. As we have already mentioned, the Shetty Commission had recommended that the Chief Metropolitan Magistrates should be in the cadre of District Judges. In our opinion, this is neither proper nor practical. The appeals from orders passed by the Chief Metropolitan Magistrates under the provisions of the Code of Criminal Procedure are required to be heard by the
- f Additional Sessions Judge or the Sessions Judge. If both the Additional Sessions Judge and the Chief Metropolitan Magistrate belong to the same cadre, it will be paradoxical that any appeal from one officer in the cadre should go to another officer in the same cadre. If they belong to the same cadre, as recommended by the Shetty Commission, then it would be possible that the junior officer would be acting as an Additional Sessions Judge while a senior may be holding the post of the Chief Metropolitan Magistrate. It
- g cannot be that against the orders passed by the senior officer it is the junior officer who hears the appeal. There is no reason given by the Shetty Commission as to why the post of the Chief Metropolitan Magistrate be manned by the District Judge, especially when as far as the posts of the Chief Judicial Magistrates are concerned, whose duties are on a par with those of the Chief Metropolitan Magistrate, the Shetty Commission has

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recommended, and in our opinion rightly, that they should be filled from amongst Civil Judges (Senior Division). Considering the nature and duties of the Chief Judicial Magistrates and the Chief Metropolitan Magistrates, the only difference being their location, the posts of Chief Judicial Magistrate and Chief Metropolitan Magistrate have to be equated and they have to be placed in the cadre of Civil Judge (Senior Division). We order, accordingly. a

32. In *All India Judges' Assn. case*² (SCC at p. 314) this Court has observed that in order to enter the judicial service, an applicant must be an advocate of at least three years' standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the judicial service. A bright young law graduate after 3 years of practice finds the judicial service not attractive enough. It has been recommended by the Shetty Commission after taking into consideration the views expressed before it by various authorities, that the need for an applicant to have been an advocate for at least 3 years should be done away with. After taking all the circumstances into consideration, we accept this recommendation of the Shetty Commission and the argument of the learned amicus curiae that it should be no longer mandatory for an applicant desirous of entering the judicial service to be an advocate of at least three years' standing. We, accordingly, in the light of experience gained after the judgment in *All India Judges case* direct to the High Courts and to the State Governments to amend their rules so as to enable a fresh law graduate who may not even have put in three years of practice, to be eligible to compete and enter the judicial service. We, however, recommend that a fresh recruit into the judicial service should be imparted training of not less than one year, preferably two years. b c d

33. The Shetty Commission has recommended Assured Career Progressive Scheme and functional scales. We have accepted the said recommendation and a suggestion was mooted to the effect that in order that a judicial officer does not feel that he is stagnated there should be a change in the nomenclature with the change of the pay scale. A suggestion has been mooted by Shri F.S. Nariman, the learned amicus curiae that the nomenclature in each cadre should be as follows: e f

A. Civil Judge (Junior Division cadre) at entry level:

1. Civil Judge
2. Civil Judge, Grade II
3. Civil Judge, Grade III

B. Civil Judge (Senior Division cadre) at intermediary level: g

1. Senior Civil Judge
2. Upper Senior Judge
3. Superior Senior Judge

34. These are only suggestions which are made and it will be more appropriate for each State, taking into consideration the local requirements, to adopt appropriate nomenclatures. It would be appropriate to mention at h

a this stage that in some States, the entry point to the judicial service is at the level of a Munsif or a Subordinate Judge. Those are nomenclatures which are also to be considered but what is important is that in respect of each scale the nomenclature should be different. In this way, a judicial officer will get a feeling that he has made progress in his judicial career with his nomenclature or designation changing with an upward movement within the service.

b 35. One of the recommendations of the Shetty Commission is in relation to the grant of the house rent allowance. The recommendation is that official accommodation should be made available to the members of the judicial service who should pay 12.5% of the salary as rent. The Commission further recommends that in addition to the allotment of the said premises, the judicial officer should also get house rent allowance. In our opinion, this double benefit is uncalled for. It is most desirable and imperative that free government accommodation should be made available to the judicial officers.

c Taking into consideration, the fact that the accommodation which is made available to the Judges of the Supreme Court as well as the High Courts is free of charge, we direct that the official accommodation which is allotted to the judicial officers should likewise be free of charge but no house rent allowance will be payable on such an allotment being made. If, however, the Government for any reason is unable to make allotment or make available

d official accommodation, then in that event the judicial officer would be entitled to get house rent allowance similar to that which has been as existing or as directed by the Shetty Commission, whichever is higher. However, it is made clear that once a government or official accommodation is allotted to an officer and in pursuance thereof he occupies such an accommodation, he would not be entitled to draw house rent allowance.

e 36. There are a number of other allowances which have been referred to by the Shetty Commission, some of which have not been accepted by the Central Government. For example, allowance of Rs 2500 to be paid to enable the engagement of a servant by a judicial officer. We do not think such a suggestion made by the Shetty Commission to be appropriate and the Central Government has rightly not accepted the same. Another suggestion which has

f been made by the Shetty Commission is that 50 per cent of the electricity and water charges of the residences of the judicial officers should be reimbursed by the Government. There is merit in this suggestion subject to a cap being placed so that the 50 per cent expense does not become very exorbitant. This allowance should be paid, inasmuch as judicial officers do and are required to work at their residence in discharge of their judicial duties. Therefore, it will

g not be inappropriate that 50 per cent of the electricity and water charges should be borne by the State Government.

37. Subject to the various modifications in this judgment, all other recommendations of the Shetty Commission are accepted.

h 38. We are aware that it will become necessary for service and other rules to be amended so as to implement this judgment. Firstly, with regard to the pay scales, the Shetty Commission has approved the pay scales with effect

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from 1-1-1996 but has directed the same to be paid with effect from 1-7-1996. The pay scales as so approved by us are with effect from 1-7-1996. However, it will take some time for the States to make necessary financial arrangements for the implementation of the revised pay scales. The judicial officers shall be paid the salary in the revised pay scales as approved by this Court with effect from 1-7-2002. The arrears of salary between 1-7-1996 to 30-6-2002, will either be paid in cash or the States may make the payment by crediting the same in the provident fund account of the respective judicial officers. Furthermore, the payment by credit or otherwise should be spread over between the years 1-7-1996 to 30-6-2002 so as to minimise the income tax liability which may be payable thereon. In calculating the arrears, the Government will, of course, take into account the interim relief which had been granted and drawn by the judicial officers. The amount to be credited in the provident fund account would also be after deducting the income tax payable.

39. The States as well as the Union of India shall submit their compliance report by 30-9-2002. Case be listed thereafter for further orders.

40. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this Court. The proceedings, if any, for implementation of the directions given in this judgment shall be filed only in this Court and no other court shall entertain them.

41. Before concluding, we record our high appreciation for the assistance rendered by the learned Amicus Curiae Shri F.S. Nariman, Shri Subhash Sharma, Shri C.S. Ramulu, Shri A.T.M. Sampath and all other learned counsel.

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[CITED CASE]

(BEFORE A.S. ANAND, C.J. AND S.P. BHARUCHA AND B.N. KIRPAL, JJ.)

(Record of Proceedings)

ALL INDIA JUDGES' ASSOCIATION AND OTHERS .. Petitioners;

Versus

UNION OF INDIA AND OTHERS .. Respondents.

Writ Petition (C) No. 1022 of 1989, decided on December 14, 1999

ORDER

1. The First National Judicial Pay Commission has submitted its report to the Union of India and copies have also been filed in this Court. Mr A. Subba Rao, learned counsel appearing for the Union of India submits that after receipt of the report of the Pay Commission, the Union of India has sent its copies to the Chief Secretaries of all the State Governments/Union Territories and has asked for their response to the report by 22-12-1999.

2. Learned counsel appearing for various States/Union Territories are directed to impress upon the respective States/Union Territories to send the response to the Union of India by the due date so that the matter can be taken up in right earnest.

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HIGH COURT OF BOMBAY
APPELLATE SIDE, FORT, MUMBAI – 400 032.

(Press Advertisement No. A.5504/2025)

1. On-line applications are invited in the prescribed form from eligible candidates for **89 vacancies** for the post of **District Judge**, by Nomination (25%), in the Judicial Service of the State of Maharashtra in the pay scale of Rs.144840-194660 + dearness allowance and other allowances as admissible under the Rules. The number of vacancies are likely to vary, which shall be notified on the official website only. In that event no separate applications shall be invited.

2. This selection process is regulated by the Maharashtra Judicial Service Rules, 2008 and the amendments approved by the High Court thereto which are yet to be notified.

3. **Eligibility Criteria :-**

A candidate :-

(a) must be a citizen of India.

(b) must be a holder of Degree in Law.

(c) (1) must be practising as an Advocate in the High Court of Bombay or Courts subordinate thereto or serving as a Judicial Officer in the Maharashtra Judicial Service for not less than seven years on the date of publication of Advertisement and while computing the period for practising as an Advocate, the period during which he/she has :

(i) held the post of Public Prosecutor or Government Advocate or Judicial Officer; or

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(ii) worked as a Law Clerk (after provisional enrollment or registration as an Advocate) with any of the Judges of the High Court of Bombay or Judicial Officers of the Courts subordinate to the High Court of Bombay, shall be included;

OR

(2) working or must have worked as Public Prosecutor or Government Advocate for not less than 7 years in the post or posts on the date of publication of the Advertisement, and while computing the period of 7 years, the period during which the candidate has practised as an Advocate shall be included.

Explanation: In case of a serving Judicial Officer, period of seven years as on the date of publication of the advertisement, shall include continuous period of service as a Judicial Officer in the Maharashtra Judicial Service and service (if any) as a Public Prosecutor or Government Advocate and practice (if any) as an Advocate and experience (if any) of working as a Law Clerk (after provisional enrollment or registration as an Advocate) with any of the Judges of the High Court of Bombay or Judicial Officers of the Courts subordinate to the High Court of Bombay.

(d) **Age :-** A candidate must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates who are persons with disability and/or belonging to backward communities and forty-five years in the case of others, as on the date of publication of advertisement.

(e) **Knowledge of Marathi :-** A candidate must have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa.

4. The candidate, if selected, will be appointed initially on probation for a period of two years.

5. The candidate must submit following original documents alongwith attested copies thereof to the Officer of the High Court on the date and stage of examination process which will be declared by the High Court :

i) showing he/she is a citizen of India.

ii) showing his/her age as on the date of publication of Advertisement. e.g. Birth Certificate, Secondary School Certificate, School Leaving Certificate or Certificate of Age, Nationality and Domicile issued by the competent authority or a copy of the relevant page of the service book in case of serving Judicial Officers.

iii) in case of practising Advocate showing his/her standing as a legal practitioner in Court, as per **Form A1**,

iv) in case of practising Advocate, certifying that he/she has sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa, as per **Form A2**.

v) in case of practising Advocate certifying as per **Form A3** that he/she is of good moral character from two respectable persons, whose names have been mentioned in the on-line application form. Such certificate must have been issued on or after the date of publication of Advertisement.

vi) in case of practising Advocate, the copies of mark lists of all Semesters/Academic Years and Degree Certificate of LL.B. Examination.

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vii) in case of practising Advocate, copies of mark lists and Degree Certificates other than LL.B. of all academic years.

viii) a copy of Sanad issued by a Bar Council of Maharashtra & Goa.

ix) a copy of Certificate of Practice issued by the Bar Council of India, in case of candidates who have obtained law degree in the academic year 2009-2010 and onwards.

x) income tax returns, if any, in respect of the immediate preceding three years.

xi) the candidate **belonging to backward** class must also produce a certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the services under the Government of Maharashtra.

xii) candidates who are **persons with disability** must also produce a Disability Certificate/UDID Card assessed and issued by a competent Medical Authority or a Government-appointed Medical Board and a 'Certificate Regarding Physical Limitation in an Examinee (person with disability as per the RPwD Act, 2016) to Write' (in prescribed Form 1) in case of such candidates who are permitted to avail services of a scribe/reader.

6. Certificates under sub-clauses (iii) and (iv) of Clause No. 5 above, may be signed in the case of candidates practising in the High Court of Bombay, by the Registrar (Judicial-I), High Court, Appellate Side, Bombay or by the Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars (Judicial) of the High Court

Benches at Nagpur, Aurangabad, by the Officer on Special Duty, Circuit Bench at Kolhapur or Registrar (Judicial), High Court of Bombay at Goa, Porvorim-Goa, as the case may be; and in case of the Courts other than the High Court of Bombay by the Principal District Judge of the District or by the Principal Judge of the Court where the candidate practices, or within whose jurisdiction the candidate ordinarily resides. The certifying Authority should state the period during which the candidate has actually practised.

6.1. The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above. Non production of any of the above documents may result in disqualifications and the decision of the High Court in this regard is final.

7. A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete probation period of any post in judicial service shall not be eligible to appear for the Competitive Examination.

8. Disqualification for appointment in the service:

8.1. No person shall be eligible for appointment to the Maharashtra Judicial Service -

- (a) if he/she is not a citizen of India;
- (b) if he/she is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation

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period in judicial service on any post, or in Government or Statutory or Local Authority; or

(c) if he/she has been convicted for an offence involving moral turpitude or he/she is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(d) if he/she directly or indirectly influences the Recruiting Authority by any means for his/her candidature; or

(e) if he is a man, he has more than one wife living and if a woman has married a man already having another wife; or

(f) if he/she has more than two children.

8.2. For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

8.3. A person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28th April, 2005, shall not be disqualified for appointment under this clause so long as the number of children he/she had on the date of such commencement does not increase.

8.4. A child or more than one child born in a single delivery within the period of one year from the date of commencement of said rules shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

9. Special Instructions / Guidelines for Persons with Disability (PwD) :	
9.1	Entitlement of Scribe and compensatory time.
9.1.1	A Candidate with at least 40% bench mark disability as per Section 2(r) of the Rights of Persons with Disabilities Act, 2016 ('RPwD Act' for the sake of brevity) or a person with disability within the meaning of S.2(s) of the RPwD Act, 2016 and having difficulty in writing shall be entitled to the facility of scribe / reader and compensatory time in the written examination conducted by the High Court.
9.1.2	Such candidate must hold and produce a valid Disability Certificate / UDID Card as per the RPwD Act, and the rules framed thereunder.
9.1.3	Except for persons with following category of disability (1) Blindness (2) Locomotor disability (both arm affected – BA) (3) Cerebral Palsy, for availing the facility of Scribe / Reader and Compensatory time, a person with disability (as defined u/s. 2(s) of the RPwD Act) including a person with benchmark disability (as defined u/s. 2(r) of the RPwD Act) must hold and furnish 'A Certificate Regarding Physical Limitation in an Examinee (person with disability as per the RPwD Act, 2016) to Write' as per prescribed Form 1.
9.1.4	<p>Certificate in Form 1 shall be by a Medical Authority which would be multi-member authority comprising of :</p> <p>(i) Chief Medical Officer / Civil Surgeon / Chief District Medical Officer as Chairperson.</p> <p>(ii) Orthopaedic / PMR Specialist</p> <p>(iii) Neurologist, if available*</p> <p>(iv) Clinical Psychologist / Rehabilitation Psychologist / Psychiatrist / Special Educator</p> <p>(v) Occupational therapist, if available*</p> <p>(vi) Any other expert based on the condition of the candidate as may be nominated by the Chairperson.</p> <p>(*the Chief Medical Officer / Civil Surgeon / Chief District Medical Officer may make full efforts for inclusion of neurologists, occupational therapist from the nearest District or the Medical College / Institute, if the same is not available in the District)</p>
9.2.	The Candidate shall arrange services of scribe / reader on his own and such services shall not be provided or made available by the High Court.

9.2.1.	Scribe / reader must have studied at least upto matriculation but not beyond graduation of any stream especially law. The scribe / reader should not be a Law graduate or a person who is pursuing 5 years Law Course or any other such course in the stream of law which is permissible to be opted on completion of 12 th standard / Higher Secondary School Certification Exam.
9.2.2.	Candidate proposing to avail services of scribe / reader must furnish a 'Letter of Undertaking Using Own Scribe' in the annexed Form No. 2.
9.2.3.	Scribe / reader whose services have been availed by the candidate shall not be allowed to act as a scribe / reader or reserved scribe / reader for any other candidate at the same time in the same examination.
9.2.4.	The candidate shall be entitled to arrange at his / her own cost services of a reserved scribe / reader in case the originally selected scribe / reader is for any reason unavailable at the time of examination. The reserved scribe, his selection and conduct shall be governed by the same conditions as applicable to a scribe / reader. However, the candidate shall not be allowed to swtichover from scribe/reader to reserved scribe/reader once the question paper/booklet is distributed.
9.2.5.	If it is found at any stage of the examination process that the PwD candidate has violated conditions as to selection of scribe / reader then, apart from initiating appropriate legal action against the candidate and scribe / reader, the High Court may in its discretion cancel the candidature of such candidate and may further debar such candidate from participation in any of the examinations conducted by it.
9.2.6.	A Scribe / reader, who is found to have violated any of the conditions imposed herein or to have been an accessory to manipulate the process or to have indulged in any malpractice, copying or suggesting answers or on his own writing answers / blackening options would be forthwith expelled from the examination hall and liable for legal action. The High Court may in its discretion debar such person from acting as a scribe / reader in any of the examinations conducted by it or under its supervision.
9.2.7	Only a candidate who in the opinion of the High Court fulfils the conditions for availing services of a scribe/reader, shall be permitted to use such services. Eligibility of a person chosen by the candidate as his/her scribe /reader shall be subject to the scrutiny and approval by

	the High Court.
9.3.	<p>For availing services of a scribe / reader and compensatory time, the candidate must forward by post following documents :</p> <p>(i) A true copy of the Disability Certificate /UDID card issued as per the Rights of Persons with Disabilities Rules, 2017 (as amended)</p> <p>(ii) 'A Certificate Regarding Physical Limitation in an Examinee (person with disability as per the RPwD Act, 2016) to Write', (Form 1)</p> <p>(iii) 'A letter of Undertaking for Using Own Scribe / reader' (Form No. 2)</p> <p>(iv) 'A Joint Certificate to be given by the Candidate seeking the assistance of the Scribe / Reader along with the Scribe / Reader', including self attested copies of Scribe / reader pertaining to (a) photo ID Card such as Aadhar Card / Pan Card / Voter ID Card / Passport, etc. (any one) issued by any Government Authority alongwith (b) his/her Mark List / Degree Certificate showing Last Educational Qualification (Form 3A)</p> <p>(v) 'A Joint Certificate to be given by the Candidate seeking the assistance of the Reserved Scribe / Reader along with the Reserved Scribe / Reader', including self attested copies of Reserved Scribe / reader pertaining to (a) photo ID Card such as Aadhar Card / Pan Card / Voter ID Card / Passport, etc. (any one) issued by any Government Authority alongwith (b) his/her Mark List / Degree Certificate showing Last Educational Qualification (Form 3B).</p>
9.4.	Procedure to be followed on the date of examination :
9.4.1.	Candidate shall be solely responsible for ensuring the presence of the scribe / reader at the venue and time of the examination and the High Court shall not be in any case responsible for providing alternate services on account of default on part of the scribe / reader or reserved scribe / reader.
9.4.2.	Only a scribe / reader whose particulars are mentioned in the application form and permission regarding availing services of such scribe / reader has been granted to the candidate, alone shall be allowed to act as a scribe / reader and no change for any reason whatsoever in the scribe / reader shall be allowed.
9.4.3.	Benefit of "compensatory time" for persons with disabilities, having functional limitation in writing if so desired by him/her (as

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	<p>mentioned at Clause No. 9.1.3 above), will be allowed to the said candidate if he/she is entitled for the same, as follows :</p> <p>not exceeding 30 minutes for Preliminary Written Examination and not exceeding 1 hour for Main Written Examination.</p>
9.4.4.	<p>Sitting arrangement of candidate(s) who are permitted to avail services of a scribe / reader shall be separately made and it shall be so arranged that confidentiality of the examination process is not in any manner affected due to interaction between the candidate and the scribe / reader.</p>
9.5.	<p>Special Instruction to candidates who have been permitted to avail services of a scribe / reader :</p>
9.5.1.	<p>Scribe / reader is expected to write the answer / blacken the option as stated by the candidate only after the question has been read out to the candidate by the scribe / reader. Scribe / reader is not expected to guide or intervene or make any suggestion to the candidate as to the choice of option / answers to the question.</p>
9.5.2.	<p>Scribe / reader shall neither talk or discuss or chitchat with the candidate except to the extent of reading out the question nor shall talk or discuss or chitchat with other scribe / reader or candidates during the course of examination.</p>
9.5.3.	<p>As scribe / reader is selected by the candidate, the candidate shall be solely liable and responsible for misconduct if any, by the scribe / reader.</p>
9.5.4.	<p>In the event of the candidate or scribe / reader violating any instructions / directions issued by the High Court or the Chief Conductor or the Supervisor such candidate and / or scribe / reader, apart from being liable for appropriate legal action, the High Court may in its discretion cancel the candidature of such candidate and may further debar such candidate and / or the scribe / reader from appearing in any examination conducted by it.</p>
9.5.5.	<p>If at any stage of the examination process, it is revealed that the candidate did not fulfil requisite conditions as to grant of benefit of services of scribe / reader and / or compensatory time or if it is found that the candidate had furnished false or incorrect information about himself / herself or the scribe / reader or if it is found that the candidate and / or scribe / reader has/have suppressed any information then the High Court may in its discretion cancel the candidature of such candidate and may further debar such candidate</p>

	from appearing in any examination conducted by it.
9.6.	Other instructions :
9.6.1.	High Court shall not provide any other concession, facility, benefit or relaxation except to the extent hereinabove provided for and the benefits hereinabove provided shall not be in any manner construed as creating any equity or conferring or vesting any right or privilege or assurance in any such differently abled candidate for participating in the further stage(s) of the examination or for appointment to any of the post for which the examination is conducted or any other posts / offices / assignments under the control of the High Court.

10. Preliminary Written Examination :- For the purpose of short-listing the candidates, the High Court may, if necessary, hold a Preliminary Written Examination comprising of multiple choice objective type questions which can be scrutinized by computers and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for Main Written Examination, in the ratio of 1:10 of the advertised vacancies to the successful candidates.

10.1. The Recruiting Authority may fix separate cut-off marks for candidates who are persons with disabilities.

10.2. If there are more than one candidate who have secured identical cut-off marks as fixed by the High Court, all such candidates will be called upon to appear for Main Written Examination.

10.3. The number of candidates eligible to appear for the main written examination shall be increased to the extent of number of candidates who are common -

(i) in the list of Judicial Officers eligible to appear for the *viva-voce* for the post of District Judge by accelerated promotion, either in the selection process 2025 or selection process 2024;

(ii) in the select list for the post of District Judge by accelerated promotion in Selection Process – 2024.

10.4. The marks secured by the candidates in the Preliminary Written Examination will not be taken into consideration for final selection.

11. Main Written Examination and Viva-voce :- The Main Written Examination shall comprise of two papers carrying 100 marks each, having duration of 3 hours each. The medium of Main Written Examination shall be English. The High Court will hold *viva-voce* carrying 50 marks of the eligible candidates who have secured not less than 50% marks in each paper of Main Written Examination. Provided that the candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and /or who are persons with disability, who have secured not less than 45% marks as aforesaid shall be eligible for the *viva-voce*.

11.1. The High Court may call the candidates for *viva-voce* in the ratio of 1:3 of the advertised vacancies to the successful candidates. If there are more than one candidate who have secured identical cut-off marks as fixed by the High Court, all such candidates shall be called upon to appear for *viva-voce*.

11.2. The number of candidates eligible to appear for the *viva-voce* shall be increased to the extent of number of candidates who are common - (i) in the list of Judicial Officers eligible to appear for the *viva-voce* for the post of District Judge by accelerated promotion, either in the selection process 2025 or selection process 2024;
(ii) in the select list for the post of District Judge by accelerated promotion, in Selection Process – 2024.

11.3. Only those candidates who obtain at least 40% of marks in *viva-voce* test shall be eligible for selection.

11.4. Candidates who are persons with disability who obtain at least 35% of marks in *viva-voce* examination, shall be eligible for selection.

11.5. If any of the posts to be filled by nomination remain unfilled for want of suitable candidate, the same shall be filled up by regular promotion in the Selection Process – 2025, subject to such regular promotees being placed only on subsequent regular promotee positions in the annual roster as per the Maharashtra Judicial Service (Seniority) Rules, 2007 and the vacancies in the subsequent selection process shall be computed so as to apply the proportion of 50:25:25 to the entire cadre.

12. The performance shall be evaluated in numerical marks obtained in written and *viva-voce* examination.

13. High Court shall not entertain any request for rechecking or revaluation of the answer sheets or reconsideration or re-totalling of marks for any reason whatsoever.

14. The Preliminary Written Examination will be conducted at Mumbai, Nagpur, Chhatrapati Sambhajnagar and Kolhapur. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the Preliminary Written Examination. The choice of centre once exercised shall not be allowed to be changed. The High Court reserves its right to delist any particular centre and allot candidates therein to other nearby centres.

15. The candidates will have to appear for Preliminary Written Examination, Main Written Examination and *viva-voce* at their own cost and shall not be entitled to claim travelling allowance or any expenses from the High Court or Courts subordinate thereto.

16. A candidate, who is found indulging in unfair practices viz., copying or misconduct during the course of examination, using any form of electronic gadgets, tampering with the question papers, influencing any official concerned with the Preliminary Written Examination or Main Written Examination or *viva-voce*, etc., will be debarred from appearing for Preliminary Written Examination, Main Written Examination or *viva-voce*, as the case may be, on that occasion or for any number of years or permanently, as may be decided by the appropriate authority.

17. The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the Preliminary Written Examination, Main Written Examination and *viva-voce* shall be final.

18. The High Court, on the basis of cumulative marks secured by a candidate, shall prepare in the order of merit, a select list of candidates eligible for appointment, not exceeding the number of advertised vacancies.

18.1. Besides the select list, the High Court may prepare wait list, not exceeding 10% of the advertised vacancies or one, whichever is higher.

18.2. The lists so prepared shall be published in the Official Gazette within one month of their finalisation and cease to be operative on

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the expiry of one year from the date of such publication or publication of such lists for selection process 2026 for the post of District Judge by nomination, whichever is later.

18.3. Inclusion of the name of a candidate in any of the aforesaid lists shall not confer any right of appointment on such candidate.

19. No person selected for Nomination shall be appointed,

(i) unless the High Court is satisfied that he/she is of good character and is in all respects suitable for appointment to the service;

(ii) unless he/she is certified by the medical authority specified by the High Court that he/she is medically fit to discharge the duties of the post for which he/she is selected.

20. The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work on the post for a period of 3 years from the date of joining, in default the candidate himself/herself, his/her legal heirs, legal representatives, executors and assignees will be liable to pay/forfeit to the Government of Maharashtra the said amount.

21. At the time of appointment, the selected candidate will have to give an undertaking that for a period of two years from the date on which he/she ceases to be in service, he/she will not practice in any Court over which he/she had presided over or the Courts subordinate thereto.

22. The candidates shall submit their applications **On-line** only in the prescribed format through the High Court website i.e.

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<https://bombayhighcourt.nic.in> The link will open from Friday, 30th January, 2026 after 10.30 a.m. till Tuesday, 17th February, 2026 upto 04.30 p.m. only.

23. Before starting filling in on-line application, the candidate must have his/her **latest passport size photograph** and signature duly scanned in separate files in the “.jpg” format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the on-line application form.

24. Procedure for on-line payment of Fees :-

a) The candidate belonging to communities recognized as backward by the Government for the purpose of recruitment or persons with disability or a candidate who is transgender is required to pay Registration fees of **Rs.500/-** (Rupees Five Hundred only) and **Rs.1,000/-** (Rupees One Thousand only) in case of others through 'SBCollect' – an on-line payment gateway facility only (<https://onlinesbi.sbi.bank.in/sbcollect/icollecthome.htm?corpID=917433>) into the account of Assistant Registrar for Registrar General, High Court, Appellate Side, Mumbai. **The fee is non-refundable.** Mere payment of non-refundable fee by the candidate does not create any right in favour of the candidate to appear for the Preliminary Written Examination / Main Written Examination.

b) The on-line payment shall be made by the candidates by way of Internet Banking (through SBI or any other Bank) / Credit Cards / UPI / payment through e-Challan at any branch of State Bank of India. For making payment through e-Challan, candidate has to take print out of e-Challan to submit in any Branch of



State Bank of India.

c) It is to be noted that after making due on-line payment of the fees **successfully** by using any of the above modes for payment, the candidate should mention the generated SBCollect Reference Number **correctly** in the relevant space provided in the on-line application form.

d) Only successful payment transactions shall be considered for the acceptance of the on-line application.

e) High Court Registry does not take any responsibility of the rules/terms and conditions framed or will be framed by 'SBCollect'. So also the Registry will not entertain any inquiry/claim in any form whatsoever in respect of payment through 'SBCollect' facility. The Registry does not take any responsibility of security/claims, etc. while making payment.

25. The eligible candidates other than serving Judicial Officers in Maharashtra Judicial Service who are already in Government service shall apply through their proper channel (their existing Head of Office/Department).

26. Except the following documents, no other documents or printout of the duly filled in signed application form, shall be sent by post to the High Court :

(a) Receipt / e-Challan about payment of fees;

(b) In case of candidates who are already in the service of Government, document(s) signifying permission / sanction / No Objection Certificate of the current employer / Head of Office/Department to apply for the said Examination,

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(c) True copy of Disability Certificate / UDID Card in case of PwD candidates;

(d) For availing services of a scribe / reader and compensatory time as may be applicable in case of persons with disability :

(d)(i) 'A Certificate Regarding Physical Limitation in an Examinee (person with disability as per the RPwD Act, 2016) to Write', (Form 1),

(d)(ii) 'A letter of Undertaking for Using Own Scribe / reader' (Form No. 2),

(d)(iii) 'A Joint Certificate to be given by the Candidate seeking the assistance of the Scribe / Reader along with the Scribe / Reader', including self attested copies of Scribe / reader pertaining to (a) photo ID Card such as Aadhar Card / Pan Card / Voter ID Card / Passport, etc. (any one) issued by any Government Authority alongwith (b) his/her Mark List / Degree Certificate showing Last Educational Qualification (Form 3A) and

(d)(iv) 'A Joint Certificate to be given by the Candidate seeking the assistance of the Reserved Scribe / Reader along with the Reserved Scribe / Reader', including self attested copies of Reserved Scribe / reader pertaining to (a) photo ID Card such as Aadhar Card / Pan Card / Voter ID Card / Passport, etc. (any one) issued by any Government Authority alongwith (b) his/her Mark List / Degree Certificate showing Last Educational Qualification (Form 3B).

26.1. Aforesaid documents be submitted in an envelope superscribed with the words "Application for the post of District Judge – 2025" by

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Registered Post A.D./Courier/Speed Post only, so as to reach the Office of "The Registrar (Legal & Research), 105, 1st Floor, PWD Building, High Court, Fort, Mumbai – 400 032" on or before Wednesday, 25th February, 2026.

27. The applications containing incomplete/incorrect information will be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to continue to participate in the selection process and, if appointed, will be liable to be dismissed. The wilful suppression of any material fact will be similarly treated.

28. Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at any time and at any stage of the Selection Process. Only when he/she is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or *viva-voce*, as the case may be.

29. If the candidate fails to produce the attested copies of certificates and/or the originals, as the case may be on the date given by the High Court, he/she will not be permitted to appear for Main Written Examination or *viva-voce*, as the case may be.

30. The selection will be made strictly on merit on the basis of the marks secured by the candidates in the Main Written Examination and *viva-voce*.

31. Success in the examinations and resultant selection shall confer

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no right of appointment to the candidate and unless the Government, in consultation with the High Court, is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he/she will not be appointed to the post.

32. The High Court reserves its right of short-listing at the time of scrutiny of applications by applying uniform and reasonable norms.

33. Candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the on-line application form, the candidates **shall not** fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to: rgpr-bhc@bhc.gov.in, quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention *"A.5504/2025 – Registration ID (mention Registration Id here)"*. No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be entertained after the cut-off date and time of filling on-line application.

34. The relaxation in age, marks and fee to Socially and Educationally Backward Class (SEBC) candidates is subject to the decision in the Public Interest Litigation No. 30 of 2024 (Bhausahab Bhujangrao Pawar V/s. The State of Maharashtra) alongwith connected petitions.

Date : 30th January, 2026

Sd/-
Registrar General,
High Court, Bombay.

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A Certificate Regarding Physical Limitation in an Examinee (person with disability as per the RPwD Act, 2016) to Write

1. This is to certify that, we have examined Mr./Ms./Mrs. (name of the candidate), S/o D/o a resident of (Village/ District/ State), aged yrs, a person with (nature of disability/ condition), and to state that he/ she has limitation which hampers his / her writing capability owing to his / her above condition. He/ she requires support of scribe for writing the examination.
2. The above candidate uses aids and assistive device such as prosthetics & orthotics, hearing aid _____ (name to be specified) which is / are essential for the candidate to appear at the examination with the assistance of scribe.
3. This certificate is issued only for the purpose of appearing in written examinations conducted by recruitment agencies as well as academic institutions and is valid upto (it is valid for maximum period of six months or less as may be certified by the medical authority)

Signature of Medical Authority

(Signature & Name)	(Signature & Name)	(Signature & Name)	(Signature & Name)	(Signature & Name)
Orthopaedic /PMR specialist	Clinical Psychologist/ Rehabilitation Psychologist / Psychiatrist / Special Educator	Neurologist (if available)	Occupational therapist (if available)	Other Expert, as nominated by the Chairperson (if any)

(Signature & Name)

Chief Medical Officer / Civil Surgeon / Chief District Medical OfficerChairperson

Name of Government Hospital / Health Care Centre with Seal

Place :

Date :

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Form No. 2

Letter of Undertaking for Using Own Scribe / reader

I(name of the candidate) a candidate with(name of the disability) appearing for the **Preliminary Examination DJ 2025 (MAH.)** bearing Roll No. at (name of the Sub-Centre) in the District, Maharashtra. My qualification is

I do hereby state that.....(name of the scribe/ reader) will provide the service of scribe/Reader for the undersigned for taking the aforesaid examination.

I do hereby undertake that his qualification is In case, subsequently it is found that his qualification is not as declared by the undersigned and is higher than my qualification, I shall forfeit my right to the post and claims relating thereto.

I do hereby state that.....(name of the Reserved scribe/ reader) will provide the service of scribe/Reader for the undersigned for taking the aforesaid examination.

I do hereby undertake that his qualification is In case, subsequently it is found that his qualification is not as declared by the undersigned and is higher than my qualification, I shall forfeit my right to the post and claims relating thereto.

(Signature / Thumb impression of the candidate with Disability)

Place :-

Date :-

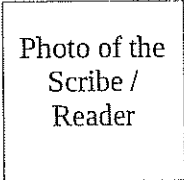
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A Joint Certificate to be given by the Candidate seeking the assistance of the Scribe / Reader along with the Scribe / Reader

1 Name of the Exam : Preliminary Examination DJ 2025 (MAH.)

2 Subject(s) :

3 Centre :



Information of Candidate and the Scribe/ Reader :-

1. Name of the Candidate :

2. Seat No. / Registration ID of the Candidate :

3. Name of the Scribe/ Reader :

4. Permanent residential address of Scribe/ Reader :

5. Identity Card No. of the Scribe/ Reader :
[Aadhar Card, Pan Card, Smart Card Driving Licence, Voter ID Card, Passport etc (any one)]
(Scribe / Reader must show original identity card and self-attested copy to the supervisor)

6. Mobile No of
(1) Candidate : (2) Scribe/Reader :

7. Last Educational Qualification of Scribe / Reader :

8. Relationship of the Candidate with the Scribe / Reader (if any) :

:- CERTIFICATE :-

We, the undersigned Shri/Smt. (name of the Candidate) candidate eligible for this exam and Shri/Smt. (name of the scribe /reader) scribe /reader of the eligible candidate, affirm as follows :-

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- (1) The above information is true and correct to the best of our knowledge. We have read all the instructions regarding provision of Scribe /Reader to the disabled candidates and other instructions given by the High Court and undertake to follow them strictly.
- (2) Candidate needs a scribe/reader as per the rules/ instructions of the High Court regarding providing scribe /reader to disabled candidates.
- (3) A valid certificate issued by the competent authority regarding the prescribed disability is available with the candidate and will be produced at any stage of the examination process or any time thereafter.
- (4) I understand that if a candidate appoints a scribe/ reader, he /she cannot act as a scribe / reader or as a reserved scribe / reader for another candidate in the same examination at the same time.
- (5) The candidate and the scribe/ reader are not candidates for the same examination
- (6) If the prescribed criteria are not fulfilled by the candidate for seeking assistance of the scribe /reader or taking the compensatory time or if it is noticed at any stage that the information given by the candidate about himself /herself or the scribe / reader is wrong or any information has been concealed by the candidate or the scribe / reader, the candidature of the candidate and the scribe / reader for the respective examination will be cancelled and the candidate and the scribe / reader will be debar from appearing for subsequent examinations as per the discretion of the High Court or other legal action will be taken. In such a case, if the concerned has been appointed to the service, then his /her service will be terminated.

Signature of the Candidate

Signature of the Scribe / reader

Date :

Date :

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Form 3B

(Particulars of a Reserved Scribe / Reader)
A Joint Certificate to be given by the Candidate seeking the assistance of a Reserved Scribe / Reader along with the Reserved Scribe / Reader

- 1 Name of the Exam : Preliminary Examination DJ 2025 (MAH.)
- 2 Subject :
- 3 Centre :
- 4 Name of the Sub-centre :

Photo of the
Reserved
Scribe /
Reader

Information of Candidate and the Reserved Scribe/ Reader :-

1. Name of the Candidate :
2. Seat No. / Registration ID of the Candidate :
3. Name of the Reserved Scribe/ Reader :
4. Permanent residential address of Reserved Scribe/ Reader :
5. Identity Card No. of the Reserved Scribe/ Reader :
[Aadhar Card, Pan Card, Smart Card Driving Licence, Voter ID Card, Passport etc. (any one)]
(Reserved Scribe / Reader must show original identity card and self-attested copy to the supervisor)
6. Mobile No of (1) Candidate : (2) Reserved Scribe/Reader :
7. Last Educational Qualification of Reserved Scribe / Reader :
8. Relationship of the Candidate with the Reserved Scribe / Reader (if any) :

-: CERTIFICATE :-

We, the undersigned Shri/Smt. (name of the Candidate) candidate eligible for this exam and Shri /Smt. (name of the Reserved scribe /reader) Reserved scribe /reader of the eligible candidate, affirm as follows :-

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Form 3B (Cont....)

- (1) The above information is true and correct to the best of our knowledge. We have read all the instructions regarding provision of Reserved Scribe /Reader to the disabled candidates and other instructions given by the High Court and undertake to follow them strictly.
- (2) Candidate needs a Reserved scribe/reader as per the rules/ instructions of the High Court regarding providing scribe /reader to disabled candidates.
- (3) A valid certificate issued by the competent authority regarding the prescribed disability is available with the candidate and will be produced at any stage of the examination process or any time thereafter.
- (4) I understand that if a candidate appoints a scribe/ reader, he /she cannot act as a scribe / reader or as a reserved scribe / reader for another candidate in the same examination at the same time.
- (5) The candidate and the Reserved scribe/ reader are not candidates for the same examination
- (6) If the prescribed criteria are not fulfilled by the candidate for seeking assistance of the scribe /reader or taking the compensatory time or if it is noticed at any stage that the information given by the candidate about himself /herself or the Reserved scribe / reader is wrong or any information has been concealed by the candidate or the Reserved scribe / reader, the candidature of the candidate and the Reserved scribe / reader for the respective examination will be cancelled and the candidate and the Reserved scribe / reader will be debar from appearing for subsequent examinations as per the discretion of the High Court or other legal action will be taken. In such a case, if the concerned has been appointed to a post in the government service, then his /her service will be terminated.

Signature of the Candidate

Signature of the Reserved Scribe / reader

Date :-

Date :-

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FORM A1

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, _____

Email :- _____

Tel. No. _____

CERTIFICATE OF EXPERIENCE

(For the post of District Judge, by Nomination Only)

This is to certify that Mr./Mrs./Ms _____ is enrolled as an Advocate on the roll of the Bar Council of Maharashtra & Goa on ___/___/___, and since ___/___/___ she/he is practicing as an advocate in Civil, Criminal Courts/Family Court etc. at _____

Place :-
Date :-

Signature with name &
Designation of Certifying Authority

Seal

(Note : In case of candidate who are/were Government Pleader or Government Advocate or Public Prosecutor or Assistant Public Prosecutor, submit certificate of experience on the letter head of concerned District Office of Assistant Director & Prosecutor instead of Principal District and Sessions Judge of District, as may be applicable.)

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FORM A2

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, _____

Email :- _____

Tel. No. _____

CERTIFICATE OF LANGUAGE

(For the post of District Judge, by Nomination Only)

This is to certify that Mr./Mrs./Ms _____
practicing as an Advocate at _____ has good knowledge of
Marathi and he/she can speak, read, write and translate with facility
from Marathi into English and Vice-Versa.

Place :-

Date :-

Signature with name &
Designation of Certifying Authority

Seal

(Note : In case of candidate who are/were Government Pleader or
Government Advocate or Public Prosecutor or Assistant Public
Prosecutor, submit certificate of experience on the letter head of
concerned District Office of Assistant Director & Prosecutor instead of
Principal District and Sessions Judge of District, as may be applicable.)

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CHARACTER CERTIFICATE

This is to certify that Mr./Mrs./Ms. _____,
Son/Daughter/Wife of _____, residing
at _____, who is
applying for the post of District Judge in the Judicial Service of the
State of Maharashtra (Selection Process 2025), is well known to me
for the past _____ years and his/her character and conduct are
good.

Date :-

Place :-

Signature of the Person
Issuing Certificate

Details of the Person Certifying :-

Name :

Address :

Mobile/Land Line (with STD Code) No. :

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INSTRUCTIONS

1	A candidate must carefully read the entire Advertisement and follow all the instructions/directions before starting actual filling up on-line application, so as to avoid mistakes.
2	Candidates are advised in their own interest to apply on-line well in advance.
3	The High Court of Bombay does not assume any responsibility for the candidates not being able to submit their online applications within the last date for any reason.
4	Candidate should provide correct E-mail ID (<i>Electronic Mail Identification Directory</i>) and his/her own mobile number on which correspondence can be made, which should not be changed during the Selection process.
5	Candidates should take due care to upload good quality latest photograph at respect place provided in the on-line application. If the candidate cannot be identified from the photograph uploaded by them, they shall not be allowed to appear for the examinations.
6	Candidates shall fill on-line application carefully and submit the same by pressing "I Agree" button. Thereafter, candidate cannot change/alter/edit/modify the information submitted in the on-line application.
7	After pressing "I Agree" button "Registration ID", would be generated. Candidates are directed to note down the Registration ID for their future reference. Registration ID will be notified through SMS on the given Mobile Number.
8	"SMS" or "E-mail" alerts for the examinations, will be notified on the registered mobile number and E-mail ID of the candidates, as mentioned in the application.
9	Eligible and interested candidates are required to apply on-line only through the High Court of Bombay website https://bombayhighcourt.nic.in No other means/mode of application will be accepted.

10	The candidates should submit copies of documents as mentioned at Clause Nos. 26 and 26.1 of the detailed advertisement by post to the High Court on or before Wednesday, 25th February, 2026 and no other document at this stage to be submitted.
11	No complaint/grievance of the candidate shall be entertained or heard by the High Court in case of their failure to see the Admit Card/call letter on their e-mail account within stipulated time.
12	Correct Enrollment Number and Date should be filled in the on-line application form as period of practice will be counted from date of enrollment till date of Advertisement.
13	Admit Cards for Preliminary Written Examination and Main Written Examination, will not be sent by post. The candidates should download the Admit Cards from their respective profile. The candidate must carry hard copy of Admit Card at the time of examinations.
14	The candidate shall follow the procedure for on-line payment of fees as mentioned in Clause No. 24 of the detailed Advertisement. It is made clear that on-line payment shall be accepted through Internet Banking / Credit Cards / UPI / payment through e-Challan only. No other mode / means of payment will be accepted. The candidate should mention the SBCollect Reference Number correctly, after making successful payment of fees, in the Column No. 40 of the on-line application form.
15	The candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the online application form, the candidates shall not fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to: rgrp-bhc@bhc.gov.in , quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention "A.5504/2025 – Registration ID (mention Registration Id here)" . No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be

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	entertained after the cut-off date and time of filling on-line application.
16	In case of multiple applications, the application with the latest Registration Number and with correct SBCollect Reference Number shall only be entertained by the High Court and fee paid against one Registration Number shall not be adjusted against any other Registration Number.
17	The character certificates produced on record should be as per prescribed Form A3 and from same persons, whose names are mentioned in the on-line application form. Such certificates must have been issued on or after the date of publication of Advertisement.
18	The candidates are advised to visit the website from time to time. All the relevant information/instructions shall be published on official website of the High Court of Bombay.
19	The time-table and venue for Preliminary Written Examination, Main Written Examination and <i>viva-voce</i> of the candidates would be displayed on the official website of the High Court of Bombay.
20	Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at time and at any stage of the Selection Process. Only when candidate is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or <i>viva-voce</i> , as the case may be.
21	If it is revealed that any information supplied by a candidate in the Application Form is incorrect/false; name of such candidate shall be removed from the 'Select List' without any notice.

HIGH COURT OF BOMBAY
APPELLATE SIDE
FORT, MUMBAI – 400 032.

(Press Advertisement No. A.5504/2024)

On-line applications are invited in the prescribed form from eligible candidates for **28 vacancies** for the post of **District Judge**, by Nomination (25%), in the Judicial Service of the State of Maharashtra in the pay scale of Rs.144840-194660 + dearness allowance and other allowances as admissible under the Rules. The number of vacancies are likely to vary, which shall be notified on the official website only. In that event no separate applications shall be invited.

This recruitment process is regulated by the Maharashtra Judicial Service Rules, 2008.

Eligibility Criteria :-

- 1) A candidate must be :-
 - (a) a citizen of India.
 - (b) a holder of Degree in Law.
 - (c) practising as an Advocate in the High Court of Bombay or Courts subordinate thereto for not less than seven years **on the date of publication of Advertisement** and while computing the period for practising as an Advocate, the period during which he/she has held the post of Public Prosecutor or Government Advocate or Judicial Officer shall be included ;

OR

A candidate must be working or must have worked as Public Prosecutor or Government Advocate for not less than 7 years in the post or posts on the date of publication of the Advertisement, and

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while computing the period of 7 years, the period during which the candidate has practised as an Advocate shall be included.

(d) Age :- A candidate must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and forty-five years in the case of others, as on the date of publication of Advertisement.

(e) Knowledge of Marathi :- A candidate must have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa.

2) The candidate, if selected, will be appointed initially on probation for a period of two years.

3) The candidate shall not send any certificate at the stage of submitting application for the post. The candidate must submit following original documents alongwith attested copies thereof to the Officer of the High Court on the date and stage of examination process which will be declared by the High Court :

i) showing he/she is a citizen of India.

ii) showing his/her age as on the date of publication of Advertisement. e.g. Birth Certificate, Secondary School Certificate, School Leaving Certificate or Certificate of Age, Nationality and Domicile issued by the competent authority.

iii) showing his/her standing as a legal practitioner in Court.

iv) certifying that he/she is of good moral character from two respectable persons, whose names have been

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mentioned in the on-line application form. Such certificate must have been issued on or after the date of publication of Advertisement. [As per prescribed **Format No. - I**].

v) certifying that he/she has sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa.

vi) The copies of mark lists of all Semesters/Academic Years and Degree Certificate of LL.B. Examination.

vii) The copies of mark lists and Degree Certificates other than LL.B. of all academic years.

viii) a copy of Sanad issued by a Bar Council.

ix) a copy of Certificate of Practice issued by the Bar Council of India, who obtained law degree in the academic year 2009-2010 and onwards.

x) income tax returns, if any, in respect of the immediate preceding three years.

xi) the candidate belonging to backward class must also produce a certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the services under the Government of Maharashtra.

4) Certificates under Clause No. 3(iii) and (v) above may be signed in the case of candidates practising in the High Court, by the Registrar (Judicial-I), High Court, Appellate Side, Bombay or by the Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars of the High Court Benches at Nagpur, Aurangabad or

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Registrar, Porvorim-Goa, as the case may be and in case of the Courts other than the High Court by the Principal District Judge of the District or by the Principal Judge of the Court where the candidate has practised. The certifying Authority should state the period during which the candidate has actually practised.

The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above. Non production of any of the above documents may result in disqualifications and the decision of the High Court in this regard is final.

A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete probation period of any post in judicial service shall not be eligible to appear for the Competitive Examination.

5) Disqualification for appointment in the service:

No person shall be eligible for appointment to the service -

- (a) if he/she is not citizen of India;
- (b) if he/she is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation period in judicial service on any post, or in Government or Statutory or Local Authority; or
- (c) if he/she has been convicted for an offence involving moral turpitude or he/she is or has been permanently

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debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(d) if he/she directly or indirectly influences the Recruiting Authority by any means for his/her candidature; or

(e) if he is a man, he has more than one wife living and if a woman has married a man already having another wife; or

(f) if he/she has more than two children.

Explanation :- For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28th April, 2005, shall not be disqualified for appointment under this clause so long as the number of children he/she had on the date of such commencement does not increase.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

The candidate shall fill up a declaration (Form - A) as to small family appended to the Advertisement.

6) Preliminary Written Examination :- For the purpose of short-listing the candidates, the High Court may, if necessary, hold a Preliminary Written Examination comprising of multiple choice objective type questions which can be scrutinized by computers and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for Main Written Examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off marks as fixed by the High Court for maintaining ratio of 1:10, all such candidates will be called upon to appear for Main Written Examination. The marks secured by the candidates in the Preliminary Written Examination will not be taken into consideration for final selection and will not be displayed or communicated to the candidates.

7) Main Written Examination and Viva-voce :- The Main Written Examination shall comprise of two papers carrying 100 marks each, having duration of 3 hours each. The medium of Main Written Examination shall be English. The High Court will hold Viva-voce carrying 50 marks of the eligible candidates who have secured not less than 50% marks in each paper of Main Written Examination. Provided that the candidates belonging to communities recognized as backward by the Government for the purpose of recruitment who have secured not less than 45% marks as aforesaid shall be eligible for the Viva-voce.

Provided that the High Court may call the candidates for Viva-voce in the ratio of 1:3 of the available vacancies to the successful candidates. Provided that if there are more than one

candidates who secure identical cut-off marks as fixed by the High Court, for maintaining the ratio of 1:3, all such candidates shall be called upon to appear for Viva-voce. Provided further that only those candidates who obtain at least 40% of marks in Viva-voce test shall be eligible for selection.

The performance shall be evaluated in numerical marks obtained in written and Viva-voce examination.

8) High Court shall not entertain any request for rechecking or revaluation of the answer sheets or reconsideration or retotaling of marks for any reason whatsoever.

9) The Preliminary Written Examination will be conducted at Mumbai, Nagpur and Chhatrapati Sambhajnagar. However, the Main Written Examination will be conducted at Mumbai only. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the Preliminary Written Examination. The choice of centre once exercised shall not be allowed to be changed.

10) The candidates will have to appear for Preliminary Written Examination, Main Written Examination and Viva-voce at their own cost and shall not be entitled to claim travelling allowance or any expenses from the High Court. A candidate, who is found indulging in unfair practices viz., copying or misconduct during the course of examination, using any form of electronic gadgets, tampering with the question papers, influencing any official concerned with the Preliminary Written Examination or Main Written Examination or Viva-voce, etc., will be debarred from appearing for Preliminary

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Written Examination, Main Written Examination or Viva-voce, as the case may be, on that occasion or for any number of years or permanently, as may be decided by the appropriate authority.

11) The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the Preliminary Written Examination, Main Written Examination and Viva-voce shall be final.

12) The High Court, on the basis of cumulative marks secured by a candidate, shall prepare in the order of merit, a list of candidates eligible for appointment.

13) No person selected for Nomination shall be appointed,

(i) unless the High Court is satisfied that he/she is of good character and is in all respects suitable for appointment to the service;

(ii) unless he/she is certified by the medical authority specified by the High Court that he/she is medically fit to discharge the duties of the post for which he/she is selected.

14) The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work on the post for a period of 3 years from the date of joining, in default the candidate himself/herself, his/her legal heirs, legal representatives, executors and assignees will be liable to pay/forfeit to the Government of Maharashtra the said amount.

15) At the time of appointment, the selected candidate will have to give an undertaking that for a period of two years from the date on which he/she ceases to be in service, he/she will not practice in any Court over which he/she had presided over or the Courts subordinate

thereto.

16) The candidates shall submit their applications **On-line** only in the prescribed format through the High Court website i.e. <https://bombayhighcourt.nic.in> The link will open from Thursday, 5th September, 2024 after 10.30 a.m. till Thursday, 26th September, 2024 upto 04.30 p.m. only.

17) Before starting filling in on-line application, the candidate must have his/her **latest passport size photograph** and signature duly scanned in separate files in the ".jpg" format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the on-line application form.

18) Procedure for on-line payment :-

a) The candidate is required to pay Registration fees of **Rs.500/-** (Rupees Five Hundred only) for the candidates belonging to communities recognized as backward by the Government and **Rs.1,000/-** (Rupees One Thousand Only) in case of others through 'SBCollect' – an on-line payment gateway facility, only, (<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=917433>)

into the account of Assistant Registrar for Registrar General, High Court, Appellate Side, Mumbai. **The fee is non-refundable.** Mere payment of non-refundable fee by the candidate does not create any right in favour of the candidate to appear for the Preliminary Written Examination / Main Written Examination.

b) The on-line payment shall be made by the candidates by way of Internet Banking (through SBI or any other Bank) / Credit Cards / UPI / payment through e-Challan at any branch of State Bank of

India. For making payment through e-Challan, candidate has to take print out of e-Challan to submit in any Branch of State Bank of India.

c) It is to be noted that after making due on-line payment of the fees **successfully** by using any of the above modes for payment, the candidate should mention the generated SBCollect Reference Number **correctly** in the Column No. 38 of the on-line application form.

d) Only successful payment transactions shall be considered for the acceptance of the on-line application.

e) The candidates are directed to submit copy of receipt/e-Challan regarding fees payment, alongwith printout of on-line application.

f) High Court Registry does not take any responsibility of the rules/terms and conditions framed or will be framed by 'SBCollect'. So also the Registry will not entertain any inquiry/claim in any form whatsoever in respect of payment through 'SBCollect' facility. The Registry does not take any responsibility of security/claims etc. while making payment (Disclaimer).

19) The candidate shall prepare **Format No. II** in prescribed format containing the information giving names of the Courts in which and Judges before whom he/she has practised during the period of three years immediately preceding the date of the publication of the Advertisement. Similarly, the candidates shall prepare **Format No. III** in prescribed format enumerating particulars of practice as an Advocate giving the period and total duration of the practice and submit both the **Format Nos. II and III** alongwith printout of on-line application form duly filled and signed.

The envelope containing (a) printout of on-line Application Form, (b) copy of Certificate of Practice, (c) annexures in prescribed Format Nos. II & III, (d) declaration as to Small Family as appended to the Advertisement (Form-A), and (e) receipt/e-Challan regarding fee payment, superscribed with the words "Application for the post of District Judge-2024", is to be sent by Registered Post A.D./Courier only, so as to reach the Office of "The Registrar General, High Court, Fort, Mumbai – 400 032" on or before Friday, 4th October, 2024.

20) The eligible candidates who are already in Government service shall send the printout of on-line Application Form and abovesaid documents through proper channel.

21) The applications containing incomplete/incorrect information will be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to continue to participate in the selection process and, if appointed, will be liable to be dismissed. The wilful suppression of any material fact will be similarly treated.

22) Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at any time and at any stage of the Selection Process. Only when he/she is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or Viva-voce, as the case may be.

23) If the candidate fails to produce the attested copies of certificates and/or the originals, as the case may be on the date given by the High

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Court, he/she will not be permitted to appear for Main Written Examination.

24) The selection will be made strictly on merit on the basis of the marks secured by the candidates in the Main Written Examination and Viva-voce.

25) Success in the examinations and resultant selection shall confer no right of appointment to the candidate and unless the Government, in consultation with the High Court, is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he/she will not be appointed to the post.

26) The High Court reserves its right of short-listing at the time of scrutiny of applications by applying uniform and reasonable norms.

27) Candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the on-line application form, the candidates **shall not** fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to – **rggp-bhc@bhc.gov.in** , quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention ***“A.5504/2024 – Registration ID (mention Registration Id here)”***. No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be entertained after the cut-off date and time of filling on-line application.

28) The relaxation in age, marks and fee to Socially and Educationally Backward Class (SEBC) candidates is subject to the

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decision in the Public Interest Litigation No. 30 of 2024 (Bhauasaheb Bhujangrao Pawar V/s. The State of Maharashtra) alongwith connected petitions.

Date : 5th September, 2024

Sd/-
(R. N. Joshi)
Registrar General,
High Court, Bombay.

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DECLARATION

FORM – “A”

I, Shri/Smt./Kum. _____ son/daughter/wife of
_____ aged ____ years, resident of _____

do hereby declare as follows :

1. That I have applied for the post of District Judge.
2. I have _____ (Number) living children as on today.
Name(s) and date of birth of a living child/children born after
28.04.2005 are as follows :

Sr. No.	Name of a living child / children	Whether born in a single delivery	Date of Birth

3. I am aware that, if total number of living children are more than two due to the children born after 28th April, 2006, I am liable to be disqualified for the said post.

Place :

Date :

(Name and Signature of Applicant)

CHARACTER CERTIFICATE

This is to certify that Mr./Mrs./Ms. _____,
Son/Daughter/Wife of _____, residing
at _____, who is
applying for the post of District Judge in the Judicial Service of the
State of Maharashtra (Recruitment Process 2024), is well known to me
for the past _____ years and his/her character and conduct are
good.

Date :-

Place :-

Signature of the Person

Issuing Certificate

Details of the Person Certifying :-

Name :

Address :

Mobile/Land Line (with STD Code) No. :

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FORMAT No. - II

(Details of courts and name of Judges before whom you have practiced during the period of **three years** immediately preceding the date of the publication of the Advertisement.)

Sr. No.	Period	Name of the Court	Name of the Judge	Case No.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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FORMAT No. - III

I, _____, hereby, state that I am enrolled as an Advocate since _____ with Bar Council of Maharashtra and Goa and my enrollment number is _____. I am practicing as an Advocate at (place/s) _____ since the date of my enrollment. I have been practicing as an Advocate for not less than 7 years on the date of publication of the present Advertisement. The total duration of my practice as on the date of Advertisement as an Advocate is _____ years.

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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INSTRUCTIONS

1	A candidate must carefully read the entire Advertisement and follow all the instructions/directions before starting actual filling up on-line application, so as to avoid mistakes.
2	Candidates are advised in their own interest to apply on-line well in advance.
3	The High Court of Bombay does not assume any responsibility for the candidates not being able to submit their applications within the last date for any reason.
4	Candidate should provide correct E-mail ID (<i>Electronic Mail Identification Directory</i>) and his/her own mobile number on which correspondence can be made, which should not be changed during the recruitment process.
5	Candidates should take due care to upload good quality latest photograph in the on-line application. If the candidate cannot be identified from the photograph uploaded by them, they shall not be allowed to appear for the examinations.
6	Candidates shall fill on-line application carefully and submit the same by pressing "I Agree" button. Thereafter, candidate cannot change/alter/edit/modify the information submitted in the on-line application.
7	After the pressing "I Agree" button "Registration ID" , would be generated. Candidates are directed to note down the Registration ID for their future reference. Registration Id will be notified through SMS on the given Mobile Number.
8	"SMS" or "E-mail" alerts for the examinations, will be notified on the registered mobile number and E-mail ID of the candidates.
9	Eligible and interested candidates are required to apply on-line only through the High Court of Bombay website https://bombayhighcourt.nic.in No other means/mode of application will be accepted.

10	The candidates should submit copy of printout of on-line application form duly filled and signed alongwith (a) copy of Certificate of Practice, if applicable, (b) annexures in prescribed Format Nos. II & III, (c) declaration as to Small Family as appended to the Advertisement (Form-A), and (d) receipt/e-Challan regarding fee payment.
11	No complaint/grievance of the candidate shall be entertained or heard by the High Court in case of their failure to see the Admit Card/call letter on their e-mail account within stipulated time.
12	Period of practice will be counted from date of enrollment till date of Advertisement.
13	Admit Cards for Preliminary Written Examination and Main Written Examination, will not be sent by post. The candidates should download the Admit Cards from their respective profile. The candidate must carry hard copy of Admit Card at the time of examinations.
14	The candidate shall follow the procedure for on-line payment of fees as mentioned in Clause No. 18 of the Advertisement. It is made clear that on-line payment shall be accepted through Internet Banking / Credit Cards / UPI / payment through e-Challan only. No other mode / means of payment will be accepted. The candidate should mention the SBCollect Reference Number correctly, after making successful payment of fees, in the Column No. 38 of the on-line application form.
15	Candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the online application form, the candidates shall not fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to – rgrp-bhc@bhc.gov.in , quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention <i>“A.5504/2024 – Registration ID (mention Registration Id here)”</i> . No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be entertained after the cut-off date and time of filling on-line application.

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| 16 | In case of multiple applications, the application with the latest Registration Number and with correct SBCollect Reference Number shall only be entertained by the High Court and fee paid against one Registration Number shall not be adjusted against any other Registration Number. |
| 17 | The character certificates produced on record should be as per prescribed Format No. - I and from same persons, whose names are mentioned in the on-line application form. Such certificates must have been issued on or after the date of publication of Advertisement. |
| 18 | The candidates are advised to visit the website from time to time. All the relevant information/instructions shall be published on official website of the High Court of Bombay. |
| 19 | The timetable and venue for Preliminary Written Examination, Main Written Examination and Viva-voce of the candidates would be displayed on the official website of the High Court of Bombay. |
| 20 | Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at time and at any stage of the Selection Process. Only when candidate is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or Viva-voce, as the case may be. |
| 21 | If it is revealed that any information supplied by a candidate in the Application Form is incorrect/false; name of such candidate shall be removed from the 'Select List' without any notice. |

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HIGH COURT OF BOMBAY
APPELLATE SIDE
FORT, MUMBAI – 400 032.

(Press Advertisement No. A.5504/2023)

On-line applications are invited in the prescribed form from eligible candidates for **19 vacancies** for the posts of **District Judge**, by Nomination (25%), in the Judicial Service of the State of Maharashtra in the pay scale of Rs.144840-194660 + dearness allowance and other allowances as admissible under the Rules.

This recruitment process is regulated by the Maharashtra Judicial Service Rules, 2008.

Eligibility Criteria :-

- 1) A candidate must be :-
- (a) a citizen of India.
 - (b) a holder of Degree in Law.
 - (c) practising as an Advocate in the High Court of Bombay or Courts subordinate thereto for not less than seven years **on the date of publication of Advertisement** and while computing the period for practising as an Advocate, the period during which he/she has held the post of Public Prosecutor or Government Advocate or Judicial Officer shall be included ;

OR

A candidate must be working or must have worked as Public Prosecutor or Government Advocate for not less than 7 years in the post or posts on the date of publication of the Advertisement, and while computing the period of 7 years, the period during which the candidate has practised as an Advocate shall be included.

(d) **Age** :- A candidate must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and forty-five years in the case of others, as on the date of publication of Advertisement.

(e) **Knowledge of Marathi** :- A candidate must have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa.

2) The candidate, if selected, will be appointed initially on probation for a period of two years.

3) The candidate shall not send any certificate at the stage of submitting application for the post. The candidate must submit following original documents alongwith attested copies thereof to the Officer of the High Court on the date and stage of examination process which will be declared by the High Court :

i) showing he/she is a citizen of India.

ii) showing his/her age as on the date of publication of Advertisement, e.g. Birth Certificate, Secondary School Certificate, School Leaving Certificate or Certificate of Age, Nationality and Domicile issued by the competent authority.

iii) showing his/her standing as a legal practitioner in Court.

iv) certifying that he/she is of good moral character from two respectable persons, whose names have been mentioned in the on-line application form. Such certificate must have been issued on or after the date of publication of

Advertisement. [As per prescribed **Format No. - I**].

v) certifying that he/she has sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice versa.

vi) The copies of mark lists of all Semesters/Academic Years and Degree Certificate of LL.B. Examination.

vii) The copies of mark lists and Degree Certificates other than LL.B. of all academic years.

viii) a copy of Sanad issued by a Bar Council.

ix) a copy of Certificate of Practice issued by the Bar Council of India, who obtained law degree in the academic year 2009-2010 and onwards.

x) income tax returns, if any, in respect of the immediate preceding three years.

xi) the candidate belonging to backward class must also produce a certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the services under the Government of Maharashtra.

4) Certificates under Clause No. 3(iii) and (v) above may be signed in the case of candidates practising in the High Court, by the Registrar (Judicial-I), High Court, Appellate Side, Bombay or by the Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars of the High Court Benches at Nagpur, Aurangabad or Registrar, Porvorim-Goa, as the case may be and in case of the Courts other than the High Court by the Principal District Judge of the

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District or by the Principal Judge of the Court where the candidate has practised. The certifying Authority should state the period during which the candidate has actually practised.

The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above. Non production of any of the above documents may result in disqualifications and the decision of the High Court in this regard is final.

A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete probation period of any post in judicial service shall not be eligible to appear for the Competitive Examination.

5) Disqualification for appointment in the service:

No person shall be eligible for appointment to the service -

- (a) if he/she is not citizen of India;
- (b) if he/she is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation period in judicial service on any post, or in Government or Statutory or Local Authority; or
- (c) if he/she has been convicted for an offence involving moral turpitude or he/she is or has been permanently debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service

Commission from appearing for examinations or selections conducted by it; or .

(d) if he/she directly or indirectly influences the Recruiting Authority by any means for his/her candidature; or

(e) if he is a man, he has more than one wife living and if a woman has married a man already having another wife; or

(f) if he/she has more than two children.

Explanation :- For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28th April, 2005, shall not be disqualified for appointment under this clause so long as the number of children he/she had on the date of such commencement does not increase.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

The candidate shall fill up a declaration (Form – A) as to small family appended to the Advertisement.

6) **Preliminary Written Examination** :- For the purpose of short-listing the candidates, the High Court may, if necessary, hold a

Preliminary Written Examination comprising of multiple choice objective type questions which can be scrutinized by computers and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for Main Written Examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off marks as fixed by the High Court for maintaining ratio of 1:10, all such candidates will be called upon to appear for Main Written Examination. The marks secured by the candidates in the Preliminary Written Examination will not be taken into consideration for final selection and will not be displayed or communicated to the candidates.

7) Main Written Examination and Viva-voce :- The Main Written Examination shall comprise of two papers carrying 100 marks each, having duration of 3 hours each. The medium of Main Written Examination shall be English. The High Court will hold Viva-voce carrying 50 marks of the eligible candidates who have secured not less than 50% marks in each paper of Main Written Examination. Provided that the candidates belonging to communities recognized as backward by the Government for the purpose of recruitment who have secured not less than 45% marks as aforesaid shall be eligible for the Viva-voce.

Provided that the High Court may call the candidates for Viva-voce in the ratio of 1:3 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off marks as fixed by the High Court, for maintaining the ratio of 1:3, all such candidates shall be

called upon to appear for Viva-voce. Provided further that only those candidates who obtain at least 40% of marks in Viva-voce test shall be eligible for selection.

The performance shall be evaluated in numerical marks obtained in written and Viva-voce examination.

8) High Court shall not entertain any request for rechecking or revaluation of the answer sheets or reconsideration or retotaling of marks for any reason whatsoever.

9) The Preliminary Written Examination will be conducted at Mumbai, Nagpur and Aurangabad. However, the Main Written Examination will be conducted at Mumbai only. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the Preliminary Written Examination. The choice of centre once exercised shall not be allowed to be changed.

10) The candidates will have to appear for Preliminary Written Examination, Main Written Examination and Viva-voce at their own cost and shall not be entitled to claim travelling allowance or any expenses from the High Court. A candidate, who is found indulging in unfair practices viz., copying or misconduct during the course of examination, using any form of electronic gadgets, tampering with the question papers, influencing any official concerned with the Preliminary Written Examination or Main Written Examination or Viva-voce, etc., will be debarred from appearing for Preliminary Written Examination, Main Written Examination or Viva-voce, as the case may be, on that occasion or for any number of years or

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permanently, as may be decided by the appropriate authority.

11) The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the Preliminary Written Examination, Main Written Examination and Viva-voce shall be final.

12) The High Court, on the basis of cumulative marks secured by a candidate, shall prepare in the order of merit, a list of candidates eligible for appointment.

13) No person selected for Nomination shall be appointed,

(i) unless the High Court is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(ii) unless he is certified by the medical authority specified by the High Court that he is medically fit to discharge the duties of the post for which he is selected.

14) The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work on the post for a period of 3 years from the date of joining, in default the candidate himself/herself, his/her legal heirs, legal representatives, executors and assignees will be liable to pay/forfeit to the Government of Maharashtra the said amount.

15) At the time of appointment, the selected candidate will have to give an undertaking that for a period of two years from the date on which he/she ceases to be in service, he/she will not practice in any Court over which he/she had presided over or the Courts subordinate thereto.

16) The candidates shall submit their applications **On-line** only in the prescribed format through the High Court website i.e. <https://bombayhighcourt.nic.in> The link will open from Tuesday, 09th January, 2024 after 10.30 a.m. till Tuesday, 23rd January, 2024 upto 04.30 p.m. only.

17) Before starting filling in on-line application, the candidate must have his/her **latest passport size photograph** and signature duly scanned in separate files in the ".jpg" format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the on-line application form.

18) **Procedure for on-line payment :-**

a) The candidate is required to pay Registration fees of **Rs.500/-** (Rupees Five Hundred only) for the candidates belonging to communities recognized as backward by the Government and **Rs.1,000/-** (Rupees One Thousand Only) in case of others through 'SBCollect' – an on-line payment gateway facility, only, (<https://www.onlinesbi.sbi/sbcollect/icollecthome.htm?corpID=917433>)

into the account of Assistant Registrar for Registrar General, High Court, Appellate Side, Mumbai. **The fee is non-refundable.** Mere payment of non-refundable fee by the candidate does not create any right in favour of the candidate to appear for the Preliminary Written Examination / Main Written Examination.

b) The on-line payment shall be made by the candidates by way of Internet Banking (through SBI or any other Bank) / Credit Cards / UPI / payment through e-Challan at any branch of State Bank of India. For making payment through e-Challan, candidate has to take print out of e-Challan to submit in any Branch of State Bank of India.

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c) It is to be noted that after making due on-line payment of the fees **successfully** by using any of the above modes for payment, the candidate should mention the generated SBCollect Reference Number **correctly** in the Column No. 38 of the on-line application form.

d) Only successful payment transactions shall be considered for the acceptance of the on-line application.

e) The candidates are directed to submit copy of receipt/e-Challan regarding fees payment, alongwith printout of on-line application.

f) High Court Registry does not take any responsibility of the rules/terms and conditions framed or will be framed by 'SBCollect'. So also the Registry will not entertain any inquiry/claim in any form whatsoever in respect of payment through 'SBCollect' facility. The Registry does not take any responsibility of security/claims etc. while making payment.

19) The candidate shall prepare **Format No. II** in prescribed format containing the information giving names of the Courts in which and Judges before whom he/she has practised during the period of three years immediately preceding the date of the publication of the Advertisement. Similarly, the candidates shall prepare **Format No. III** in prescribed format enumerating particulars of practice as an Advocate giving the period and total duration of the practice and submit both the **Format Nos. II and III** alongwith printout of on-line application form duly filled and signed.

The envelope containing (a) printout of on-line Application Form, (b) copy of **Certificate of Practice**, if applicable, (c) annexures in prescribed **Format Nos. II & III**, (d) declaration as to Small Family

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as appended to the Advertisement (Form-A), and (e) receipt/ e-Challan regarding fee payment, superscribed with the words "Application for the post of District Judge-2023", is to be sent by Registered Post A.D./Courier only, so as to reach the Office of "The Registrar General, High Court, Fort, Mumbai – 400 032" on or before Wednesday, 31st January, 2024.

20) The eligible candidates who are already in Government service shall send the printout of on-line Application Form and abovesaid documents through proper channel.

21) The applications containing incomplete/incorrect information will be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to continue to participate in the selection process and, if appointed, will be liable to be dismissed. The wilful suppression of any material fact will be similarly treated.

22) Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at any time and at any stage of the Selection Process. Only when candidate is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or Viva-voce, as the case may be.

23) If the candidate fails to produce the attested copies of certificates and/or the originals, as the case may be on the date given by the High Court, he/she will not be permitted to participate in further process of recruitment.

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24) The selection will be made strictly on merit on the basis of the marks secured by the candidates in the Main Written Examination and Viva-voce.

25) Success in the examinations and resultant selection shall confer no right of appointment to the candidate and unless the Government, in consultation with the High Court, is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he/she will not be appointed to the post.

26) The High Court reserves its right of short-listing at the time of scrutiny of applications by applying uniform and reasonable norms.

27) Candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the on-line application form, the candidates **shall not** fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to - rgrp-bhc@bhc.gov.in , quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention **"A.5504/2023 - Registration ID (mention Registration Id here)"**. No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be entertained after the cut-off date and time of filling on-line application.

Date : 09th January, 2024

Sd/-
(R. N. Joshi)
Registrar General,
High Court, Bombay.

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DECLARATION

FORM – “A”

I, Shri/Smt./Kum. _____ son/daughter/wife of
_____ aged ____ years, resident of _____

do hereby declare as follows :

1. That I have applied for the post of District Judge.
2. I have _____ (Number) living children as on today.
Name(s) and date of birth of a living child/children born after
28.04.2005 are as follows :

Sr. No.	Name of a living child / children	Whether born in a single delivery	Date of Birth

3. I am aware that, if total number of living children are more than two due to the children born after 28th April, 2006, I am liable to be disqualified for the said post.

Place :

Date :

(Name and Signature of Applicant)

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FORMAT No. - I

CHARACTER CERTIFICATE

This is to certify that Mr./Mrs./Ms. _____,
Son/Daughter/Wife of _____, residing
at _____, who is
applying for the post of District Judge in the Judicial Service of the
State of Maharashtra (Recruitment Process 2023), is well known to me
for the past _____ years and his/her character and conduct are
good.

Date :-
Place :-

Signature of the Person
Issuing Certificate

Details of the Person Certifying :-

Name :

Address :

Mobile/Land Line (with STD Code) No. :

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FORMAT No. - II

(Details of courts and name of Judges before whom you have practiced during the period of **three years** immediately preceding the date of the publication of the Advertisement.)

Sr. No.	Period	Name of the Court	Name of the Judge	Case No.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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FORMAT No. - III

I, _____, hereby, state that I am enrolled as an Advocate since _____ with Bar Council of Maharashtra and Goa and my enrollment number is _____. I am practicing as an Advocate at (place/s) _____ since the date of my enrollment. I have been practicing as an Advocate for not less than 7 years on the date of publication of the present Advertisement. The total duration of my practice as on the date of Advertisement as an Advocate is _____ years.

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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INSTRUCTIONS

1	A candidate must carefully read the entire Advertisement and follow all the instructions/directions before starting actual filling up on-line application, so as to avoid mistakes.
2	Candidates are advised in their own interest to apply on-line well in advance.
3	The High Court of Bombay does not assume any responsibility for the candidates not being able to submit their applications within the last date for any reason.
4	Candidate should provide correct E-mail ID (<i>Electronic Mail Identification Directory</i>) and his/her own mobile number on which correspondence can be made, which should not be changed during the recruitment process.
5	Candidates should take due care to upload good quality latest photograph in the on-line application. If the candidate cannot be identified from the photograph uploaded by them, they shall not be allowed to appear for the examinations.
6	Candidates shall fill on-line application carefully and submit the same by pressing "I Agree" button. Thereafter, candidate cannot change/alter/edit/modify the information submitted in the on-line application.
7	After pressing "I Agree" button "Registration ID", would be generated. Candidates are directed to note down the Registration ID for their future reference. Registration Id will be notified through SMS on the given Mobile Number.
8	"SMS" or "E-mail" alerts for the examinations, will be notified on the registered mobile number and E-mail ID of the candidates.
9	Eligible and interested candidates are required to apply on-line only through the High Court of Bombay website https://bombayhighcourt.nic.in No other means/mode of application will be accepted.

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10	The candidates should submit copy of printout of on-line application form duly filled and signed alongwith (a) copy of Certificate of Practice, if applicable, (b) annexures in prescribed Format Nos. II & III, (c) declaration as to Small Family as appended to the Advertisement (Form-A), and (d) receipt/e-Challan regarding fee payment.
11	No complaint/grievance of the candidate shall be entertained or heard by the High Court in case of their failure to see the Admit Card/call letter on their e-mail account within stipulated time.
12	Period of practice will be counted from date of enrollment till date of Advertisement.
13	Admit Cards for Preliminary Written Examination and Main Written Examination, will not be sent by post. The candidates should download the Admit Cards from their respective profile. The candidate must carry hard copy of Admit Card at the time of examinations.
14	The candidate shall follow the procedure for on-line payment of fees as mentioned in Clause No. 17 of the Advertisement. It is made clear that on-line payment shall be accepted through Internet Banking / Credit Cards / UPI / payment through e-Challan only. No other mode / means of payment will be accepted. The candidate should mention the SBCollect Reference Number correctly, after making successful payment of fees, in the Column No. 38 of the on-line application form.
15	Candidates should avoid submitting multiple applications. In the event of committing any mistake in filling up the online application form, the candidates shall not fill in a fresh application but shall send an e-mail from the e-mail id mentioned in his application to - rgrp-bhc@bhc.gov.in , quoting the concerned column number containing incorrect / erroneous information and the correct information in lieu thereof. In the subject of the e-mail, candidates shall mention "A.5504/2023-Registration ID (mention Registration Id here)" . No e-mail for correction of entries shall be entertained unless a candidate has submitted on-line application. No such e-mail shall be entertained after the cut-off date and time of filling on-line application.

- | | |
|----|--|
| 16 | In case of multiple applications, the application with the latest Registration Number and with correct SBCollect Reference Number shall only be entertained by the High Court and fee paid against one Registration Number shall not be adjusted against any other Registration Number. |
| 17 | The character certificates produced on record should be as per prescribed Format No. - I and from same persons, whose names are mentioned in the on-line application form. Such certificates must have been issued on or after the date of publication of Advertisement. |
| 18 | The candidates are advised to visit the website from time to time. All the relevant information/instructions shall be published on official website of the High Court of Bombay. |
| 19 | The timetable and venue for Preliminary Written Examination, Main Written Examination and Viva-voce of the candidates would be displayed on the official website of the High Court of Bombay. |
| 20 | Eligibility of the candidate, shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. The scrutiny of documents may be carried out at any time and at any stage of the Selection Process. Only when candidate is found eligible upon scrutiny of the documents, he/she will be called to appear for the Main Written Examination or Viva-voce, as the case may be. |
| 21 | If it is revealed that any information supplied by a candidate in the Application Form is incorrect/false; name of such candidate shall be removed from the 'Select List' without any notice. |

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HIGH COURT OF BOMBAY
APPELLATE SIDE
FORT, MUMBAI – 400 032.

(Press Advertisement No. A.5504/2022)

On-line applications are invited in the prescribed form from eligible candidates for 08 vacancies for the posts of District Judge, by Nomination (25%), in the Judicial Service of the State of Maharashtra in the pay scale of Rs.144840-194660 + dearness allowance and other allowances as admissible under the Rules.

This recruitment process is regulated by the Maharashtra Judicial Service Rules, 2008.

Eligibility Criteria :-

1) A candidate must be :-

(a) a citizen of India.

(b) a holder of Degree in Law.

(c) practising as an Advocate in the High Court of Bombay or Courts subordinate thereto for not less than seven years on the date of publication of Advertisement and while computing the period for practising as an Advocate, the period during which he/she has held the post of Public Prosecutor or Government Advocate or Judicial Officer shall be included ;

OR

A candidate must be working or must have worked as Public Prosecutor or Government Advocate for not less than 7 years in the post or posts on the date of publication of the Advertisement, and while computing the period of 7 years, the period during which the candidate has practised as an Advocate shall be included.

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(d) Age :- A candidate must have attained the age of thirty-five years and must not have attained the age of forty-eight years in the case of candidates belonging to communities recognized as backward by the Government for the purpose of recruitment and forty-five years in the case of others, as on the date of publication of Advertisement.

(e) Knowledge of Marathi :- A candidate must have sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice-versa.

2) The candidate, if selected, will be appointed initially on probation for a period of two years.

3) The candidate shall not send any certificate at the stage of submitting application for the post. The candidate, who is likely to be called for Main Written Examination, must submit following original documents alongwith attested copies thereof to the Registrar General of the High Court on the date which will be declared by the High Court :

i) showing he/she is a citizen of India.

ii) showing his/her age as on the date of publication of Advertisement. e.g. Birth Certificate, Secondary School Certificate, School Leaving Certificate or Certificate of Age, Nationality and Domicile issued by the competent authority.

iii) showing his/her standing as a legal practitioner in Court.

iv) certifying that he/she is of good moral character from two respectable persons, whose names have been

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mentioned in the on-line application form. Such certificate must have been issued on or after the date of publication of Advertisement. [As per prescribed Format No. - I].

v) certifying that he/she has sufficient knowledge of Marathi to enable him/her to speak, read, write and translate with facility from Marathi into English and vice versa.

vi) The copies of mark lists of all Semesters/Academic Years and Degree Certificate of LL.B. Examination.

vii) The copies of mark lists and Degree Certificates other than LL.B. of all academic years.

viii) a copy of Sanad issued by a Bar Council.

ix) a copy of Certificate of Practice issued by the Bar Council of India, who obtained law degree in the academic year 2009-2010 and onwards.

x) income tax returns, if any, in respect of the immediate preceding three years.

xi) the candidate belonging to backward class must also produce a certificate to the effect that he/she belongs to a community recognised as backward for the purpose of recruitment to the services under the Government of Maharashtra.

4) Certificates under Clause No. 3(iii) and (v) above may be signed in the case of candidates practising in the High Court, by the Registrar (Judicial-I), High Court, Appellate Side, Bombay or by the Prothonotary & Senior Master, High Court, Original Side, Bombay or the Registrars of the High Court Benches at Nagpur, Aurangabad or

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Registrar, Porvorim-Goa, as the case may be and in case of the Courts other than the High Court by the Principal District Judge of the District or by the Principal Judge of the Court where the candidate has practised. The certifying Authority should state the period during which the candidate has actually practised.

The candidate shall produce original certificates for verification at the time of submitting the attested copies of the documents referred to above. Non production of any of the above documents may result in disqualifications and the decision of the High Court in this regard is final.

A candidate who has committed any copying or misconduct during course of written examination, or has been convicted in criminal case or is compulsorily retired, removed or dismissed from judicial service or could not successfully complete probation period of any post in judicial service shall not be eligible to appear for the Competitive Examination.

5) Disqualification for appointment in the service:

No person shall be eligible for appointment to the service -

- (a) if he/she is not citizen of India;
- (b) if he/she is compulsorily retired, removed or dismissed from judicial service or from service in Government or Statutory or Local Authority or failed to complete probation period in judicial service on any post, or in Government or Statutory or Local Authority; or
- (c) if he/she has been convicted for an offence involving moral turpitude or he/she is or has been permanently

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debarred or disqualified by the High Court or the Union Public Service Commission or any State Public Service Commission from appearing for examinations or selections conducted by it; or

(d) if he/she directly or indirectly influences the Recruiting Authority by any means for his/her candidature; or

(e) if he is a man, he has more than one wife living and if a woman has married a man already having another wife; or

(f) if he/she has more than two children.

Explanation :- For the purpose of this clause, where a couple has only one child, any number of children born out of a single subsequent delivery shall be deemed to be one child.

Provided that, a person having more than two children on the date of commencement of the Maharashtra Civil Services (Declaration of Small Family) Rules, 2005 i.e. 28th April, 2005, shall not be disqualified for appointment under this clause so long as the number of children he/she had on the date of such commencement does not increase.

Provided further that a child or more than one child born in a single delivery within the period of one year from the date of such commencement shall not be taken into consideration for the purpose of disqualification mentioned in this clause.

The candidate shall fill up a declaration (Form – A) as to small family appended to the Advertisement.

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6) Preliminary Written Examination :- For the purpose of short-listing the candidates, the High Court may, if necessary, hold a Preliminary Written Examination comprising of multiple choice objective type questions which can be scrutinized by computers and call upon the candidates obtaining the cut off marks, as may be fixed by the High Court, to appear for Main Written Examination, maintaining the ratio of 1:10 of the available vacancies to the successful candidates. Provided that if there are more than one candidates who secure identical cut-off marks as fixed by the High Court for maintaining ratio of 1:10, all such candidates will be called upon to appear for Main Written Examination. The marks secured by the candidates in the Preliminary Written Examination will not be taken into consideration for final selection and will not be displayed or communicated to the candidates.

7) Main Written Examination and Viva-voce :- The Main Written Examination shall comprise of two papers carrying 100 marks each, having duration of 3 hours each. The medium of Main Written Examination shall be English. The High Court will hold Viva-voce carrying 50 marks of the eligible candidates who have secured not less than 50% marks in each paper of Main Written Examination. Provided that the candidates belonging to communities recognized as backward by the Government for the purpose of recruitment who have secured not less than 45% marks as aforesaid shall be eligible for the Viva-voce.

Provided that the High Court may call the candidates for Viva-voce in the ratio of 1:3 of the available vacancies to the successful candidates. Provided that if there are more than one

candidates who secure identical cut-off marks as fixed by the High Court, for maintaining the ratio of 1:3, all such candidates shall be called upon to appear for Viva-voce. Provided further that only those candidates who obtain at least 40% of marks in Viva-voce test shall be eligible for selection.

The performance shall be evaluated in numerical marks obtained in written and Viva-voce examination.

8) The Preliminary Written Examination will be conducted at Mumbai, Nagpur and Aurangabad. However, the Main Written Examination will be conducted at Mumbai only. The candidates shall specifically mention in their application forms the examination centre where they wish to appear for the Preliminary Written Examination. The choice of centre once exercised shall not be allowed to be changed.

9) The candidates will have to appear for Preliminary Written Examination, Main Written Examination and Viva-voce at their own cost and shall not be entitled to claim travelling allowance or any expenses from the High Court. A candidate, who is found indulging in unfair practices viz., copying or misconduct during the course of examination, using any form of electronic gadgets, tampering with the question papers, influencing any official concerned with the Preliminary Written Examination or Main Written Examination or Viva-voce, etc., will be debarred from appearing for Preliminary Written Examination, Main Written Examination or Viva-voce, as the case may be, on that occasion or for any number of years or permanently, as may be decided by the appropriate authority.

10) The decision of the High Court as to the eligibility or otherwise of a candidate for admission to the Preliminary Written Examination, Main Written Examination and Viva-voce shall be final.

11) The High Court, on the basis of cumulative marks secured by a candidate, shall prepare in the order of merit, a list of candidates eligible for appointment.

12) No person selected for Nomination shall be appointed,

(i) unless the High Court is satisfied that he is of good character and is in all respects suitable for appointment to the service;

(ii) unless he is certified by the medical authority specified by the High Court that he is medically fit to discharge the duties of the post for which he is selected.

13) The selected candidate will have to execute a Bond in the sum of Rs.2,00,000/- (Rupees Two Lakhs only) to work on the post for a period of 3 years from the date of joining, in default the candidate himself/herself, his/her legal heirs, legal representatives, executors and assignees will be liable to pay/forfeit to the Government of Maharashtra the said amount.

14) At the time of appointment, the selected candidate will have to give an undertaking that for a period of two years from the date on which he/she ceases to be in service, he/she will not practice in any Court over which he/she had presided over or the Courts subordinate thereto.

15) The candidates shall submit their applications **On-line** only in the prescribed format through the High Court website i.e.

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<https://bombayhighcourt.nic.in> The link will open from 30.09.2023 after 10.30 a.m. till 20.10.2023 upto 04.30 p.m. only.

16) Before starting filling in on-line application, the candidate must have his/her latest passport size photograph and signature duly scanned in separate files in the ".jpg" format in such a manner that each file size shall not exceed 40KB and shall attach the same at the appropriate places shown in the on-line application form.

17) Procedure for on-line payment :-

a) The candidate is required to pay Registration fees of Rs.500/- (Rupees Five Hundred only) for the candidates belonging to communities recognized as backward by the Government and Rs.1,000/- (Rupees One Thousand Only) in case of others through 'SBCollect' – an on-line payment gateway facility, only, (<https://www.onlinesbi.sbi/sbicollect/icollecthome.htm?corpID=917433>)

into the account of Assistant Registrar for Registrar General, High Court, Appellate Side, Mumbai. The fee is non-refundable. Mere payment of non-refundable fee by the candidate does not create any right in favour of the candidate to appear for the Preliminary Written Examination / Main Written Examination.

b) The on-line payment shall be made by the candidates by way of Internet Banking (through SBI or any other Bank) / Credit Cards / UPI / payment through e-Challan at any branch of State Bank of India. For making payment through e-Challan, candidate has to take print out of e-Challan to submit in any Branch of State Bank of India.

c) It is to be noted that after making due on-line payment of the fees successfully by using any of the above modes for payment, the

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candidate should mention the generated SBCollect Reference Number correctly in the Column No. 38 of the on-line application form.

d) Only successful payment transactions shall be considered for the acceptance of the on-line application.

e) The candidates are directed to submit copy of receipt/e-Challan regarding fees payment, alongwith printout of on-line application.

f) High Court Registry does not take any responsibility of the rules/terms and conditions framed or will be framed by 'SBCollect'. So also the Registry will not entertain any inquiry/claim in any form whatsoever in respect of payment through 'SBCollect' facility. The Registry does not take any responsibility of security/claims etc. while making payment (Disclaimer).

18) The candidate shall prepare **Format No. II** in prescribed format containing the information giving names of the Courts in which and Judges before whom he/she has practised during the period of three years immediately preceding the date of the publication of the Advertisement. Similarly, the candidates shall prepare **Format No. III** in prescribed format enumerating particulars of practice as an Advocate giving the period and total duration of the practice and submit both the **Format Nos. II and III** alongwith printout of on-line application form duly filled and signed.

The envelope containing (a) printout of on-line Application Form, (b) copy of **Certificate of Practice**, (c) annexures in prescribed **Format Nos. II & III**, (d) declaration as to Small Family as appended to the Advertisement (**Form-A**), and (e) receipt/e-Challan regarding

fee payment, superscribed with the words "Application for the post of District Judge-2022", is to be sent by Registered Post A.D./Courier only, so as to reach the Office of "The Registrar General, High Court, Fort, Mumbai – 400 032" on or before 31.10.2023.

19) The eligible candidates who are already in Government service shall send the printout of on-line Application Form and abovesaid documents through proper channel.

20) The applications containing incomplete/incorrect information will be rejected. Should any of the particulars furnished be found to be false to the knowledge of the candidate, he/she will not be allowed to continue to participate in the selection process and, if appointed, will be liable to be dismissed. The wilful suppression of any material fact will be similarly treated.

21) Eligibility of the candidate, who is likely to be called for Main Written Examination shall be finally decided after scrutiny of the documents produced by him/her on the date given by the High Court. Only when he/she is found eligible upon scrutiny of the documents, he/she will be called to appear for Main Written Examination.

22) If the candidate fails to produce the attested copies of certificates and/or the originals, as the case may be on the date given by the High Court, he/she will not be permitted to appear for Main Written Examination.

23) The selection will be made strictly on merit on the basis of the marks secured by the candidates in the Main Written Examination and Viva-voce.

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24) Success in the examinations and resultant selection shall confer no right of appointment to the candidate and unless the Government, in consultation with the High Court, is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment, he/she will not be appointed to the post.

25) The High Court reserves its right of short-listing at the time of scrutiny of applications by applying uniform and reasonable norms.

Date : 30.09.2023

Sd/-
(R. N. Joshi)
Registrar General,
High Court, Bombay.

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DECLARATION

FORM – “A”

I, Shri/Smt./Kum. _____ son/daughter/wife of _____ aged ____ years, resident of _____

do hereby declare as follows :

1. That I have applied for the post of District Judge.
2. I have _____ (Number) living children as on today. Name(s) and date of birth of a living child/children born after 28.04.2005 are as follows :

Sr. No.	Name of a living child / children	Whether born in a single delivery	Date of Birth

3. I am aware that, if total number of living children are more than two due to the children born after 28th April, 2006, I am liable to be disqualified for the said post.

Place :

Date :

(Name and Signature of Applicant)

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FORMAT No. - I

CHARACTER CERTIFICATE

This is to certify that Mr./Mrs./Ms. _____,
Son/Daughter/Wife of _____, residing
at _____, who is
applying for the post of District Judge in the Judicial Service of the
State of Maharashtra (Recruitment Process 2022), is well known to me
for the past _____ years and his/her character and conduct are
good.

Date :-
Place :-

Signature of the Person
Issuing Certificate

Details of the Person Certifying :-

Name :

Address :

Mobile/Land Line (with STD Code) No. :

FORMAT No. - II

(Details of courts and name of Judges before whom you have practiced during the period of **three years** immediately preceding the date of the publication of the Advertisement.)

Sr. No.	Period	Name of the Court	Name of the Judge	Case No.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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FORMAT No. - III

I, _____, hereby, state that I am enrolled as an Advocate since _____ with Bar Council of Maharashtra and Goa and my enrollment number is _____. I am practicing as an Advocate at (place/s) _____ since the date of my enrollment. I have been practicing as an Advocate for not less than 7 years on the date of publication of the present Advertisement. The total duration of my practice as on the date of Advertisement as an Advocate is _____ years.

I, hereby, declare that the above furnished particulars are true, correct and complete to the best of my knowledge and belief.

Place :

Date :

(Name and Signature of Applicant)

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INSTRUCTIONS

1	A candidate must carefully read the entire Advertisement and follow all the instructions/directions before starting actual filling up on-line application, so as to avoid mistakes.
2	Candidates are advised in their own interest to apply on-line well in advance.
3	The High Court of Bombay does not assume any responsibility for the candidates not being able to submit their applications within the last date for any reason.
4	Candidate should provide correct E-mail ID (<i>Electronic Mail Identification Directory</i>) and his/her own mobile number on which correspondence can be made, which should not be changed during the recruitment process.
5	Candidates should take due care to upload good quality latest photograph in the on-line application. If the candidate cannot be identified from the photograph uploaded by them, they shall not be allowed to appear for the examinations.
6	Candidates shall fill on-line application carefully and submit the same by pressing "I Agree" button. Thereafter, candidate cannot change/alter/edit/modify the information submitted in the on-line application. The Registry will not entertain any inquiry/grievance in that respect.
7	After the pressing "I Agree" button then generate " Registration ID ", candidates are directed to note down the Registration ID for their future reference. Registration Id will be notified through SMS on the given Mobile Number.
8	"SMS" or "E-mail" alerts for the examinations, will be notified on the registered mobile number and E-mail ID of the candidates.
9	Eligible and interested candidates are required to apply on-line only through the High Court of Bombay website https://bombayhighcourt.nic.in No other means/mode of application will be accepted.

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10	The candidates should submit copy of printout of on-line application form duly filled and signed alongwith (a) copy of Certificate of Practice, (b) annexures in prescribed Format Nos. II & III , (c) declaration as to Small Family as appended to the Advertisement (Form-A), and (d) receipt/e-Challan regarding fee payment.
11	No complaint/grievance of the candidate shall be entertained or heard by the High Court in case of their failure to see the Admit Card/call letter on their e-mail account within stipulated time.
12	Period of practice will be counted from date of enrollment till date of Advertisement.
13	Admit Cards for Preliminary Written Examination and Main Written Examination, will not be sent by post. The candidates should download the Admit Cards from their respective profile. The candidate must carry hard copy of Admit Card at the time of examinations.
14	The candidate shall follow the procedure for on-line payment of fees as mentioned in Clause No. 17 of the Advertisement. It is made clear that on-line payment shall be accepted through Internet Banking / Credit Cards / UPI / payment through e-Challan only. No other mode / means of payment will be accepted. The candidate should mention the SBCollect Reference Number correctly, after making successful payment of fees, in the Column No. 38 of the on-line application form.
15	Candidates should avoid submitting multiple applications. However, due to any unavoidable circumstances, if any candidate submits multiple applications, then he/she must ensure that the application with latest Registration Number is complete in all respect.
16	In case of multiple applications, the application with the latest Registration Number and with correct SBCollect Reference Number shall only be entertained by the High Court and fee paid against one Registration Number shall not be adjusted against any other Registration Number.

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17	The character certificates produced on record should be as per prescribed Format No. - I and from same persons, whose names are mentioned in the on-line application form. Such certificates must have been issued on or after the date of publication of Advertisement.
18	The candidates are advised to visit the website from time to time. All the relevant information/instructions shall be published on official website of the High Court of Bombay.
19	The timetable and venue for Preliminary Written Examination, Main Written Examination and Viva-voce of the candidates would be displayed on the official website of the High Court of Bombay.
20	Eligibility of the candidate for Main Written Examination shall be decided after scrutiny of documents and testimonials. Only eligible candidates will be allowed to appear for Main Written Examination.
21	If it is revealed that any information supplied by a candidate in the Application Form is incorrect/false; name of such candidate shall be removed from the 'Select List' without any notice.



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END

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3J

(BEFORE B.R. GAVAL, C.J. AND K. VINOD CHANDRAN AND N.V. ANJARIA, JJ.)
REJANISH K.V. .. Appellant;

Versus

K. DEEPA AND OTHERS .. Respondents.

Civil Appeal No. 3947 of 2020[†] with Writ Petitions (C) Nos. 759 of 2017[‡], 1278 of 2019, Review Petition (C) No. 381 of 2021 in Writ Petition (C) No. 396 of 2018, Review Petition (C) No. 385 of 2021 in Civil Appeal No. 1700 of 2020, Review Petition (C) No. 1027 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 379 of 2021 in Writ Petition (C) No. 578 of 2018, Miscellaneous Application No. 179 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 669 of 2021 in Writ Petition (C) No. 999 of 2019, Review Petition (C) No. 380 of 2021 in Writ Petition (C) No. 222 of 2017, Miscellaneous Application No. 1050 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 781 of 2021 in Writ Petition (C) No. 316 of 2017, Review Petition (C) No. 774 of 2021 in Writ Petition (C) No. 744 of 2019, Review Petition (C) No. 780 of 2021 in Writ Petition (C) No. 602 of 2016, Review Petition (C) No. 853 of 2021 in Writ Petition (C) No. 1080 of 2019, Review Petition (C) No. 621 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 868 of 2021 in Writ Petition (C) No. 414 of 2016, Review Petition (C) No. 867 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 782 of 2021 in Writ Petitions (C) Nos. 639 of 2018, 857 of 2021, Review Petition (C) No. 989 of 2021 in Transfer Petition (C) No. 272 of 2018^{††}, Review Petition (C) No. 996 of 2021 in Civil Appeal No. 1703 of 2020, Writ Petition (C) No. 864 of 2021, Review Petition (C) No. 835 of 2021 in Civil Appeal No. 1704 of 2020, Review Petition (C) No. 836 of 2021 in Civil Appeal No. 1706 of 2020, Civil Appeal No. 11390 of 2025^{††}, Review Petition (C) No. 1354 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 1042 of 2022 in Writ Petition (C) No. 999 of 2019 and Civil Appeal No. 11390 of 2025^{††}, decided on August 12, 2025

Constitution of India — Arts. 233(2) and 145(3) — Minimum number of Judges required for purpose of deciding any case involving substantial question of law — Direct recruitment of judicial officers in Subordinate Judicial Services as District Judges — Interpretation of Art. 233(2) — Matter referred to Constitution Bench of five Judges (Paras 18 to 26)

Janhit Abhiyan v. Union of India, (2021) 11 SCC 78, followed

Dheeraj Mor v. High Court of Delhi, (2020) 7 SCC 401, considered

Rameshwar Dayal v. State of Punjab, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35, distinguished

[†] Arising from the impugned Final Judgment and Order in *Rejanish K.V. v. K. Deepa*, 2020 SCC OnLine Ker 20730 (Kerala High Court, WA No. 1075 of 2020, dt. 14-10-2020)

[‡] Under Article 32 of the Constitution of India

^{††} Under Article 139-A of the Constitution of India

^{†††} Arising out of Diary No. 18470 of 2021

^{†††} Arising out of SLP (C) No. 3076 of 2023

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G. Sabitha v. High Court of Hyderabad, 2018 SCC OnLine SC 4016; *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619, cited

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Advocates who appeared in this case :

- Anand Sanjay M. Nuli, Shoeb Alam, Dama Seshadri Naidu, Jayant Bhushan, S.P. Chaly, Dr Manish Singhvi, V. Giri, Anil Kaushik, Dr Menaka Guruswamy and Rajive Bhalla, Senior Advocates [Rajiv Ranjan Dwivedi (Advocate-on-Record), M/s Nuli & Nuli (Advocate-on-Record), Suraj Kaushik, Ms Akhila Wali, Abhishek Kanyalur, Akash Kukreja, Ms Divya Sinha, Dharm Singh, Vivek Singh (Advocate-on-Record), Abhishek Gupta, Ayush Gupta, Ms Soumya Saraswat, Chandra Bhushan Prasad (Advocate-on-Record), Ajay Kr. Singh (Advocate-on-Record), Yatharth Singh, Divesh Kumar, Santosh Kumar (Advocate-on-Record), Ms Richa Singh, Ms Hemlata Rawat, Shraavanth Paruchuri, K.M. Firoz, Ashish Jacob Mathew, Ms Anne Mathew (Advocate-on-Record), D.K. Devesh (Advocate-on-Record), Apurv Singhvi, Ms Barnali Basak, Ms Shalini Haldar, Suprabh Kr. Roshan, Upendra Pratap Singh, Harsh Singh Rawat, Shashank Kr. Saurav, Md. Naushad Alam (Advocate-on-Record), Pankaj Kr. Mishra (Advocate-on-Record), Pankaj Kr. Mishra, Ms Archana Mishra, Amol B. Karande (Advocate-on-Record), Divyesh Pratap Singh (Advocate-on-Record), Nishe Rajen Shonker (Advocate-on-Record), Alim Anvar, Ms Devika A.I., Santhosh K., Rashid N. Azam (Advocate-on-Record), Ms Charu Mathur (Advocate-on-Record), Aljo K. Joseph (Advocate-on-Record), Santosh Kr. Kolkonda, Vinay Kr. Puvvala, N. Leela Vara Prasad, Rohit Kalra, Siddharth Singh, Niraj Gupta (Advocate-on-Record), Ms Anshu Gupta, Subham Gupta, Ms Siddhi Gupta, Ms Sunita Sharma (Advocate-on-Record), Ms Vidya Vijay Sing Pawar, Hari Om Singh Rajaur, Anurag Agarwal, Aditya Kumar, M.K. Ghosh, Yajur Bhalla and Ms Tina Garg (Advocate-on-Record), Advocates], for the Appellant;
- Chander Uday Singh, Nidhesh Gupta, Jaideep Gupta, A. Hariprasad, Shekhar G. Devasa, A.M. Bujor Barua and R. Basant, Senior Advocates [EMS Anam, Ms Usha Nandini V. (Advocate-on-Record), Biju P. Raman, John Thomas Arakal, Amit Gupta (Advocate-on-Record), Ms Muskan Nagpal, Ms Kshitij Vaibhav, Ms Asmita Singh (Advocate-on-Record), Ms Asmita Singh, Ms Ankita Makan, Ashok Mathur (Advocate-on-Record), Ms Japneet Kaur, Bikram Dwivedi, Manu Bhardwaj, Sandeep Sudhakar Deshmukh (Advocate-on-Record), Arjun Garg (Advocate-on-Record), Ms Sagun Srivastava, Saaransh Shukla, Ms Sindoor VNL (Advocate-on-Record), Ms Thithiksha Padmam, Sunil Kr. Jain (Advocate-on-Record), Ms Rashika Swarup, Naman Jain, Ankolekar Gurudatta (Advocate-on-Record), Nihant Panicker, Ms Divya Nair, Korada Pramod Kumar, Ms Jayasheela Y., Malak Manish Bhatt (Advocate-on-Record), Kanhaiya Singhal (Advocate-on-Record), Kanhaiya Singhal, Ms Vani Singhal, Prasanna, Ajay Kumar, Jagjit Singh Chhabra (Advocate-on-Record), C.K. Sasi (Advocate-on-Record), Ms Meena K. Poulouse, Ms Racheeta Chawla, Ms Riddhi Bose, Azmat Hayat Amanullah (Advocate-on-Record), Ms Rebecca Mishra, Adarsh Upadhyay (Advocate-on-Record), Ms Pallavi Kumari, Shashank Pachauri, Ms Deepanwita Priyanka (Advocate-on-Record), Satyalipsu Ray, V.N. Raghupathy (Advocate-on-Record), T.G. Narayanan Nair (Advocate-on-Record), Ms Swathi H. Prasad, Ms Samyuktha H. Nair, Pradeep Misra (Advocate-on-Record), M.K. Ghosh, Ms Tina Garg (Advocate-on-Record), M/s Devasa & Co. (Advocate-on-Record), Manish Tiwari, Ms Thashmitha Muthanna, Ranjit Kotian, Shashi Bhushan Nagar, Prashanth Dixit, John Mathew (Advocate-on-Record), Prashant Padmanabhan (Advocate-on-Record), Rashid N. Azam (Advocate-on-Record), Naresh Kumar (Advocate-on-Record), Jasbir Singh Malik, Ms Rhythm Bharadwaj, Varun Punia (Advocate-on-Record), Pranaya Kr. Mohapatra (Advocate-on-Record), Ankit Swarup (Advocate-on-Record), V. Elanchezhayan (Advocate-on-Record), Deepak Goel (Advocate-on-Record), Ms Archana Preeti Gupta, Ms Alka Goyal, Triloki Nath Razdan (Advocate-on-Record), Y. Raja Gopala Rao (Advocate-on-Record), B. Mohan, Akshay Singh and Sanjana Jain, Advocates], for the Respondents.
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Chronological list of cases cited

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| 1. (2021) 11 SCC 78, <i>Janhit Abhiyan v. Union of India</i> | 601d-e | |
| 2. (2020) 7 SCC 401, <i>Dheeraj Mor v. High Court of Delhi</i> | 598b-c | a |
| 3. (2018) 4 SCC 619, <i>Dheeraj Mor v. High Court of Delhi</i> | 599a-b, 599d-e, 601f-g | |
| 4. 2018 SCC OnLine SC 4016, <i>G. Sabitha v. High Court of Hyderabad</i> | 598g | |
| 5. 1966 SCC OnLine SC 35, <i>Chandra Mohan v. State of U.P.</i> | 599d, 600b, 600d, 600g-h | |
| 6. 1960 SCC OnLine SC 123, <i>Rameshwar Dayal v. State of Punjab</i> | 599d, 599f-g, 600g-h | b |

The Judgment of the Court was delivered by

B.R. GAVAI, C.J.— The present batch of petitions in effect seek review of the judgment and order dated 19-2-2020 passed by this Court in *Dheeraj Mor v. High Court of Delhi*¹ (hereinafter referred to as “*JUR*”) wherein a Bench of three learned Judges held that the members of the judicial service of a State could be appointed as District Judges either by way of promotion or the Limited Departmental Competitive Examination (LDCE). It was further held that under Article 233(2) of the Constitution, an advocate or pleader with 7 years of practice could be appointed as District Judge by way of direct recruitment, in case he is *not* already in the judicial service of the Union or a State. Thus, it was held that the rules framed by the High Court debarring judicial officers from staking their claim as against the posts reserved for direct recruitment from Bar would not be *ultra vires* to the Constitution.

2. Along with the review petitions, many other writ petitions as well as special leave petitions have been filed, *inter alia*, praying for a declaration that even those judicial officers who have an experience of seven years at the Bar prior to their joining as judicial officers would be entitled to be appointed as District Judges *via* direct recruitment under Article 233(2) of the Constitution.

3. We have heard Shri Jayant Bhushan, Shri Dama Seshadri Naidu, Dr Menaka Guruswamy, Shri V. Giri, Shri Anand Sanjay M. Nuli, Shri Shoeb Alam, Shri Rajive Bhalla, learned Senior Counsel and other counsel appearing for different parties praying that the question with regard to interpretation of Article 233(2) of the Constitution requires consideration by a Constitution Bench of this Court.

4. We have also heard Shri Nidhesh Gupta, Shri C.U. Singh, Shri Jaideep Gupta, Shri A. Hariprasad, Shri Shekhar G. Devasa, Shri A.M. Bujor Barua, Shri R. Basant, learned Senior Counsel and other counsel praying that such a reference is not necessary.

5. The learned counsel supporting the Reference have drawn the attention of this Court to the case of *G. Sabitha v. High Court of Hyderabad*² wherein *vide* order dated 10-5-2018, this Court had recorded that the issue as to “whether the judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial Services would be entitled for appointment

¹ (2020) 7 SCC 401

² 2018 SCC OnLine SC 4016

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REJANISH K.V. v. K. DEEPA (*B.R. Gavai, C.J.*)

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as Additional District Judge against the Bar vacancy is pending consideration before the Constitution Bench in SLP (C) No. 14156 of 2016”.

a 6. It is submitted that in the said SLP (C) No. 14156 of 2015 i.e. *JUR*, though the issue was referred to a Constitution Bench, the same came to be decided by a Bench consisting of three learned Judges of this Court.

b 7. Attention of this Court is further drawn to the order dated 23-1-2018³ passed by this Court in the *JUR* wherein after considering the different views in various pronouncements, this Court had found that the issue involved substantial question of law as to the interpretation of Article 233(2) of the Constitution. Therefore, this Court directed the matter to be placed before the Hon'ble the Chief Justice of India for constitution of an appropriate Bench.

c 8. It is submitted that in view of the issue involving interpretation of Article 233(2) and the language used in Article 145(3) of the Constitution, the matter ought to have been referred to a Bench consisting of five learned Judges and could not have been referred to a Bench of three learned Judges. It is, therefore, submitted that it is in the interest of justice that the matter be referred to a Bench consisting of five learned Judges of this Court.

d 9. As against this, the learned counsel opposing the Reference submitted that the *JUR* only culls out the principle laid down by this Court in various decisions including the Constitution Bench judgments of this Court in *Rameshwar Dayal v. State of Punjab*⁴ and *Chandra Mohan v. State of U.P.*⁵

e 10. It is submitted that in view of the order dated 23-1-2018³ since the Reference was made by the Chief Justice of India to a Bench comprising of three learned Judges, the Bench has only laid down the law relying upon the earlier Constitution Bench judgments and therefore, a fresh Reference would not be necessary.

f 11. Various other issues on the merits of the matter(s) have also been pressed by the learned counsel. However, we do not find it necessary to refer to them inasmuch as, at this stage, we are only concerned with the question as to whether the issue involving interpretation of Article 233(2) requires to be referred to a Constitution Bench of this Court or not?

g 12. Insofar as the reliance placed by the learned counsel opposing the Reference on the judgment of the Constitution Bench of this Court in *Rameshwar Dayal*⁴ is concerned, this Court was considering the question with regard to the candidates who had been enrolled as advocates of the Lahore High Court on various dates between 1933 and 1940. The contention raised was that after the partition of the country which led to the establishment of a High Court of Judicature for the Province of East Punjab i.e. Punjab High Court on 15-8-1947, since the said candidates did not have 7 years' standing as advocates in the Courts in India, they did not fulfil the requirement of Article 233(2) when they were appointed as District Judges.

h ³ *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619

⁴ 1960 SCC OnLine SC 123 : (1961) 2 SCR 874

⁵ 1966 SCC OnLine SC 35 : (1967) 1 SCR 77

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13. The question, therefore, was as to whether the years of practice that the said candidates had in Lahore High Court before the partition of the country and before the establishment of the Punjab High Court would also be taken into consideration for the purpose of counting of the period of 7 years. To answer the said question, the Constitution Bench of this Court placed reliance on Clause 6(2) of the High Court (Punjab) Order, 1947 read with Section 8(3) of the Bar Councils Act, 1926 to hold that an advocate of the Punjab High Court was entitled to count the period of his practice in the Lahore High Court for determining his standing in the Bar.

14. Insofar as the judgment of the Constitution Bench in *Chandra Mohan*⁵ is concerned, the question that arose for consideration before this Court was whether the Governor can appoint as District Judges, persons from services other than judicial service, that is to say, whether the Governor can appoint a person who is in the police, excise, revenue or such other services as a District Judge? Answering the said question, this Court observed that acceptance of this position would take us back in the pre-independence days and that too to the conditions prevailing in the Princely States when appointments in the judicial service were made from police and other departments. This Court observed that this would hit the very principle of judiciary being an independent service.

15. The Constitution Bench in *Chandra Mohan*⁵ observed that though Article 233(1) of the Constitution is nothing more than a declaration of the general power of the Governor in the matter of appointment of District Judges, it does not lay down the qualifications of the candidates to be appointed or denote the sources from which the recruitment has to be made. It was further observed that the sources for the appointment of District Judges were indicated in Clause (2) of Article 233 which provided two sources, namely (i) persons in the service of the Union or of the State, and (ii) advocate or pleader.

16. The Court was posed with a question as to whether the service of the Union or of the State would mean any service of the Union or of the State or does it mean the judicial service of the Union or of the State. The Court observed that sources indicated that the term "service" mentioned therein is the service pertaining to the court. The Constitution Bench also relied on Article 236(b) which defines the expression "judicial service" to mean a service consisting exclusively of persons intended to fill the post of District Judge and other civil judicial posts inferior to the post of District Judge. The Constitution Bench, therefore, held that the term "service" mentioned under Article 233(2) of the Constitution can only mean the judicial service.

17. As such, the questions that came up for consideration before both the Constitution Benches in *Rameshwar Dayal*⁴ and *Chandra Mohan*⁵ are different from the one which arises for consideration in the present matters.

⁵ *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77

⁴ *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874

18. At this juncture, it will be apposite to refer to Article 145(3) of the Constitution which reads thus:

- a "145. *Rules of Court, etc.*—(1)-(2) * * *
- (3) *The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five:*
- b Provided that, where the Court hearing an appeal under any of the provisions of this Chapter other than Article 132 consists of less than five Judges and in the course of the hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of this Constitution the determination of which is necessary for the disposal of the appeal, such Court shall refer the question for opinion to a Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion dispose of the appeal in conformity with such opinion." (emphasis supplied)
- c

d 19. It can thus be seen that Article 145(3) of the Constitution provides that the minimum number of Judges, for the purpose of deciding any case involving a substantial question of law as to the interpretation of the Constitution or for the purpose of hearing any Reference under Article 143 shall be five.

20. A Bench of three learned Judges of this Court in *Janhit Abhiyan v. Union of India*⁶ to which one of us, B.R. Gavai, J. (as he then was) was a member, has observed thus: (SCC p. 89, paras 21-22)

e "21. As such, we are of the view that such questions do constitute substantial questions of law to be considered by a Bench of five Judges.

22. It is clear from the language of Article 145(3) of the Constitution and Order XXXVIII Rule 1(1) of the Supreme Court Rules, 2013, the matters which involve substantial questions of law as to interpretation of constitutional provisions they are required to be heard by a Bench of five Judges."

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21. Being conscious of the position as emanates from Article 145(3), as also of the fact that the issues involved require interpretation of Article 233(2) of the Constitution, this Court *vide* order dated 23-1-2018³ had directed the matter to be placed before the Chief Justice of India in which subsequently *JUR* was pronounced.

g 22. Ordinarily, in view of the question involving interpretation of Article 233(2), the matter ought to have been placed before a Bench of five learned Judges. However, it appears that the same was placed before the Bench of three learned Judges and the *JUR* was delivered.

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6 (2021) 11 SCC 78
3 *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619

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23. We are, therefore, of the considered view that the issues involved in the present batch of petitions ought to have been decided by a Constitution Bench of not less than five Judges. a

24. At this stage, it will also be relevant to refer to Article 233(2) of the Constitution which reads thus:

“233. Appointment of District Judges.— * * *

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.” b

25. Upon a perusal of the text of Article 233(2) and in light of the submissions advanced by the learned counsel for the parties on the interpretation of the provision, we are of the considered view that the following two issues are substantial question of law as to the interpretation of Article 233(2) of the Constitution: c

25.1. (i) Whether a judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial Services would be entitled for appointment as Additional District Judge against the Bar vacancy?

25.2. (ii) Whether the eligibility for appointment as a District Judge is to be seen only at the time of appointment or at the time of application or both? d

26. In view of the discussion above, we pass the following order:

26.1. We refer the aforesaid issues for consideration of a Constitution Bench of five Judges of this Court;

26.2. The Registry is directed to place the matter before the Chief Justice of India on the administrative side for obtaining appropriate orders; and e

26.3. This batch of petitions would be heard after the Reference is decided by the Constitution Bench.

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(2026) 4 Supreme Court Cases 513

a (BEFORE B.R. GAVAI, C.J. AND M.M. SUNDRESH, ARAVIND KUMAR,
SATISH CHANDRA SHARMA AND K. VINOD CHANDRAN, JJ.)
REJANISH K.V. .. Appellant;

5J

Versus

K. DEEPA AND OTHERS .. Respondents.

- b Civil Appeal No. 3947 of 2020[†] with Writ Petitions (C) Nos. 759 of 2017, 1278 of 2019, Review Petition (C) No. 381 of 2021 in Writ Petition (C) No. 396 of 2018, Review Petition (C) No. 385 of 2021 in Civil Appeal No. 1700 of 2020, Review Petition (C) No. 1027 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 379 of 2021 in Writ Petition (C) No. 578 of 2018, Miscellaneous Application No. 179 of 2021 in
- c Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 669 of 2021 in Writ Petition (C) No. 999 of 2019, Review Petition (C) No. 380 of 2021 in Writ Petition (C) No. 222 of 2017, Miscellaneous Application No. 1050 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 781 of 2021 in Writ Petition (C) No. 316 of 2017, Review Petition (C) No. 774 of 2021 in Writ Petition (C) No. 744 of 2019, Review Petition (C) No. 780 of 2021 in Writ Petition (C) No. 602 of 2016, Review Petition (C) No. 853 of 2021 in Writ Petition (C) No. 1080 of 2019, Review
- d Petition (C) No. 621 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 868 of 2021 in Writ Petition (C) No. 414 of 2016, Review Petition (C) No. 867 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 782 of 2021 in Writ Petition (C) No. 639 of 2018, Writ Petition (C) No. 857 of 2021, Review Petition (C) No. 989 of 2021 in
- e Transfer Petition (C) No. 272 of 2018, Review Petition (C) No. 996 of 2021 in Civil Appeal No. 1703 of 2020, Writ Petition (C) No. 864 of 2021, Review Petition (C) No. 835 of 2021 in Civil Appeal No. 1704 of 2020, Review Petition (C) No. 836 of 2021 in Civil Appeal No. 1706 of 2020, Review Petition (C) No. ... of 2025 (Diary No. 18470 of 2021) in Writ Petition (C) No. 608 of 2018, Review Petition (C) No. 1354 of
- f 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 1042 of 2022 in Writ Petition (C) No. 999 of 2019, Civil Appeal No. 11390 of 2025 and Writ Petition (C) No. 827 of 2025, decided on October 9, 2025

g A. Constitution of India — Arts. 233(1) and (2) — Appointment of District Judges/Additional District Judges — Direct recruitment of judicial officers as District Judges — Held (*per curiam*), though no eligibility is prescribed under Art. 233(2) for judicial officer for being appointed as District Judge, no restriction is envisaged under Art. 233(1) on judicial officers from direct recruitment as District Judge — Rather, it enables judicial officers to be directly recruited even without prescription of period of practice (but Rules directed to be framed in this regard—*see below*)

h † Arising from the impugned Final Judgment and Order in *Rejanish K.V. v. K. Deepa*, 2020 SCC OnLine Ker 20730 (Kerala High Court, Writ Appeal No. 1075 of 2020, dt. 14-10-2020)

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— Further held, advocate joining judicial service only suspends his right to practice and continues to be on roll of the Bar Council — Besides, experience gained by judicial officer is much greater than an advocate — Hence, judicial officers cannot be denied opportunity of competing with advocates/pleaders for direct recruitment to post of District Judge — Object of any selection process is to secure best and most suitable person for post

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— Submission that if in-service candidates are permitted to participate in recruitment process as direct recruits, then advocates/pleaders would not be in position to get selected does not merit acceptance, since all candidates would be competing together and only most meritorious amongst them would be selected, with no weightage given to in-service candidates

b

— Directions issued to State Governments for framing rules in consultation with respective High Courts providing eligibility for in-service candidates to apply for post of District Judge through direct recruitment — For bringing advocates and in-service candidates on a par, held, Rules to provide that in-service candidates shall be eligible for appointment only if he has combined experience of seven years as an advocate and judicial officer — Minimum age for both should be 35 yrs as on date of application

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— Held [*per Sundresh, J. (concurring)*], construing Art. 233(2) to be a provision meant only for category of advocate/pleader would be violative of Art. 14 of the Constitution, amounting to creation of quota for them — Besides, absolute bar on judicial officers would prevent meritorious candidates from competing against vacancies earmarked for direct recruitment, affronting constitutional spirit — While interpreting constitutional provision, court must be conscious not to violate basic structure of the Constitution and is duty-bound to give vibrant and organic interpretation — Art. 14 forms integral part of basic structure, and though provides for equality before law, allows reasonable classification, based on intelligible differentia, having rational nexus to object sought to be achieved

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— Advocates Act, 1961 — Ss. 29, 30 and 33 — Bar Council of India Rules — R. 5 — Constitution of India, Art. 14

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B. Constitution of India — Arts. 233(1) and (2) — Appointment of District Judges/Additional District Judges — Eligibility — Time of reckoning — Held (*per curiam*), eligibility must be reckoned at time of application

C. Constitutional Interpretation — Basic rules of interpretation — Contextual construction/meaning — Interpretation matching textual interpretation with contextual one must be preferred — Statute is best interpreted when reason, context and purpose of its enactment is ascertained — Statute must be read first as a whole, and then section by section, clause by clause, phrase by phrase, and word by word — No part or word of statute can be construed in isolation

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D. Constitution of India — Art. 233 — Appointment of District Judges/ Additional District Judges — Scheme — Explained — Held (*per curiam*), appointments of District Judges, posting and promotions thereof must be made by Governor in consultation with High Court exercising jurisdiction in relation to such State in terms of Art. 233(1) — Contention by respondents that Art. 233(1) deals with promotions, and in-service candidates can be appointed as District Judges only by way of promotion, and appointment under Art. 233(2) is restricted only to advocates/pleaders having seven years' practice not in consonance with textual and contextual meaning of Art. 233, and hence, liable to be rejected — Besides, it would render first clause of (2) Art. 233 redundant — Presumed that legislature has inserted each and every word with intent to give provision an effective meaning — In-service candidates entitled to direct recruitment as District Judges — Constitutional Interpretation — Basic rules of interpretation — Literal construction/Plain or ordinary or commonsense meaning

E. Constitution of India — Art. 233 — Interpretation of — Held (*per curiam*), interpretation of constitutional provision cannot be pedantic but must be organic — Purposeful construction needs to be adopted — Held, if appointment to District Judge cadre is to be made directly for purpose of enhancing efficiency of district judiciary, any interpretation restricting competition and prohibiting meritorious candidates from zone of consideration must be avoided — Interpretation advancing purpose of bringing efficiency to district judiciary and permitting broad-based competition from amongst all eligible candidates must be accepted, and this means that in-service candidates are entitled to direct recruitment as District Judges (*see Shortnotes A and B*) — Constitutional Interpretation — Basic rules of interpretation — Purposive construction/Mischief rule

F. Constitution of India — Art. 233(2) — Appointment of District Judges/ Additional District Judges — Requirement of possessing minimum 7 yrs' of experience by advocate/pleader — Break in service — Significance — Held, only such advocates/pleaders, including Government pleaders, PPs or judicial officers, who on date of application have continuous experience, either as an advocate/pleader or judicial officer, or combination thereof would be eligible for appointment as District Judge by direct recruitment

G. Constitution of India — Art. 233(2) — Appointment of District Judges/ Additional District Judges — In-service judicial officers vis-à-vis advocates/pleaders having stipulated experience — Reservation of 25% quota for practising advocates — Impermissibility — Held, plain and literal reading of Art. 233(2) does not contemplate such reservation

H. Constitution of India — Arts. 141 and 233 — Doctrine of stare decisis — Limits on doctrine of stare decisis — Judgments at variance with Constitution Bench judgments, and dehors constitutional provisions — Held, doctrine of stare decisis inapplicable — Held, injustice was meted out to members of judicial services depriving them from participating in direct recruitment for

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post of District Judge by incorrectly applying law laid down by Constitution Benches, which was also inconsistent with literal interpretation of Art. 233 — Clarified that instant judgment would be applicable, prospectively, from date of the judgment — Selection process completed or appointments made prior to judgment would remain unaffected except in case where interim orders were passed by High Courts or Supreme Court

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I. Constitutional Law — Judicial power/Independence of Judiciary/Tribunals — Held (*per Sundresh, J.*), concept of “independence of judiciary” finds both its genesis and sustenance in doctrine of separation of powers — Independence of judiciary and separation of powers form integral part of basic structure doctrine — Judicial service is distinct service by itself, owing allegiance to judiciary alone, and therefore kept away from other two organs, except to a limited extent — Any attempt to dilute judicial independence by giving rigid interpretation would be against constitutional ethos

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— Basic features or structure of the Constitution — Constitution of India, Art. 50

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J. Constitutional Law — Silences of the Constitution/Implied Limitation — Principle of Constitutional silence — Explained — Held (*per Sundresh, J.*), concept of constitutional silence is invoked to give effect to essence of Constitution — Art. 233(2) consciously fixes eligibility criteria only for category of “advocate/pleader” for direct appointment to post of District Judge, while maintaining constitutional silence qua eligibility criteria of person in judicial service, which was left to discretion of the High Court and the Governor of the State as per Arts. 233 and 235 — Such omission was consciously done since person in judicial service is already recruited by way of appointment under orders of the Governor in consultation with the High Court and State PSC — Art. 233 does not place any fetters on powers of appointing authority qua fixation of eligibility criteria for persons in judicial service, as circumstances might evolve over time and wisdom of constitutional courts would respond to it — Constitution of India, Arts. 233 and 235

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K. Constitution of India — Art. 233(2) — Appointment of District Judge/Additional District Judge — Eligibility — Words “qualifications” and “eligibility” — Connotation — Held (*per Sundresh, J.*), word “eligible” in Art. 233(2) must be read as “qualified” — Thus, person who has been advocate/pleader for not less than seven years, along with recommendation of the High Court is one qualification and person in judicial service is another qualification — However, no bar on High Court to fix qualifications, qua persons in judicial service, with approval of Governor — Said qualifications are meant only for consideration for appointment, subject to successful completion of recruitment process

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The following substantial questions of law as regards interpretation of Article 233(2) of the Constitution arose before the Constitution Bench of the Supreme Court for consideration viz.:

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a (i) Whether judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial services would be entitled to appointment as District Judge/Additional District Judge against Bar Vacancy;

(ii) Whether eligibility for appointment is to be seen only at time of appointment or at time of application or both;

b (iii) Whether any eligibility is prescribed for a person already in judicial service of the Union or the State under Article 233(2) for appointment as District Judge; and

(iv) Whether a person who has been Civil Judge for a period of seven years or has been an Advocate and Civil Judge for a combined period of seven years or more would be eligible for appointment under Article 233 of the Constitution.

Held :

c *Per curiam*

Applying literal rule of interpretation to Article 233 of the Constitution it is found that, Article 233(1) deals with appointments, posting and promotion of District Judges in any State. It further provides that such appointments shall be made by the Governor of the State concerned in consultation with the High Court exercising jurisdiction in relation to such State. (Para 14)

d Article 233(2) of the Constitution deals with the eligibility of the persons for appointment to the post of District Judge. A plain reading of clause (2) of Article 233 of the Constitution reveals that for appointment of a person to the post of District Judge, two streams are provided: (i) a person not already in the service of the Union or of the State; and (ii) an advocate or a pleader if he has been an advocate or a pleader for not less than seven years. Clause (2) of Article 233 does not restrict appointment of persons employed in the Union or the State to the post of District Judges but enables, in addition, advocates or pleaders who have seven years' practice, to be appointed as District Judges. The plain meaning coming out of the words employed does not provide any restriction to judicial officers from direct recruitment. On the other hand, it enables a judicial officer to be appointed as a District Judge by direct recruitment even without the prescription of a period of practice. The requirement of recommendation of the High Court is common to both streams *i.e.* in-service candidates and an advocate or a pleader. Contention by respondents that Article 233(2) does not specifically provide for direct recruitment of in-service candidates does not merit acceptance since then the first part of clause (2) of Article 233 of the Constitution *i.e.* "[a] person not already in service of the Union or of the State" will be rendered redundant and superfluous. (Paras 15 to 52)

State of Assam v. Kuseswar Saikia, (1969) 3 SCC 505; *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978; *All India Judges Assn. (3) v. Union of India*, (2002) 4 SCC 247; *Rejanish K.V. v. K. Deepa*, (2026) 4 SCC 596; *Rejanish K.V. v. K. Deepa*, 2025 SCC OnLine SC 2287, considered

h *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35, clarified and followed

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Per curiam (contd.)

A. Panduranga Rao v. State of A.P., (1975) 4 SCC 709, distinguished

Saty Narain Singh v. High Court of Allahabad, (1985) 1 SCC 225; *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401; *Ashok Kumar Sharma v. Chander Shekhar*, (1997) 4 SCC 18, overruled a

S. Abrar Hussain v. State of A.P., 1974 SCC OnLine AP 228, held, overruled

Sushma Suri v. State (NCT of Delhi), (1999) 1 SCC 330, partly overruled

Vijay Kumar Mishra v. High Court of Patna, (2016) 9 SCC 313, held, partly *per incuriam*

Dheeraj Mor v. High Court of Delhi, (2018) 4 SCC 619; *Mahesh Chandra Gupta v. Union of India*, (2009) 8 SCC 273; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine All 57; *Kuseswar Saikia v. State of Assam*, 1969 SCC OnLine Gau 11; *Sushma Suri v. State (NCT of Delhi)*, 1997 SCC OnLine Del 117; *Vijay Kumar Mishra v. High Court of Patna*, 2016 SCC OnLine Pat 4063, referred to b

Harbhajan Singh v. Press Council of India, (2002) 3 SCC 722; *Surendra Singh v. State of U.P.*, 2012 SCC OnLine All 37; *R.K. Sabharwal v. State of Punjab*, (1995) 2 SCC 745; *Aswini Kumar Ghose v. Arabinda Bose*, (1952) 2 SCC 237; *Quebec Railway, Light, Heat & Power Co. Ltd. v. Vandry*, 1920 SCC OnLine PC 10; *Chandramouleshwar Prasad v. High Court of Patna*, (1969) 3 SCC 56; *Oma Shanker Sharma v. State (UT of Delhi)*, 1988 SCC OnLine Del 19; *Mubarak Mazdoor v. K.K. Banerji*, 1957 SCC OnLine All 196; *Prafulla Kumar Swain v. Prakash Chandra Misra*, 1993 Supp (3) SCC 181; *State of Bihar v. Bal Mukund Sah*, (2000) 4 SCC 640; *State of Assam v. Ranga Muhammad*, 1963 SCC OnLine SC 63; *All India Judges Assn. v. Union of India*, (2010) 15 SCC 170, cited c

Concise Oxford Dictionary; G.P. Singh: *Interpretation of Statutes*, 12th Edn., pp. 119 & 127, cited d

(i) Textual and Contextual interpretation

An interpretation which makes textual interpretation match contextual one must be preferred. A statute is best interpreted when reason and purpose for its enactment is ascertained. The statute must be read first as a whole, and then section by section, clause by clause, phrase by phrase and word by word. No part of a statute and no word of a statute can be construed in isolation. (Paras 116 to 118) e

Vivek Narayan Sharma (Demonetisation Case-5 J.) v. Union of India, (2023) 3 SCC 1, followed

RBI v. Peerless General Finance & Investment Co. Ltd., (1987) 1 SCC 424 : (1987) 61 Comp Cas 663, affirmed f

Srinivasa Enterprises v. Union of India, (1980) 4 SCC 507 : (1981) 51 Comp Cas 464, cited

(ii) Scheme of Article 233 of the Constitution

All provisions relating to appointment of a person as District Judge and posting and promotion thereof are contained in Article 233(1) of the Constitution. Such appointments have to be made by the Governor in consultation with the High Court exercising jurisdiction in relation to such State. As such, the contention as sought to be placed on behalf of the respondents that clause (1) of Article 233 of the Constitution deals with promotions and the only manner in which in-service candidates could be appointed as District Judges is by way of promotion and further that the appointments made under clause (2) of Article 233 of the Constitution have to be restricted only to the advocates or a pleader having seven years' practice, is not in consonance with the textual and contextual meaning of Article 233 of the Constitution. Further, as held by the Constitution Bench of the Supreme Court g
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Per curiam (contd.)

a in *Kuseswar Saikia*, (1969) 3 SCC 505, even appointment on promotion of a subordinate judicial officer would be traceable to clause (1) of Article 233 of the Constitution. (Paras 120 and 121)

State of Assam v. Kuseswar Saikia, (1969) 3 SCC 505, followed

b Not only that but as held by the Supreme Court in *Rameshwar Dayal case*, clause (2) of Article 233 of the Constitution deals with the qualification of a person to be appointed as District Judge. However, it was further held, that clause (2) of Article 233 does not provide a qualification for a person who is already in service of the Union or of the State. As clarified in *Chandra Mohan case*, such a service of the Union or the State has to be only judicial service. Though clause (2) of Article 233 of the Constitution begins in a negative manner, if the interpretation as sought to be given in the judgments of the Supreme Court in *Satya Narain Singh case* till *Dheeraj Mor*, (2020) 7 SCC 401 is to be accepted, it will render the first part of clause (2) of Article 233 of the Constitution redundant. (Paras 122 to 124)

c *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35; *Union of India v. Hansoli Devi*, (2002) 7 SCC 273, followed
Satya Narain Singh v. High Court of Allahabad, (1985) 1 SCC 225; *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401, overruled
Aswini Kumar Ghose v. Arabinda Bose, (1952) 2 SCC 237; *Quebec Railway, Light, Heat & Power Co. Ltd. v. Vandry*, 1920 SCC OnLine PC 10, cited

d Insofar as the reliance placed on the recommendations of the Shetty Commission and the directions issued in *All India Judges Assn. (3) case* by the respondents are concerned, it will be relevant to note that the recommendations were made by the Shetty Commission when the judgment of the Supreme Court in *Satya Narain case* was holding the field. (Para 129)

All India Judges Assn. (3) v. Union of India, (2002) 4 SCC 247, considered

e (iii) *Recommendations of the Shetty Commission*

f The Shetty Commission had recorded that majority of the High Courts and the Service Associations were of the view that the Service Judges should be given opportunity of direct recruitment as District Judges, to promote efficiency, improve discipline in judicial service, and make officers work more efficiently, diligently and sincerely. It was observed that if meritorious young blood should be introduced in the mixed cadre, there was no reason to exclude serving Judges from consideration for direct recruitment. It was further observed that if such opportunity is provided to in-service candidates, it would to a great extent remove frustration which was presently dogging them. The Shetty Commission further observed that when there is no such restriction in All India Services, there is no reason as to why the Service Judges should be forced to enter judicial service only through promotional channel and not be permitted to enter through the direct recruitment. The Shetty Commission, therefore, recommended amending Article 233 of the Constitution by insertion of clause (3) in it. The Shetty Commission also recommended an age limit between 35 years and 45 years for advocates and the serving Judges to apply for direct recruitment to the post of District Judge. The observations made by the Shetty Commission are fully agreed upon. (Paras 130 to 136)

Satya Narain Singh v. High Court of Allahabad, (1985) 1 SCC 225, overruled

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Per curiam (contd.)

(iv) Experience of a judicial officer

Reading Sections 29, 30 and 33 of the Advocates Act, 1961 with Rule 49 of the Bar Council of India Rules, an employee on rolls of the State Bar Council, as long as he remains fully salaried employee, would be prohibited from practising as an advocate. In the newly added Chapter III of the Bar Council of India Rules in 2010, Rule 5 deals with voluntary suspension as well as resumption of practice. Under this rule, an advocate joining judicial service is expected to intimate to the State Bar Council concerned that he has joined judicial service as a result of which his right to practice stands voluntarily suspended. He is entitled to resume practice on his resignation or retirement from judicial service i.e. he continues to be on the roll of the State Bar Council. The experience gained by judicial officers while working as Judges is much greater than one gains while practising as an advocate. Apart from that, Judges are also required to undergo rigorous training of at least one year before commencing their work as judicial officers. Hence, there is no reason to deny opportunity to such young talented judicial officers to compete with advocates/pleaders having seven years' practice for direct recruitment to post of District Judge. Besides, object of any selection process for entry into public service is to secure best and most suitable person for the job. (Paras 137 to 153)

Tej Prakash Pathak v. High Court of Rajasthan, (2025) 2 SCC 1; Rameshwar Dayal v. State of Punjab, 1960 SCC OnLine SC 123, followed

Lila Dhar v. State of Rajasthan, (1981) 4 SCC 159; Deepak Aggarwal v. Keshav Kaushik, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978, affirmed

Sushma Suri v. State (NCT of Delhi), (1999) 1 SCC 330, partly affirmed

Satish Kumar Sharma v. Bar Council of H.P., (2001) 2 SCC 365, impliedly distinguished

(v) Interpretation of constitutional provision cannot be pedantic

The interpretation of the constitutional provisions cannot be pedantic. It has to be organic. A purposeful interpretation has to be adopted. If the appointment to the District Judges cadre is to be made directly for the purpose of enhancing the efficiency of district judiciary, any interpretation which restricts the competition and prohibits otherwise meritorious candidates from zone of consideration will have to be eschewed. The interpretation which advances the purpose of bringing in efficiency in the district judiciary and permitting a broad-based competition amongst all the eligible candidates will have to be accepted. (Para 155)

Satya Narain Singh v. High Court of Allahabad, (1985) 1 SCC 225; Dheeraj Mor v. High Court of Delhi, (2020) 7 SCC 401, overruled

All India Judges Assn. (3) v. Union of India, (2002) 4 SCC 247, overruled on this point

(vi) Directions on Rules to be framed re Eligibility of judicial officer for direct recruitment

All matters pertaining to appointment of a person to the post of a District Judge, his posting and promotion are covered under clause (1) of Article 233 of the Constitution. As such, the State Governments in consultation with the respective High Courts will have to frame rules providing eligibility for in-service candidates to apply for the post of District Judge which would be filled by direct recruitment. The recruitment rules in all the States will have to be uniform as far as possible. Therefore, while maintaining the proportion of 50:25:25 for the posts of District

Per curiam (contd.)

a Judges as provided by the judgment of the Supreme Court in *All India Judges Assn. (3)* case which was reiterated by the Supreme Court in the recent judgment in *All India Judges Assn., (2025) 11 SCC 233*, directions are issued to the State Governments for framing rules in consultation with the respective High Courts providing eligibility for candidates already in judicial service to apply for the post of District Judge to be filled through direct recruitment process. (Para 158)

b For bringing the advocates and the in-service candidates at the same level, it will be appropriate that the rules provide that an in-service candidate should be eligible for recruitment to the post of District Judge directly only if he has a combined experience of seven years as an advocate and a judicial officer. Similarly, if an advocate is participating in the selection process and he was a member of judicial service in the past, then his experience as a judicial officer also cannot be ignored. His experience as an advocate prior to joining judicial service, his experience as a judicial officer and his experience as an advocate after leaving the judicial service will all have to be taken together. Such a candidate will be eligible only if he has a combined experience as an advocate and as a judicial officer for seven years. (Para 159)

c Further, to make available a level playing field for all the candidates, whether from in-service or advocates/pleaders, the minimum age as on the date of application should be 35 years as recommended by the Shetty Commission. (Para 160)

d Insofar as the contention regarding the heartburn amongst the judicial officers in a situation where a junior gets promoted before the senior is concerned, the said contention is without any merit. The in-service candidates, though junior, will have to compete before being selected with the advocates as also their seniors, who also will be qualified, and only meritorious candidates would be selected and appointed. If a person is meritorious and on account of merit and merit alone gets selected directly as a District Judge, there can be no question of heartburn for those who are not as meritorious as persons selected. (Para 161)

e Insofar as the contention that if the in-service candidates are permitted to participate in the recruitment process as direct recruit, then the advocates/pleaders would not be in a position to get selected is concerned, the same is also without any merit. In the selection process, the selection would be on the basis of competitive examination, including both written examination and *viva voce*, and the majority of the marks would be for the written examination. The advocates/pleaders as well as in-service candidates would compete together and only the best/most meritorious amongst them will be selected with no weightage being conferred on in-service candidates. (Paras 162 and 163)

State of Assam v. Kuseswar Saikia, (1969) 3 SCC 505, followed

g *All India Judges Assn. v. Union of India*, (2025) 11 SCC 233 : 2025 SCC OnLine SC 1184, affirmed

All India Judges Assn. (3) v. Union of India, (2002) 4 SCC 247, partly affirmed

(vii) Break in practice of a prospective candidate

h The contention by some of the petitioners that even if there is a break in the number of years of practice of a candidate, such break should be ignored and such persons who are having a total of seven years of practice should be considered

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Per curiam (contd.)

eligible for appointment as District Judge is liable to be rejected. Only such persons working either as an advocate/pleader including Government Pleaders and Public Prosecutors or as a judicial officer who, on the date of application, have a *continuous experience* of either an advocate/pleader or a judicial officer or a combination thereof shall only be eligible to be considered for appointment as District Judges through the stream of direct recruitment. (Paras 164 and 165)

(viii) Quota for advocates under Article 233(2)

The contention on behalf of the respondents that 25% quota of direct recruitment is reserved only for practising advocates also does not merit acceptance since it would amount to providing a “quota” for the advocates having seven years’ practice which is impermissible. A plain and literal reading of Article 233(2) does not contemplate such a situation. (Para 166)

(ix) Doctrine of stare decisis

The doctrine of *stare decisis* is not an inflexible Rule of Law. The Supreme Court may review its earlier decisions if it believes that there is an error, or the effect of the decision would harm the interests of the public or if “it is inconsistent with the legal philosophy of the Constitution”. In cases involving the interpretation of the Constitution, the Supreme Court would do so more readily than in other branches of law because not rectifying a manifest error would be harmful to the public interest and the polity. The period of time over which the case has held the field is not of primary consequence. All the judgments right from *Satya Narain Singh case* onwards till *Dheeraj Mor case* have incorrectly applied the law laid down by the Constitution Benches of the Supreme Court in *Rameshwar Dayal case* and *Chandra Mohan case*. As a result, by applying the law laid down by this line of judgments, injustice was meted out to the members of the judicial services, thereby depriving them from participating in the selection process for the post of District Judges by way of direct recruitment. Besides, interpretations placed by said judgments were totally inconsistent with the provisions of clause (2) of Article 233 of the Constitution. Injustice cannot be perpetuated. Argument based on doctrine of *stare decisis* rejected. However, clarified that instant judgment would be applicable from the date of the decision, and selection process completed or appointments made prior to the judgment would remain unaffected, except in cases where interim orders were passed by the High Courts/Supreme Court. (Paras 167 to 172)

Property Owners Assn. v. State of Maharashtra, (2024) 18 SCC 1; *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35, *followed*

Sushma Suri v. State (NCT of Delhi), (1999) 1 SCC 330; *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978, *considered*

Satya Narain Singh v. High Court of Allahabad, (1985) 1 SCC 225; *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313; *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401, *overruled*

Sita Soren v. Union of India, (2024) 5 SCC 629, *cited*

Per Sundresh, J. (concurring)

a Instant is a situation where subsequent decisions in *Satya Narain Singh case* and *Dheeraj Mor case* has misconstrued law laid down by the larger Benches in *Rameshwar Dayal case* and *Chandra Mohan case*. (Para 180)

Rameshwar Dayal v. State of Punjab, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35, *followed*

b *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225; *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401, *overruled*

c Chapter VI of the Constitution deals exclusively with appointment, recruitment and control qua the subordinate courts. As per Article 233 and Article 234 of the Constitution, while an appointment to the post of a District Judge, and to posts in the judicial service other than that of a District Judge shall be made by the Governor of the State, the consultation is only with the High Court for the former, while it additionally extends to the State Public Service Commission for the latter. The exclusion of the State Public Service Commission in the process of appointment to the post of a District Judge shows that added importance is given to the said post. (Paras 181 and 182)

d Article 233 of the Constitution deals with two modes of appointment to the post of a District Judge. Clause (1) of Article 233 of the Constitution speaks of appointments to be made to the post of a District Judge. These appointments are to be made either by way of a promotion or through direct recruitment. (Para 183)

e The procedure for appointment, posting and promotion to the post of a District Judge, *qua* a person in the judicial service, is one and the same with respect to the appointing authority, namely, the Governor, and the same is to be done in consultation with the High Court. Promotion is obviously meant only for a person in the judicial service. One has to be promoted first by the Governor, in consultation with the High Court, and thereafter appointed as a District Judge. Therefore, promotion is a precursor to appointment as a District Judge *qua* a person in the judicial service. Such an appointment is nothing but a resultant consequence. To make this position clear, one has to read Article 233(1) of the Constitution with respect to appointments as “appointments of persons to be District Judges”. Similarly, for posting, it has to be read as “posting of District Judges” and promotions of persons in the judicial service as “promotion and appointment as District Judges”. One cannot ignore the word “persons” which would only mean persons from two modes of appointment. Therefore, Article 233(1) of the Constitution deals with both, the modes and the sources of appointment. (Para 184)

g Article 233(2) of the Constitution is a continuation of Article 233(1) of the Constitution. This provision, in fact, reiterates the fact that an appointment by way of direct recruitment can be done from two sources, namely, “judicial service” and “an advocate or a pleader”. While doing so, it declares the eligibility criteria only for the latter. Hence, it is made abundantly clear that no such eligibility criteria are fixed for a person in the judicial service. Clause (1) along with clause (2) of Article

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Per Sundresh, J. (concurring) (contd.)

233 of the Constitution, is a complete code by itself, and therefore does not leave any room for interpretation otherwise. (Para 185)

Doctrine of separation of powers vis-à-vis independence of judiciary

Article 50 of the Constitution forms the basis for the applicability of the doctrine of separation of powers. It deals with the separation of the judiciary from the executive, and imposes an obligation on the State to take steps to separate the judiciary from the executive in the public services of the State. The independence of the judiciary and separation of powers between three organs of the State form integral part of the basic structure doctrine. (Paras 187 and 188)

Under Article 233 of the Constitution, the primacy given to the High Courts for its consultation in appointments to the post of District Judge, along with its control exercised over subordinate courts under Article 235 is a classic example of doctrine of separation of powers. Judging is an independent sovereign function. The function of the Presiding Officer of a court is purely judicial, and not even quasi-judicial. Judicial service is a distinct service by itself, owing allegiance to the judiciary alone. Therefore, it is kept away from other two organs, except to a limited extent. Any attempt to dilute such judicial independence, by giving a rigid interpretation, would be against the constitutional ethos. (Paras 188 to 191)

State of Bihar v. Bal Mukund Sah, (2000) 4 SCC 640, followed

Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225; *Liyanage v. R.*, (1967) 1 AC 259 : (1966) 2 WLR 682 (PC); *High Court of Orissa v. Sisir Kanta Satapathy*, (1999) 7 SCC 725; *All India Judges Assn. (2) v. Union of India*, (1993) 4 SCC 288, cited

M.P. Singh: "Securing the Independence of the Judiciary — The Indian Experience", *Indiana International & Comparative Law Review*, IU Robert H. McKinney School of Law, referred to

Principle of constitutional silence

While taking note of the doctrine of separation of powers and independence of the judiciary, coupled with the maintenance and enhancement of the quality of judging which forms part of the basic structure doctrine, a decision was consciously taken by the Constitution-makers to fix the eligibility criteria only for the category of "an advocate or a pleader". At this juncture, the concept of "constitutional silence" comes into play as the makers of the Constitution deliberately left certain areas open-ended, keeping in mind the evolving needs of the society. This concept is invoked to give effect to the essence of the Constitution. (Para 192)

Bhanumati v. State of U.P., (2010) 12 SCC 1, affirmed

One must appreciate the constitutional silence on the eligibility criteria *qua* a person in the judicial service, which has accordingly been left to the discretion and wisdom of the High Court and the Governor of the State, as per Articles 233 and 235 of the Constitution. Therefore, such an omission was done consciously, as a person in the judicial service has already been recruited by way of an appointment by the orders of the Governor, in consultation with the High Court and the State Public Service Commission. (Para 194)

Per Sundresh, J. (concurring) (contd.)

a Article 233 of the Constitution does not place any fetters on the power of the appointing authority *qua* the fixation of eligibility criteria for persons in the judicial service, as circumstances might evolve over time, and the wisdom of the Constitutional Courts would take care of it. (Para 195)

b The provisions in the Constitution use the words “qualification” and “eligibility” interchangeably. The word “eligible” used in Article 233(2) of the Constitution must be read as “qualified”. Thus, a person who has been an advocate or a pleader for not less than seven years, along with the recommendation of the High Court is one qualification, and a person in the judicial service is the other qualification. Both of these qualifications are nothing but mere gateways for being appointed to the post of a District Judge, facilitating a threshold for entry. However, there is no bar on the High Court to fix the qualification, *qua* persons in the judicial service, with the approval of the Governor. (Paras 196 and 197)

c Thus, there is no bar on persons in the judicial service from competing for the vacancies intended to be filled through direct recruitment. Any interpretation contrary to the aforesaid view, would amount to a reservation in favour of “an advocate or a pleader”, which is not only not contemplated under the Constitution, but also violates the very spirit enshrined thereunder. (Para 198)

d Another lens through which the aforesaid proposition can be viewed is Article 233-A of the Constitution, which provides for the validation of appointments made at any time before the commencement of the Constitution (Twentieth Amendment Act), 1966. Clause (a)(i) of Article 233-A of the Constitution encompasses the validation of appointments from both sources i.e. a person already in the judicial service and a person who has been an advocate or a pleader for 7 years or more. The express reference to both the sources, within the same clause, indicates the constitutional intent to place the persons in the judicial service on a par with those from the Bar and thus, they are fully entitled to participate in the direct recruitment process. The use of the phrase “any such person” in clause (a)(ii) of Article 233-A of the Constitution, which deals with the validation of posting, promotion, or transfer, further strengthens their entitlement to such participation. (Para 199)

f While interpreting a constitutional provision, a court of law must be conscious not to violate the basic structure of the Constitution, and is duty-bound to give it a vibrant and organic interpretation. Article 14 of the Constitution forms an integral part of the basic structure. Though it provides for equality before the law, it allows for a reasonable classification, based upon an intelligible differentia, having a rational nexus to the object sought to be achieved. Therefore, construing Article 233(2) of the Constitution to be a provision meant only for the category of “an advocate or a pleader” would certainly be violative of Article 14 of the Constitution, for the purpose of its interpretation. In other words, a *contra* view would amount to creation of a quota for “an advocate or a pleader”. An absolute bar on persons in the judicial service would certainly prevent meritorious candidates from competing for the vacancies earmarked for direct recruitment, which would be an affront to the constitutional spirit. (Para 200)

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The Judgments* of the Court were delivered by

B.R. GAVAI, C.J. (for himself, and Aravind Kumar, S.C. Sharma and Vinod Chandran, JJ.)—

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1 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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A. Introduction

c 1. A three-Judge Bench of this Court in this batch of matters, *vide* order dated 12-8-2025¹¹, had referred the following substantial questions of law for consideration of a Constitution Bench: (*Rejanish K.V. case*¹¹, SCC OnLine SC para 23)

d “23. ... (i) Whether a judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial Services would be entitled for appointment as Additional District Judge against the Bar vacancy?

(ii) Whether the eligibility for appointment as a District Judge is to be seen only at the time of appointment or at the time of application or both?”

e 2. When this batch of matters was listed for directions on 12-9-2025¹², the following additional questions were also framed by the Constitution Bench: (*Rejanish K.V. case*¹², SCC OnLine SC para 1)

f “1. ... (i) Whether there is any eligibility prescribed for a person already in the judicial service of the Union or State under Article 233(2) of the Constitution of India for being appointed as District Judge?

(ii) Whether a person who has been Civil Judge for a period of seven years or has been an Advocate and Civil Judge for a combined period of seven years or more than seven years would be eligible for appointment as District Judge under Article 233 of the Constitution of India?”

g 3. For ease of convenience, the parties that support the proposition and contend that the questions framed be answered in favour of in-service candidates and they be permitted to participate in direct recruitment for the post of District Judges will be referred to as the *petitioners* and those opposing the proposition and contending that the direct recruitment should be only from the category of advocates with seven years’ practice will be referred to as the *respondents*.

h 11 *Rejanish K.V. v. K. Deepa*, (2026) 4 SCC 596

12 *Rejanish K.V. v. K. Deepa*, 2025 SCC OnLine SC 2287

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B. Submissions

4. We have extensively heard Mr Jayant Bhushan, Mr Arvind P. Datar, Mr P.S. Patwalia, Mr V. Giri, Ms Vibha Datta Makhija, Mr Jaideep Gupta, Dr Manish Singhvi, Mr Dama Seshadri Naidu, Mr George Poonthottam, Mr Gopal Sankaranarayanan, Dr Menaka Guruswamy, Mr Rajive Bhalla, Mr Anil Kaushik, Mr Amit Anand Tewari, Mr B.H. Marlapalle, Mr Narendra Hooda and Mr Anand Sanjay M. Nuli, learned Senior Counsel appearing on behalf of the petitioners. a

5. We have also extensively heard Mr C.U. Singh, Mr Nidhesh Gupta, Mr Vijay Hansaria, Mr Ravindra Shrivastava, Mr Rajiv Shakdher, learned Senior Counsel along with Mr Amit Gupta, Mr Kanhaiya Singhal, Mr Rashid N. Azam, Mr Sandeep Sudhakar Deshmukh, Ms Sindoor VNL, Mr Yashvardhan, Ms Kavya Jhawar and Ms Nandini Rai, learned counsel for the respondents and Mr Siddharth Gupta and Mr Satyam Chand Soriya for the intervenors. b

6. We have also perused the material painstakingly put together by Mr Ajay Kumar Singh and Mr John Mathew who assisted the Court as nodal counsel for the parties. c

7. The gist of the arguments advanced by the learned Senior Counsel appearing for the petitioners is that:

7.1. The judgment of this Court in *Dheeraj Mor v. High Court of Delhi*⁹ misreads Article 233(2) of the Constitution. d

7.2. The construction given by *Dheeraj Mor*⁹ to the effect that a person has to be presently an advocate or a pleader makes the words “a person not already in the service of Union or State” totally superfluous and redundant which cannot be permitted.¹³

7.3. A plain reading of Article 233(2) of the Constitution indicates that there are two sources/streams i.e. either a person has to be in service of the Union or State (which has been held to be judicial service²) or he has to be an advocate or pleader for seven years. Once the person is already in judicial service, no further eligibility is prescribed for being appointed as a District Judge as held by this Court in *Rameshwar Dayal v. State of Punjab*¹. e

7.4. The interpretation excluding Civil Judges from being eligible to be appointed directly as District Judges is unreasonable and against the interest of administration of justice. A person in judicial service would certainly be more experienced and more suitable for appointment. Any exclusion by the relevant rules would be violative of Articles 14 and 16 of the Constitution. f

7.5. There is no requirement of any period of time or experience that a Civil Judge must possess to be eligible for direct recruitment as a District Judge. Article 233 does not lay down any such requirement. In any case, if this Court deems it fit that there is such a requirement then seven years’ experience as a Civil Judge or combined experience of seven years as an advocate and a Civil g

⁹ (2020) 7 SCC 401

¹³ *Union of India v. Hansoli Devi*, (2002) 7 SCC 273

² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987 h

¹ 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

Judge would be sufficient. Reliance is also made in this respect on *Explanation (aa)* of Article 217(2) of the Constitution.

a 7.6. The use of the words “has been” in Article 233(2) of the Constitution means a state of affairs which had existed in the past and need not be continuing in the present. The words “has been” without being followed by participle of the verb is the present perfect tense of “to be” and cannot be the present perfect continuous tense.¹⁴ Further, a reading of the Hindi version of the Constitution would show that the expression used is “pleader raha hain” and not “pleader hain”.

b 7.7. All the petitioners in *Deepak Aggarwal v. Keshav Kaushik*⁷, had claimed themselves to be advocates on the date of their application for the post of District Judge by way of direct recruitment and thus this Court in the said case was not dealing with the issue as to whether being an advocate on the date of application and appointment is a necessary criterion or not. In spite of this, this Court in *Deepak Aggarwal*⁷ held that one of the essential requirements of Article 233(2) is that the candidate must be continuing as an advocate on the date of application. This finding, therefore, is in the nature of an *obiter dicta* and not *ratio decidendi*.

c 8. The gist of the arguments advanced by the learned Senior Counsel/ counsel appearing for the respondents is that:

d 8.1. For the last 60 to 65 years, the interpretation of Article 233 of the Constitution has been uniform and has stood the test of time. What was held by the two Constitution Bench judgments of this Court in *Rameshwar Dayal*¹ and *Chandra Mohan*² has been further interpreted by several three-Judge Bench judgments of this Court. It is given that there are two sources/streams of recruitment to the post of District Judges and that direct recruitment is *only* from the stream of practising advocates. Reliance in this respect has been placed on the judgments of this Court in *Mahesh Chandra Gupta v. Union of India*¹⁵ and *Deepak Aggarwal*⁷.

e 8.2. *Stare decisis et non quieta movere* or to “stand by decisions and not to disturb what is settled”, is a doctrine which clearly applies to the present reference. The questions raised by serving judicial officers in the present matter are covered by over six decades of *stare decisis*. The directions issued by this Court in paras 27 and 28 of *All India Judges Assn. v. Union of India*¹⁰, directing a quota of 75:25 for recruitment to the posts of District Judges in all States, with 25% being exclusively reserved for eligible advocates, was entirely in tune with the decisions of this Court in 1960, 1965, 1985 and 1998.

f g 14 *Mubarak Mazdoor v. K.K. Banerji*, 1957 SCC OnLine All 196 : AIR 1958 All 323, *Harbhajan Singh v. Press Council of India*, (2002) 3 SCC 722 and *Surendra Singh v. State of U.P.*, 2012 SCC OnLine All 37

7 (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

h 2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987
15 (2009) 8 SCC 273

10 (2002) 4 SCC 247

8.3. The term “service” has been held to mean *judicial service* in *Chandra Mohan*². The wording of Article 233(2) is unequivocal in distinguishing those who are already in service and placing them in a separate category. It is, therefore, evident that the said provision applies only to those who are not in judicial service either of the Union or of the State. Nowhere does it provide an eligibility condition for the appointment of in-service candidates merely because they had completed 7 years of practice as an advocate prior to their appointment. a

8.4. Once an individual joins the stream of service, he/she ceases to be an advocate. A person in judicial service cannot simultaneously also be a practising advocate and is, therefore, not eligible for being appointed as against the *quota* reserved for advocates. The requirement of having seven years of practice refers to a continuous state of affairs. b

8.5. Clause (2) of Article 233 of the Constitution does not specifically provide for direct recruitment for those in service. If direct recruitment is to be contemplated, this Court would be reading into the clause what is not mentioned therein. It would result in an incongruous situation, wherein, while qualifications for one source of direct recruitment (*i.e.* practising advocates) are prescribed, there is no qualification for those who are in service. If direct recruitment for in-service candidates is read into clause (2) of Article 233, it would mean that any Civil Judge (even with one day’s experience) can seek appointment as District Judge by way of direct recruitment. c
d

8.6. In *Rameshwar Dayal*¹ Harbans Singh and P.R. Sawhney (respondents therein) did not cease to be advocates at any time after 15-8-1947 and continued to be advocates till they were appointed as Judges. Further, they had a standing of seven years. e

8.7. With respect to the two sources of recruitment, those in service are appointed in “*consultation*” with the High Court and those from the Bar are appointed on the “*recommendation*” of the High Court. The observations relied on by the petitioners in the lower part of para 89 of *Chandra Mohan*² are only *qua* the question whether the Governor can appoint from services other than judicial services. It is in that context that two sources of recruitment being “*indicated*” in clause (2) is mentioned. This is so because when clause (2) speaks of those who are not in service, there is obviously a second source *i.e.* of those who are in service. f

C. Issue for consideration

9. The present batch of matters arises for consideration in view of the interpretation given to Article 233 of the Constitution of India by a three-Judge Bench of this Court in *Dheeraj Mor*⁹. It will be pertinent to reproduce the g

² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

¹ *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816 h

⁹ *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

finding of the said three-Judge Bench, in para 45, which reads thus: (SCC p. 444)

a "45. In view of the aforesaid discussion, we are of the opinion that
for direct recruitment as District Judge as against the quota fixed for the
advocates/pleaders, incumbent has to be practising advocate and must be in
practice as on the cut-off date and at the time of appointment he must not be
in judicial service or other services of the Union or State. For constituting
experience of 7 years of practice as advocate, experience obtained in
b judicial service cannot be equated/combined and advocate/pleader should
be in practice in the immediate past for 7 years and must be in practice while
applying on the cut-off date fixed under the rules and should be in practice
as an advocate on the date of appointment. The purpose is recruitment from
Bar of a practising advocate having minimum 7 years' experience."

c 10. As such, what has been held by this Court, reads thus: (*Dheeraj Mor case*⁹, SCC p. 444, para 45)

Under Article 233 (2), an advocate...

(i) Should be in practice in the immediate past for seven years;
d (ii) Must be in practice while applying on the cut-off date; and
(iii) Should be in practice as an advocate on the date of
appointment.

11. We are, therefore, called upon to consider the correctness of the said finding.

e **D. Provision of law and precedents**

(i) **Text of Article 233 of the Constitution**

12. Article 233 of the Constitution of India reads thus:

f "233. *Appointment of District Judges.*—(1) Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment."

g 13. Applying the first principle of interpretation *i.e.* the rule of literal interpretation, we propose to analyse the provisions contained in Article 233 of the Constitution.

h 14. Clause (1) of Article 233 of the Constitution deals with the appointments of persons to be, and the posting and promotion of, District Judges in any State. It can thus be seen that Article 233(1) of the Constitution

⁹ *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

is a provision providing for appointments of persons as District Judges in a State so also for posting and promotions thereof. It further provides that such appointments shall be made by the Governor of the State concerned in consultation with the High Court exercising jurisdiction in relation to such State. a

15. Article 233(2) of the Constitution deals with the eligibility of the persons for appointment to the post of District Judge. A plain reading of clause (2) of Article 233 of the Constitution would reveal that for appointment of a person to the post of District Judge, two streams are provided: b

- (i) a person not already in the service of the Union or of the State; and
- (ii) an advocate or a pleader if he has been an advocate or a pleader for not less than seven years.

16. It can thus be seen that the words “[a] person not already in the service of the Union or of the State” is the *first part* of Article 233(2) of the Constitution. The *second part* is “shall only be eligible to be appointed if he has been for not less than seven years as an advocate or a pleader”. c

17. The first clause of Article 233 speaks of appointment, posting and promotion of District Judges in a State which shall be made by the Government of the State in consultation with its High Court. Clause (2) of Article 233 does not restrict appointment of persons employed in the Union or the State to the post of District Judges but enables, in addition, advocates or pleaders who have seven years’ practice, to be appointed as District Judges. The appointment or promotion and the consequential posting has to be made under clause (1) of Article 233, while clause (2) provides for two sources of appointment. The plain meaning coming out of the words employed does not provide any restriction to judicial officers from direct recruitment. On the other hand, it enables a judicial officer to be appointed as a District Judge by direct recruitment even without the prescription of a period of practice. d

18. As already discussed hereinabove, this Court in *Dheeraj Mor*⁹ has held that clause (2) of Article 233 of the Constitution does not provide for a qualification of a person who is already in service of the Union or of the State. It provides qualifications only insofar as an advocate or a pleader is concerned. This Court, in *Dheeraj Mor*⁹, held that for a person to be eligible to be appointed as District Judge it is required that he has been for not less than seven years an advocate or a pleader. The requirement of recommendation of the High Court is common to both streams *i.e.* in-service candidates and an advocate or a pleader. With this analysis, we propose to deal with the judgments of this Court which are concerned with the issues raised in the present reference. e

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(ii) Case laws

(a) *Rameshwar Dayal v. State of Punjab*¹

a 19. The issue with regard to interpretation of Article 233 of the Constitution came up for consideration before a Constitution Bench of this Court in *Rameshwar Dayal*¹.

b 20. In the said case, a petition came to be filed before the High Court of Punjab contending that five persons (Respondents 2 to 6 therein) were not qualified to be appointed as District Judges under Article 233 of the Constitution at the time they were appointed by the State Government. The writ petitioner before the High Court had *inter alia* sought for a writ of *quo warranto* thereby seeking to oust them from their office and for restraining them from exercising the powers, duties and functions of the posts they were holding. The writ petition was summarily dismissed by the High Court on 21-9-1959.

c An application for a certificate of fitness was rejected by the High Court. The writ petitioner, therefore, prayed for a special leave from this Court which was granted on 19-8-1960.

d 21. The appointment of the three respondents was challenged on the ground that they did not have the requisite experience of seven years' practice in the High Court of Punjab and that their experience before the Lahore High Court, prior to partition, could not be taken into consideration for counting the total experience. Insofar as the other two respondents are concerned, it was contended that, one of them was working as a Chairman, Jullundur Improvement Trust and the other one was working as a Deputy Custodian, Evacuee Property on the date of their appointment as District & Sessions Judges and as such they were not qualified.

e 22. This Court recorded that the contentions raised on behalf of the appellant therein ranged over a wide field, however, the point for consideration is that whether clause (2) of Article 233 of the Constitution provides that a person not already in the service of the Union or of the State shall *only* be eligible to be appointed as a District Judge if he:

- f
- (i) has been for not less than seven years an advocate or a pleader, and
 - (ii) is recommended by the High Court for appointment.

23. This Court further recorded the following arguments which were raised on behalf of the appellant therein:

g 23.1. That the expression "*advocate or pleader*" is an expression of legal import and must be given its generally accepted meaning at the time the Constitution was adopted, and that the said expression means an advocate or pleader entitled to appear and plead for another in a court in India but does not include an advocate or pleader of a foreign court;

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23.2. That the use of the present perfect tense “has been” in clause (2) of Article 233 of the Constitution requires that the person eligible for appointment must not only have been an advocate or pleader before but must be an advocate or pleader at the time he is appointed to the office of District Judge;

23.3. That the period of seven years referred to in clause (2) of Article 233 must be counted as the standing of the advocate or pleader with reference to his right of practice in a court in the territory of India *i.e.* any right of practice in a court which was in India before the partition of the country in 1947 but which is not in India since partition, cannot be taken into consideration for the purpose of counting the period of seven years.

24. Answering the questions that arose for consideration before it, the Constitution Bench observed thus: (*Rameshwar Dayal case*¹, SCC OnLine SC para 12)

“12. ... Article 233 is a self contained provision regarding the appointment of District Judges. As to a person who is already in the service of the Union or of the State, no special qualifications are laid down and under clause (1) the Governor can appoint such a person as a District Judge in consultation with the relevant High Court. As to a person not already in service, a qualification is laid down in clause (2) and all that is required is that he should be an advocate or pleader of seven years’ standing.”

25. It can thus be seen that this Court has held that Article 233 of the Constitution is a *self-contained provision* regarding the appointment of District Judges. It has been held that for a person who is already in the service of the Union or of the State, no special qualifications are laid down and under clause (1) of Article 233 of the Constitution, the Governor can appoint such a person as a District Judge in consultation with the relevant High Court. It has also been held that for a person not already in service, qualifications are laid down in clause (2) of Article 233 of the Constitution and all that is required is that he/she should be an advocate or pleader of seven years’ standing.

26. It is thus clear that the source of appointment for both an in-service candidate and a directly recruited candidate is provided in clause (1) of Article 233 of the Constitution. Clause (2) of Article 233 of the Constitution deals with the two aspects *viz.*:

- (i) qualification of an advocate or a pleader, and
- (ii) necessity of the recommendation by the High Court.

27. Insofar as the issue with regard to counting the experience of an advocate or a pleader in the Lahore High Court for counting the years of service as an advocate of High Court of Punjab is concerned, we may observe that the same is not relevant for adjudication of the present reference inasmuch as it is not an issue before us.

¹ *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

a 28. This Court in that respect, however, in *Rameshwar Dayal*¹ made a reference to the consequences that would follow if the interpretation canvassed on behalf of the appellant therein was to be accepted. The Court recorded that if the same is accepted, then for seven years beginning from 15-8-1947, no member of the Bar of the Punjab High Court would be eligible for appointment as a District Judge.

29. It will be relevant to refer to the following observations of this Court: (*Rameshwar Dayal case*¹, SCC OnLine SC para 13)

b "13. ... It is perhaps necessary to add that we must not be understood to have decided that the expression 'has been' must always mean what learned counsel for the appellant says it means according to the strict rules of grammar. It may be seriously questioned if an organic Constitution must be so narrowly interpreted, and the learned Additional Solicitor-General has drawn our attention to other Articles of the Constitution like Article c 5(c) where in the context the expression has a different meaning. Our attention has also been drawn to the decision of the Allahabad High Court in *Mubarak Mazdoor v. K.K. Banerji*¹⁶ where a different meaning was given to a similar expression occurring in the proviso to sub-section (3) of Section 86 of the Representation of the People Act, 1951. We consider it unnecessary to pursue this matter further because the respondents we are d now considering continued to be advocates of the Punjab High Court when they were appointed as District Judges and they had a standing of more than seven years when so appointed. They were clearly eligible for appointment under clause (2) of Article 233 of the Constitution."

e 30. It can thus be seen that with respect to the submission advanced on behalf of the learned counsel for the appellant therein, the Constitution Bench of this Court observed that it is necessary to add that they must not be understood to have decided that the expression "has been" must always mean what the learned counsel for the appellant says it to mean. The Constitution Bench further observed that they may be seriously questioned if an *organic Constitution* must be so narrowly interpreted. However, this Court did not find f it necessary to pursue the matter in this regard since Respondents 2, 4 and 5 were considered to be continuing as advocates of the Punjab High Court when they were appointed as District Judges and they had a standing of more than seven years when so appointed (which was inclusive of their practice as an advocate in the Lahore High Court).

g 31. This Court in *Rameshwar Dayal*¹ thereafter considered the cases of Respondents 3 and 6 whose names were not on the roll of advocates at the time they were appointed as District Judges. This Court observed thus: (*Rameshwar Dayal case*¹, SCC OnLine SC para 14)

"14. We now turn to the other two respondents (Harbans Singh and P.R. Sawhney) whose names were not *factually* on the roll of Advocates

h 1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

16 1957 SCC OnLine All 196 : AIR 1958 All 323

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at the time they were appointed as District Judges. What is their position? We consider that they also fulfilled the requirements of Article 233 of the Constitution. Harbans Singh was in service of the State at the time of his appointment, and Mr Viswanantha Sastri appearing for him has submitted that clause (2) of Article 233 did not apply. We consider that even if we proceed on the footing that both these persons were recruited from the Bar and their appointment has to be tested by the requirements of clause (2), we must hold that they fulfilled those requirements.” (emphasis in original)

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32. It is thus clear that in spite of the fact that Respondents 3 and 6 were factually *not* on the roll of advocates at the time of their appointment as District Judges and they were in service of the State, they were considered eligible for appointment. This Court specifically observed that Harbans Singh (Respondent 3) and P.R. Sawhney (Respondent 6) were in service of the State at the time of his appointment.

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33. No doubt that the learned Senior Counsel/counsel appearing for the respondents before us in the present batch of matters are right in contending that the Constitution Bench in *Rameshwar Dayal*¹ while interpreting Section 8(2)(a) of the *Bar Councils Act, 1926* and Clause 6 of the *High Courts (Punjab) Order, 1947* held that the respondents concerned therein did not cease to be advocates at any time or stage after 15-8-1947 and they continued to be advocates of the Punjab High Court till they were appointed as District Judges. However, the position is clear that both Respondents 3 and 6 therein were in service of the State at the time of their appointment. It is also not in dispute that on 6-5-1949, Respondent 6 therein had got his licence to practise as an advocate suspended.

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(b) *Chandra Mohan v. State of U.P.*²

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34. The next judgment of this Court which requires our consideration is that of *Chandra Mohan*². Before we proceed to consider the observations of the Constitution Bench in the said case, a brief narration of the facts would be necessary.

35. In the said case, in the year 1961-62, the Registrar of the Allahabad High Court called for applications for recruitment to ten vacancies in the Uttar Pradesh Higher Judicial Service from Barristers, Advocates, Vakils and Pleaders of more than seven years' standing and from judicial officers.

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36. It will be relevant to refer to Rule 14 of the *U.P. Higher Judicial Service Rules* which reads thus:

“14. *Direct recruitment.*—(1) Applications for direct recruitment to the service shall be called for by the High Court and shall be made in the prescribed form which may be obtained from the Registrar of the Court.

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(2) The applications by barristers, advocates, vakils or pleaders, should be submitted through the District Judge concerned, and must be accompanied

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

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2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

a by certificates of age, character, nationality and domicile, standing as a legal practitioner, and such other documents as may be prescribed in this behalf by the Court. Applications from judicial officers should be submitted in accordance with the rules referred to in Clause 2(b) of Rule 5 of these Rules. The District Judge or other officer through whom the application is submitted shall send to the Court, along with the application, his own estimate of the applicant's character and fitness for appointment to the service."

b 37. The Selection Committee constituted under the *U.P. Higher Judicial Service Rules*, in accordance with the provisions of the said Rules, selected six candidates from the said applicants as suitable for appointment to the said service. Respondents 2, 3 and 4 therein were advocates and Respondents 5, 6 and 7 therein were "judicial officers". Their appointments were challenged before the High Court on the ground that the said candidates were not the members of the judicial service. There was difference of opinion between the c Judges of the Division Bench of the High Court. As such, the matter came to be referred to a third Judge. The third Judge agreed¹⁷ with the view that the recruitment from both the sources was good. As such, the writ petitions were dismissed. Pursuant to the certificate given by the High Court under Articles 132(1) and 133(1)(c) of the Constitution, the appeal came to be filed before this Court.

d 38. It is pertinent to note that the Constitution Bench of this Court in *Chandra Mohan*² observed that the expression "judicial officers" is a euphemism for the members of the Executive Department who discharge some revenue and magisterial duties.

e 39. Though several issues were raised for consideration before the Constitution Bench in *Chandra Mohan*², it would suffice to refer to the following contentions: (SCC OnLine SC)

"... (3) The Governor has no power to appoint District Judges from judicial officers as they are not members of the judicial service.

f (4) The exclusion of the members of the judicial service in the matter of direct recruitment offends Articles 14 and 16 of the Constitution; or, alternatively, the exclusion of the members of the judicial service in the matter of direct recruitment to the post of District Judges while permitting "judicial officers" to be so recruited offends the said articles."

g 40. It will be relevant to specifically refer to the third point which has been considered by this Court in *Chandra Mohan*², which reads thus: (SCC OnLine SC)

"The third point raised is one of far-reaching importance. Can the Governor, after the Constitution, directly appoint persons from a service other than the judicial service as District Judges in consultation with the High Court? Can he appoint "judicial officers" as District Judges? The expression "judicial officers" is a misleading one. It is common case

h ¹⁷ *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine All 57

² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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that they belong to the executive branch of the Government, though they perform certain revenue and magisterial functions.”

41. It can thus be seen that the main issue that fell for consideration before this Court in the said case was as to whether the judicial officers belonging to the executive branch of the Government could be appointed as District Judges.

42. It will also be relevant to the following observations of this Court in *Chandra Mohan*²: (SCC OnLine SC)

“Before construing the said provisions, it should be remembered that the fundamental rule of interpretation is the same whether one construes the provisions of the Constitution or an Act of Parliament, namely, that the court will have to find out the expressed intention from the words of the Constitution or the Act, as the case may be. But, ‘if, however, two constructions are possible then the Court must adopt that which will ensure smooth and harmonious working of the Constitution and eschew the other which will lead to absurdity or give rise to practical inconvenience or make well established provisions of existing law nugatory.’”

43. It can thus be seen that the Constitution Bench held that though the fundamental rule of interpretation is the same whether one construes the provisions of the Constitution or an Act of Parliament, namely, that the Court will have to find out the expressed intention from the words of the Constitution or the Act. However, if two constructions are possible then the Court must adopt that which will ensure smooth and harmonious working of the Constitution and eschew the other which will lead to absurdity or give rise to practical inconvenience or make well established provisions of existing law nugatory.

44. The Court in the said case thereafter examined the entire scheme of Articles 233 to 237 of the Constitution.

45. After examining the scheme, this Court observed thus: (*Chandra Mohan case*², SCC OnLine SC)

“The gist of the said provisions may be stated thus: *Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State. There are two sources of recruitment, namely: (i) service of the Union or of the State, and (ii) members of the Bar. The said Judges from the first source are appointed in consultation with the High Court and those from the second source are appointed on the recommendation of the High Court. But in the case of appointments of persons to the judicial service other than as District Judges, they will be made by the Governor of the State in accordance with rules framed by him in consultation with the High Court and the Public Service Commission. But the High Court has control over all the District Courts and courts subordinate thereto, subject to certain prescribed limitations.*” (emphasis supplied)

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

a 46. It can thus be seen that this Court has held that the appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State. This Court further held that there are two sources of recruitment, namely:

- (i) service of the Union or of the State, and
- (ii) members of the Bar.

b It has been held that the said Judges from the first source are appointed in consultation with the High Court and those from the second source are appointed on the recommendation of the High Court. This Court further held that in the case of appointments of persons to the judicial service other than as District Judges, the same shall be made by the Governor of the State in accordance with rules framed by him in consultation with the High Court and the Public Service Commission. It has been further held that the High Court has control over all the District Courts and courts subordinate thereto, subject to certain prescribed limitations.

c 47. This Court held that under Article 236(b) of the Constitution, "judicial service" has been defined to mean a service consisting exclusively of persons intended to fill the post of District Judge and other civil judicial posts inferior to the post of District Judge. This Court thereafter observed thus: (*Chandra Mohan case*², SCC OnLine SC)

d " ... If this definition, instead of appearing in Article 236, is placed as a clause before Article 233(2), *there cannot be any dispute that "the service" in Article 233(2) can only mean the judicial service.* The circumstance that the definition of "judicial service" finds a place in a subsequent Article does not necessarily lead to a contrary conclusion. *The fact that in Article 233(2) the expression "the service" is used whereas in Articles 234 and 235 the expression "judicial service" is found is not decisive of the question whether the expression "the service" in Article 233(2) must be something other than the judicial service, for, the entire chapter is dealing with the judicial service.* The definition is exhaustive of the service. Two expressions in the definition bring out the idea that the judicial service consists of hierarchy of judicial officers starting from the lowest and ending with District Judges. *The expressions "exclusively" and "intended" emphasise the fact that the judicial service consists only of persons intended to fill up the posts of District Judges and other civil judicial posts and that is the exclusive service of judicial officers.* Having defined "judicial service" in exclusive terms, having provided for appointments to that service and having entrusted the control of the said service to the care of the High Court, the makers of the world (*sic*) Constitution not have conferred a blanket power on the Governor to appoint any person from any service as a District Judge." (emphasis supplied)

g 48. This Court, therefore, after examining the scheme held that having defined "judicial service" in exclusive terms and having provided for

h ² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

appointments to that service and having entrusted the control of the said service to the care of the High Court, the makers of the Constitution could not have conferred a blanket power on the Governor to appoint any person from any service as a District Judge. Subsequently, after referring to the observations of this Court in *Rameshwar Dayal*¹, this Court in *Chandra Mohan*² observed thus: (*Chandra Mohan case*², SCC OnLine SC)

“This passage is nothing more than a summary of the relevant provisions. The question whether “the service” in Article 233(2) is any service of the Union or of the State did not arise for consideration in that case nor did the Court express any opinion thereon.

We, therefore, construe the expression “the service” in d. (2) (*sic*) of Article 233 as the judicial service.”

49. It can thus be seen that the question whether “*the service*” in Article 233(2) of the Constitution “*is any service of the Union or of the State*” did not arise for consideration in *Rameshwar Dayal*¹. This Court, therefore, in *Chandra Mohan*² construed the expression “*the service*” in clause (2) of Article 233 of the Constitution as the judicial service.

50. This Court, in the result, held that the *U.P. Higher Judicial Service Rules* providing for the recruitment of District Judges are constitutionally void and therefore the appointments made thereunder were illegal.

51. A perusal of both these Constitution Bench judgments^{1, 2} would reveal that this Court does not hold that in case of direct recruitment, it is only the advocates having practice of seven years who could be appointed. Neither does either of the judgment prohibit the judicial officers to be considered for appointment by way of direct recruitment.

52. If we accept the construction as put forth by the respondents, then the first part of clause (2) of Article 233 of the Constitution *i.e.* “[*a*] person not already in service of the Union or of the State” will be rendered redundant and superfluous.

53. It is, however, more than a settled position of law that it is presumed that the legislature has inserted each and every word with an intention to give the provision an effective meaning.

54. If the Constituent Assembly desired that when the recruitment is made directly, only the advocates having seven years of practice would be considered for appointment, it would not have put the words “[*a*] person not already in service of the Union or of the State” in the first part of clause (2) of Article 233 of the Constitution. It is, therefore, to be presumed that the Constituent Assembly has used the said words with a purpose.

55. As already discussed hereinabove, the source of appointment of District Judges is clause (1) of Article 233 of the Constitution. Even if the selection of such a person is made through promotions or through the mode of direct

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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a recruitment, the appointment will have to be made by the Governor of the State concerned in consultation with the High Court. At the cost of repetition, we observe that the second part of clause (2) of Article 233 of the Constitution only enables and provides for qualifications for advocates or pleaders who are desirous of competing for the post of District Judge.

(c) *State of Assam v. Kuseswar Saikia*³

b 56. Coming next to *State of Assam v. Kuseswar Saikia*³. In the said case, a writ petition was filed before the High Court of Assam by Respondents 1 to 3 therein seeking the issuance of a writ of *quo warranto* challenging the appointment of one Upendra Nath Rajkhowa, who was the District and Sessions Judge, Darrang at Tazpur. Respondents 1 to 3 therein had been convicted by Rajkhowa in a sessions trial, as a result they had challenged their conviction *inter alia* on the ground that Rajkhowa was not entitled to hold the post of District and Sessions Judge. The High Court held¹⁸ that the “promotion” of Rajkhowa by the Governor as Additional District Judge by Notification No. LJJ 74/66/65 dated 19-6-1967 purporting to act under Article 233 of the Constitution was *void* because he could only be promoted by the High Court acting under Article 235 of the Constitution. As a consequence, his further appointment as District Judge by the Governor was also declared by the High Court to be void. Aggrieved, the judgment¹⁸ of the High Court was challenged before this Court.

d 57. While deciding the appeal, this Court, after referring to clause (1) of Article 233 of the Constitution, observed thus: (*Kuseswar Saikia case*³, SCC pp. 508-509, para 4)

e “4. ... The language seems to have given trouble to the High Court. The High Court holds:

‘(1) “appointment to be” a District Judge is to be made by the Governor in consultation with the High Court vide Article 233; and

f (2) “promotion” of a District Judge and not promotion “to be a District Judge” is also to be made by the Governor in consultation with the High Court vide Article 233.’

The High Court gives the example of selection grade posts in the cadre of District Judges which according to it is a case of promotion of a District Judge.”

g 58. It will also be apt to refer to the following observations of this Court in *Kuseswar Saikia*³: (SCC p. 509, para 6)

“6. It means that appointment as well as promotion of persons to be District Judges is a matter for the Governor in consultation with the High Court and the expression “District Judge” includes an Additional District Judge and an Additional Sessions Judge. It must be remembered

h 3 (1969) 3 SCC 505

18 *Kuseswar Saikia v. State of Assam*, 1969 SCC OnLine Gau 11

that District Judges may be directly appointed or may be promoted from the subordinate ranks of the judiciary. The article is intended to take care of both. It concerns initial appointment and initial promotion of persons to be either District Judges or any of the categories included in it. Further, promotion of District Judges is a matter of control of the High Court. What is said of District Judges here applies equally to Additional District Judges and Additional Sessions Judges. Therefore when the Governor appointed Rajkhowa an Additional District Judge, it could either be an “appointment” or a promotion under Article 233. If it was an appointment it was clearly a matter under Article 233. If the notification be treated as “promotion” of Rajkhowa from the junior service to the senior service it was a “promotion” of a person to be a District Judge which expression, as shown above, includes an Additional District Judge. In our opinion, it was the latter. Thus there is no doubt that the appointment of Rajkhowa as Additional District Judge by the Governor was a promotion and was made under Article 233. It could not be made under Article 235 which deals with posts subordinate to a District Judge including an Additional District Judge and an Additional Sessions Judge. The High Court was in error in holding that the appointment of Rajkhowa to the position of an Additional District Judge was invalid because the order was made by the Governor instead of the High Court. The appointment or promotion was perfectly valid and according to the Constitution.” (emphasis supplied)

59. It is thus clear that this Court, in unequivocal terms, held that appointment as well as promotion of persons to be District Judges is a matter for the Governor in consultation with the High Court and the expression “District Judge” includes an Additional District Judge and an Additional Sessions Judge. This Court further observed that the District Judges may be directly appointed or may be promoted from the subordinate ranks of the judiciary. It has been observed that Article 233(1) is intended to take care of both *i.e.* it concerns with initial appointment as well as promotion of persons to be either District Judges or any of the categories included in it. This Court further held that the promotion of District Judges is a matter under the control of the High Court. It has been held that when the Governor appointed Rajkhowa an Additional District Judge, it could either be an “appointment” or a “promotion” under Article 233 of the Constitution. It has been held that if it was an appointment, it was clearly a matter under Article 233 of the Constitution. This Court held that there is no doubt that the appointment of Rajkhowa as Additional District Judge by the Governor was a promotion and the same was made under Article 233 of the Constitution. This Court, therefore, held that the promotion could not be made under Article 235 which deals with posts subordinate to a District Judge including an Additional District Judge and an Additional Sessions Judge and that the High Court was in error in holding that the appointment of Rajkhowa to the position of an Additional District Judge was invalid because the order was made by the Governor instead of the High Court.

(d) A. Panduranga Rao v. State of A.P.⁴

a 60. Next is *A. Panduranga Rao v. State of A.P.*⁴ where the Government of
 b Andhra Pradesh was requested by the High Court to take necessary steps for
 filling up six vacancies by notifying six posts of District & Sessions Judge,
 Grade II for direct recruitment. The State Government informed the High Court
 vide DO letter dated 14-9-1972 that six vacancies were being notified for direct
 recruitment and they were actually notified in the Gazette on the very same
 date. The advertisement was therefore published on 1-8-1972. In total, 381
 c applications were received. Out of 381, 26 applications were found to be not in
 order and were therefore rejected. The remaining 355 candidates were called
 by the Selection Committee of the High Court for interview. The appellant
 therein, A. Panduranga Rao, was one of the candidates interviewed by the
 Selection Committee. After completion of selection procedure, the High Court
 made its recommendation in order of merit and Panduranga Rao was 5th out
 d of the 6 names recommended. It, however, appears that the recommendations
 were leaked and the Bar Association City Civil Court, Hyderabad and the High
 Court Bar Association passed certain resolutions/sent certain memoranda to the
 Government and made some adverse comments against some of the persons
 recommended by the High Court. The State Government addressed a DO
 letter dated 24-7-1973 to the High Court expressing concern over the leakage
 e of secret information but at the same time invited comments from the High
 Court. It appears that there was an exchange of communication and thereafter,
 the Government appointed two persons from the list of the candidates who
 were interviewed by the Selection Committee excluding the appellant therein.
 Several writ petitions were filed before the High Court challenging the said
 appointments. A writ petition was also filed by the appellant challenging the
 said appointments so also his non-selection. The writ petition filed by the
 appellant before the High Court was dismissed¹⁹. In appeal, this Court, after
 considering the provisions of Article 233 of the Constitution and the judgment
 in *Chandra Mohan*², observed thus: (*A. Panduranga Rao case*⁴, SCC p. 712,
 para 8)

f “8. A candidate for direct recruitment from the Bar does not become
 eligible for appointment without the recommendation of the High Court.
 He becomes eligible only on such recommendation under clause (2) of
 Article 233. The High Court in the judgment under appeal felt some
 difficulty in appreciating the meaning of the word “recommended”. But the
 literal meaning given in the *Concise Oxford Dictionary* is quite simple and
 g apposite. It means “suggest as fit for employment”. In case of appointment
 from the Bar it is not open to the Government to choose a candidate for
 appointment until and unless his name is recommended by the High Court.”

h 4 (1975) 4 SCC 709

19 *S. Abrar Hussain v. State of A.P.*, 1974 SCC OnLine AP 228

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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61. Finally, this Court allowed the appeal and set aside the judgment¹⁹ of the High Court. It can thus clearly be seen that the question before the Court was as to whether the State Government was empowered to make appointment of a candidate not recommended by the High Court. This Court, in unequivocal terms, held that a candidate becomes eligible for appointment only on such recommendation under clause (2) of Article 233 of the Constitution. The writ petition filed by the appellant before the High Court succeeded only to the extent that the appointment of the candidates whose names were recommended by the High Court was quashed.

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62. Relying on the said observations, it is sought to be submitted by the learned Senior Counsel/counsel appearing on behalf of the respondents that direct recruitment is reserved for the members of the Bar.

63. It is, however, to be noted that in the said case of *A. Panduranga Rao*⁴, the question as to whether a candidate already in the judicial service of the Union or the State was eligible for being considered for appointment as a District Judge by way of direct recruitment did not fall for consideration.

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(e) *Satya Narain Singh v. High Court of Allahabad*⁵

64. A heavy reliance is also placed by the respondents on the judgment of this Court in *Satya Narain Singh v. High Court of Allahabad*⁵ rendered by a Bench of three learned Judges.

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65. In the said case, the appellants therein, who were members of the Uttar Pradesh Judicial Service, in response to an advertisement by the High Court of Allahabad, applied to be appointed by direct recruitment to the Uttar Pradesh Higher Judicial Service. They claimed that each of them had completed seven years of practice at the Bar even before their appointment to the Uttar Pradesh Judicial Service and as such, eligible to be appointed by direct recruitment to the Higher Judicial Service. The writ petitions filed by them before the High Court were dismissed. The civil appeal filed thereagainst and some of the writ petitions filed before this Court were dismissed on 11-10-1984. However, thereafter, three writ petitions were heard by a three-Judge Bench which came to be dismissed by this Court on 27-11-1984⁵.

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66. It will be relevant to refer to the arguments advanced by both the sides, which read thus: (*Satya Narain Singh case*⁵, SCC pp. 227-28, para 2)

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“2. The submission of Shri Lal Narain Sinha and Shri K.K. Venugopal was that there was no constitutional inhibition against members of any Subordinate Judicial Service seeking to be appointed as District Judges by direct recruitment provided they had completed 7 years’ practice at the Bar. The submission of the learned counsel was that members of the Subordinate Judiciary, who had put in 7 years’ practice at the Bar before joining the Subordinate Judicial Service and who had gained experience as judicial officers by joining the Subordinate Judicial Service ought to

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19 *S. Abrar Hussain v. State of A.P.*, 1974 SCC OnLine AP 228

4 *A. Panduranga Rao v. State of A.P.*, (1975) 4 SCC 709

5 (1985) 1 SCC 225

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a be considered better fitted for appointment as District Judges because of
the additional experience gained by them rather than be penalised for that
reason. The learned counsel submitted that a construction of Article 233 of
the Constitution which would render a member of the Subordinate Judicial
Service ineligible for appointment to the Higher Judicial Service because of
the additional experience gained by him as a judicial officer would be both
unjust and paradoxical. It was also suggested that it would be extremely
anomalous if a member of the Uttar Pradesh Judicial Service who on
b the present construction of Article 233 is ineligible for appointment as a
District Judge by direct recruitment, is nevertheless eligible to be appointed
as a Judge of the High Court by reason of Article 217(2)(aa). On the other
hand Shri Gopal Subramaniam, learned counsel for the respondent, urged
that there was a clear demarcation in the Constitution between two sources
of recruitment, namely: (1) those who were in the service of a State or
c Union, and (2) those who were not in such service. He contended that the
second clause of Article 233 was attracted only to the second source and in
respect of candidates from that source the further qualification of 7 years as
an advocate or a pleader was made obligatory for eligibility. According to
Mr Gopal Subramaniam, a plain reading of both the clauses of Article 233
d showed that while the second clause of Article 233 was applicable only to
those who were not already in service, the first clause was applicable to
those who were already in service. He urged that any other construction
would lead to anomalous and absurd consequences such as a junior member
of the Subordinate Judicial Service taking a leap, as it were, over senior
members of the judicial service with long records of meritorious service.
Both sides relied upon the decisions of this Court in *Rameshwar Dayal v.*
e *State of Punjab*¹ and *Chandra Mohan v. State of U.P.*²

67. Since a heavy reliance is placed on behalf of the respondents on the said
judgment, it will be relevant to refer to the entire reasoning as recorded in the
said judgment, which reads thus: (*Satya Narain Singh case*⁵, SCC pp. 228-30,
paras 3-6)

f “3. ... Two points straightway project themselves when the two clauses
of Article 233 are read: The first clause deals with “appointments of persons
to be, and the posting and promotion of, District Judges in any State” while
the second clause is confined in its application to persons “not already in
the service of the Union or of the State”. We may mention here that “service
of the Union or of the State” has been interpreted by this Court to mean
g judicial service. Again while the first clause makes consultation by the
Governor of the State with the High Court necessary, the second clause
requires that the High Court must recommend a person for appointment
as a District Judge. It is only in respect of the persons covered by the
second clause that there is a requirement that a person shall be eligible

h 1 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816
2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987
3 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

for appointment as District Judge if he has been an advocate or a pleader for not less than 7 years. In other words, in the case of candidates who are not members of a judicial service they must have been advocates or pleaders for not less than 7 years and they have to be recommended by the High Court before they may be appointed as District Judges, while in the case of candidates who are members of a judicial service the 7 years' rule has no application but there has to be consultation with the High Court. A clear distinction is made between the two sources of recruitment and the dichotomy is maintained. The two streams are separate until they come together by appointment. Obviously the same ship cannot sail both the streams simultaneously. The dichotomy is clearly brought out by S.K. Das, J. in *Rameshwar Dayal v. State of Punjab*¹ where he observes: (SCC OnLine SC para 12)

'12. Article 233 is a self contained provision regarding the appointment of District Judges. As to a person who is already in the service of the Union or of the State, no special qualifications are laid down and under clause (1) the Governor can appoint such a person as a District Judge in consultation with the relevant High Court. As to a person not already in service, a qualification is laid down in clause (2) and all that is required is that he should be an advocate or pleader of seven years' standing.'

Again dealing with the cases of Harbans Singh and Sawhney it was observed: (*Rameshwar Dayal case*¹, SCC OnLine SC para 14)

'14. ... We consider that even if we proceed on the footing that both these persons were recruited from the Bar and their appointment has to be tested by the requirements of clause (2), we must hold that they fulfilled those requirements.'

Clearly the Court was expressing the view that it was in the case of recruitment from the Bar, as distinguished from judicial service that the requirements of clause (2) had to be fulfilled. We may also add here earlier the Court also expressed the view: (*Rameshwar Dayal case*¹, SCC OnLine SC para 12)

'12. ... we do not think that clause (2) of Article 233 can be interpreted in the light of Explanations added to Articles 124 and 217.'

4. In *Chandra Mohan v. State of U.P.*² Subba Rao, C.J. after referring to Articles 233, 234, 235, 236 and 237 stated: (SCC OnLine SC)

'The gist of the said provisions may be stated thus: Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State. *There are two sources of recruitment, namely: (i) service of the Union or of the State, and (ii) members of the Bar.* The said Judges from the first source

1 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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a are appointed in consultation with the High Court and those from the second source are appointed on the recommendation of the High Court. But in the case of appointments of persons to the judicial service other than as District Judges, they will be made by the Governor of the State in accordance with rules framed by him in consultation with the High Court and the Public Service Commission. But the High Court has control over all the District Courts and courts subordinate thereto, subject to certain prescribed limitations.'

b Subba Rao, C.J. then proceeded to consider whether the Government could appoint as District Judges persons from services other than the judicial service. After pointing out that Article 233(1) was a declaration of the general power of the Governor in the matter of appointment of District Judges and he did not lay down the qualifications of the candidates to be appointed or denoted the sources from which the recruitment had to be made, he proceeded to state: (*Chandra Mohan case*², SCC OnLine SC)

c '... But the sources of recruitment are indicated in clause (2) thereof. Under clause (2) of Article 233 two sources are given, namely: (i) persons in the service of the Union or of the State, and (ii) advocate or pleader.'

d 5. Posing the question whether the expression "the service of the Union or of the State" meant any service of the Union or of the State or whether it meant the judicial service of the Union or of the State, the learned Chief Justice emphatically held that the expression "the service" in Article 233(2) could only mean the judicial service. But he did not mean by the above statement that persons who are already in the service, on the recommendation by the High Court can be appointed as District Judges, overlooking the claims of all other seniors in the Subordinate Judiciary contrary to Article 14 and Article 16 of the Constitution.

e 6. Thus we see that the two decisions do not support the contention advanced on behalf of the petitioners but, to the extent that they go, they certainly advance the case of the respondents. We therefore, see no reason to depart from the view already taken by us and we accordingly dismiss the writ petitions." (emphasis in original)

f 68. With due respect, we may state that the said judgment does not lay down the correct position of law. The finding of this Court in the said case that the second clause of Article 233 is confined in its application to persons "not already in the service of the Union or of the State" is, in our view, erroneous. The finding that there is a clear distinction between the two sources of recruitment and the dichotomy is maintained, in our view, is not correct. Further, the finding that the two streams are separate until they come together by appointment and the "same ship cannot sail both the streams simultaneously" does not lay down the correct law.

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2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

69. No doubt that this Court in *Satya Narain Singh*⁵ correctly held that in *Rameshwar Dayal*¹, this Court had expressed the view that it was in the case of recruitment from the Bar, as distinguished from judicial service, that the requirements of clause (2) of Article 233 of the Constitution of having seven years' practice had to be fulfilled. However, it is pertinent to note that though this Court notices that no such qualification is provided in the case of candidates who are members of the judicial services, it is not clear from the judgment as to whether the Court finds that those who were appointed from the service in *Rameshwar Dayal*¹ was wrong or not. However, from the judgment in *Rameshwar Dayal*¹, it is obviously clear that the Court notices that Harbans Singh and P.R. Sawhney (respondents therein) were appointed when they were in service of the State.

70. This Court, in *Satya Narain Singh*⁵, after referring to *Chandra Mohan*², stated that in *Chandra Mohan*², the Court observed that the expression "the service" in Article 233(2) of the Constitution could only mean the judicial service. However, it further held that this Court in *Chandra Mohan*² did not mean by the above statement that persons who are already in the service, on the recommendation by the High Court can be appointed as District Judges, overlooking the claims of all other seniors in the Subordinate Judiciary contrary to Articles 14 and 16 of the Constitution.

71. We find that the abovesaid observations made in *Satya Narain Singh*⁵ that if a person who is already in service is appointed as a District Judge on the recommendation of the High Court, thereby overlooking the claims of all other seniors in the subordinate judiciary, would violate Articles 14 and 16 of the Constitution is not correct. On the contrary, we find that it will enable the more meritorious candidates amongst the judicial officers to compete with the advocates and only if they are found to be more meritorious, will they be selected and appointed. Not only that but Articles 14 and 16 of the Constitution would require that an *equal treatment* be given to all eligible candidates. In fact, the observations which amount to creating a "quota" for advocates, having practice of seven years, in the matter of direct recruitment for the post of District Judges would violate the provisions of Articles 14 and 16 of the Constitution.

72. We, therefore, find that barring a person, who is otherwise eligible but at the time of advertisement, is in judicial service of the Union or of the State and is prevented from competing with the candidates who are advocates having practice of seven years, for appointment(s) in the stream of direct recruitment would result in denial of an equal treatment. When the appointments are made solely on the basis of merit, then the claim of meritorious judicial officers cannot be overlooked. It is only merit and merit alone that shall matter.

⁵ *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

¹ *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

(f) *Sushma Suri v. State (NCT of Delhi)*⁶

a 73. The learned Senior Counsel/counsel appearing for the respondents also placed reliance on *Sushma Suri v. State (NCT of Delhi)*⁶. In the said case, the appellant therein who was appointed as Assistant Government Advocate and thereafter was promoted to the post of Additional Government Advocate in this Court, had applied, in response to the advertisement issued for recruitment to the Delhi Higher Judicial Service. When she was not called for the interview, she filed a writ petition before the High Court, which was dismissed²⁰.

b 74. While considering the provision contained in Article 233 of the Constitution, this Court in *Sushma Suri*⁶ observed thus: (SCC pp. 334-35, para 3)

c “3. ... Obviously, this Rule has been framed to be in conformity with Article 233 of the Constitution. Article 233(1) thereof provides for appointments of persons who are already in service while Article 233(2) provides that a person not already in service is eligible for appointment if he has been for not less than seven years an advocate or a pleader and is recommended for the purpose by the High Court. Referring to the expression “service” in Article 233(2) it has been held by this Court in *Chandra Mohan v. State of U.P.*² and *Satya Narain Singh v. High Court of Allahabad*⁵ that it means “judicial service”. However, it is not the contention either before the High Court or before us that the appellant is in judicial service. On the other hand the contention is that she has more than seven years’ experience as an advocate and, therefore, is fully eligible to be appointed to the Higher Judicial Service and the High Court was not justified in not considering her case for appointment. Hence we have to examine the only question whether the appellant is an “advocate” for the purpose of Article 233(2) of the Constitution and “from the Bar” as envisaged in Rule 7 of the Rules.”

f 75. For the reasons that are recorded by us hereinabove, we find that the finding in *Sushma Suri*⁶ that Article 233(1) of the Constitution provides for appointments of persons who are already in service, while Article 233(2) of the Constitution provides that a person not already in service is eligible for appointment if he has been for not less than seven years an advocate or a pleader and is recommended for the purpose by the High Court, is again contrary to the provisions of Article 233 of the Constitution.

g 76. This Court, in the said case, observed thus: (*Sushma Suri case*⁶, SCC p. 335, para 6)

“6. If a person on being enrolled as an advocate ceases to practise law and takes up an employment, such a person can by no stretch of imagination be termed as an advocate. However, if a person who is on the rolls of any

6 (1999) 1 SCC 330

20 *Sushma Suri v. State (NCT of Delhi)*, 1997 SCC OnLine Del 117

2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

5 (1985) 1 SCC 225

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Bar Council is engaged either by employment or otherwise of the Union or the State or any corporate body or person practises before a court as an advocate for and on behalf of such Government, corporation or authority or person, the question is whether such a person also answers the description of an advocate under the Act. That is the precise question arising for our consideration in this case.”

77. It can thus be seen that this Court in *Sushma Suri*⁶ has held that if a person on being enrolled as an advocate ceases to practise law and takes up an employment, then such a person can by no stretch of imagination be termed as an “advocate”. This Court further posed a question for its consideration that if a person who is on the roll of any Bar Council is engaged either by employment or otherwise of the Union or the State or a body corporate or person practises before a court as an advocate for and on behalf of such Government, corporation or authority or person, whether such a person also answers the description of an advocate under the Act.

78. To answer the said question, this Court considered the provisions under the *Advocates Act, 1961* and observed that for the purpose of the Advocates Act and the Rules framed thereunder, the Law Officer (Public Prosecutor or Government Counsel) will continue to be an advocate. It was observed that the intention of the relevant rules is that a candidate eligible for appointment to Higher Judicial Service should be a person who regularly practises before the Court or Tribunal, appearing for a client.

79. This Court, in the said case, thereafter observed thus: (*Sushma Suri case*⁶, SCC p. 336, para 9)

“9. In *Oma Shanker Sharma case*²¹ the Delhi High Court approached the matter in too pedantic a manner losing sight of the object of recruitment under Article 233(2) of the Constitution. Whenever any recruitment is conducted to fill up any post, the area of recruitment must be as broad-based as the Rules permit. To restrict it to advocates who are not engaged in the manner stated by us earlier in this order is too narrow a view, for the object of recruitment is to get persons of necessary qualification, experience and knowledge of life. A Government Counsel may be a Public Prosecutor or government advocate or a Government Pleader. He too gets experience in handling various types of cases apart from dealing with the officers of the Government. Experience gained by such persons who fall in this description cannot be stated to be irrelevant nor detrimental to selection to the posts of the Higher Judicial Service. The expression “members of the Bar” in the relevant Rule would only mean that particular class of persons who are actually practising in courts of law as pleaders or advocates. In a very general sense an advocate is a person who acts or pleads for another in a court and if a Public Prosecutor or a Government Counsel is on the rolls

⁶ *Sushma Suri v. State (NCT of Delhi)*, (1999) 1 SCC 330

²¹ *Oma Shanker Sharma v. State (UT of Delhi)*, 1988 SCC OnLine Del 19

of the Bar Council and is entitled to practise under the Act, he answers the description of an advocate.”

- a 80. It can thus be seen that this Court has clearly held that the object of the recruitment under Article 233 of the Constitution should not be approached in a “pedantic manner”. It has been observed that whenever a recruitment is conducted, the area of recruitment must be “as broad-based as the rules permit”. It has been held that the object of recruitment is to get persons of necessary qualification, experience and knowledge of life. This Court held that
- b a Government Counsel may be a Public Prosecutor or Government Advocate or a Government Pleader who too gets experience in handling various types of cases apart from dealing with the officers of the Government. It has been held that experience gained by such persons who fall in this description cannot be stated to be irrelevant nor detrimental in selection to the posts of the Higher Judicial Service. This Court observed that the expression “members of the Bar”
- c in the relevant rule would only mean that particular class of persons who are actually practising in courts of law as pleaders or advocates. This Court held that if a Public Prosecutor or a Government Counsel is on the roll of the Bar Council and is entitled to practise under the Act, he answers the description of an advocate. This Court clearly held that an advocate employed by the Government or a body corporate as its law officer, even on terms of payment of
- d salary would not cease to be an advocate in terms of Rule 49 of the Bar Council of India Rules.

e 81. It can thus be seen that the observations of this Court in *Sushma Suri*⁶ rather than fully supporting the contention of the respondents, to some extent, support the contentions of the petitioners. This Court in the said case has emphasized that the object of recruitment is to get persons of necessary qualification, experience and knowledge of life. It has been observed that the Government Advocate gets experience in handling various types of cases apart from dealing with the officers of the Government. It has been held that the experience gained by such persons who fall in this description cannot be stated to be irrelevant nor detrimental to selection to the posts of the Higher Judicial Service.

f (g) *Deepak Aggarwal v. Keshav Kaushik*⁷

- g 82. Again, in *Deepak Aggarwal*⁷, relied upon by the learned Senior Counsel/counsel for the respondents, the five appellants therein who were working as Assistant District Attorney, Deputy Advocate General and Public Prosecutor, etc., were selected by direct recruitment to the post of Additional District and Sessions Judge in the Haryana Superior Judicial Service. The High Court had quashed their appointment on the ground that they did not have the requisite criteria to qualify for the recruitment as contemplated in Article 233 of the Constitution.

h 6 *Sushma Suri v. State (NCT of Delhi)*, (1999) 1 SCC 330

7 (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

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83. This Court, after considering the Constitution Bench judgments in *Rameshwar Dayal*¹ and *Chandra Mohan*² and other judgments dealing with the similar issue, observed thus: (*Deepak Aggarwal case*⁷, SCC pp. 326-27, para 89) a

“89. We do not think there is any doubt about the meaning of the expression “advocate or pleader” in Article 233(2) of the Constitution. This should bear the meaning it had in law preceding the Constitution and as the expression was generally understood. The expression “advocate or pleader” refers to legal practitioner and, thus, it means a person who has a right to act and/or plead in court on behalf of his client. There is no indication in the context to the contrary. It refers to the members of the Bar practising law. In other words, the expression “advocate or pleader” in Article 233(2) has been used for a member of the Bar who conducts cases in court or, in other words acts and/or pleads in court on behalf of his client. In *Sushma Suri*⁶, a three-Judge Bench of this Court construed the expression “members of the Bar” to mean class of persons who were actually practising in courts of law as pleaders or advocates. A Public Prosecutor or a Government Counsel on the rolls of the State Bar Council and entitled to practise under the 1961 Act was held to be covered by the expression “advocate” under Article 233(2). We respectfully agree.” b

84. It can thus be seen that the meaning given to the term “advocate or pleader” in *Sushma Suri*⁶ has been affirmed by this Court in *Deepak Aggarwal*⁷. This Court further observed thus: (*Deepak Aggarwal case*⁷, SCC p. 330, para 99) c

“99. ... The factum of employment is not material but the key aspect is whether such employment is consistent with his practising as an advocate or, in other words, whether pursuant to such employment, he continues to act and/or plead in the courts. If the answer is yes, then despite employment he continues to be an advocate. On the other hand, if the answer is in the negative, he ceases to be an advocate.” d

85. It can thus be seen that this Court has reiterated the position laid down in *Sushma Suri*⁶ that the factum of employment is not material but the key aspect is whether such employment is consistent with his practising as an advocate or, in other words, whether pursuant to such employment, he continues to act and/or plead in the courts. This Court held that despite employment he continues to be an advocate. e

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1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978 g

6 *Sushma Suri v. State (NCT of Delhi)*, (1999) 1 SCC 330 h

a 86. Therefore, the question that is required to be considered by us is if the purpose of recruitment is to get persons of necessary qualification, experience and knowledge of life, then as to whether the judicial officer who is in judicial service could be denied an opportunity to be recruited in the posts meant to be filled by way of direct recruitment. In that respect, we are of the considered view that it cannot be denied that the experience a judicial officer gets by working as a Judge can only work to the betterment of the district judiciary. The question that we would have to therefore consider in present case is as b to whether such experienced persons having rich judicial experience can be permitted to participate in the process of direct recruitment for the post of District Judge.

(h) *Vijay Kumar Mishra v. High Court of Patna*⁸

c 87. In *Vijay Kumar Mishra v. High Court of Patna*⁸, a case specifically relied upon by the learned Senior Counsel appearing on behalf of the petitioners, the appellants therein had appeared in the recruitment for the Subordinate Judicial Service of Bihar as well as District Judge Entry Level (Direct from Bar). It will be relevant to note that in the said case the process for both the recruitments was held simultaneously. The writ petitioners before the Patna High Court appeared in the preliminary and mains examination of d District Judge Entry Level (Direct from Bar). In the meantime, they were declared qualified for the Subordinate Judicial Service in 28th Batch and accordingly joined the Subordinate Judicial Service of the State of Bihar in August 2015. Subsequently, the result of the Mains Examination of the District Judge Entry Level (Direct from Bar) was published in January 2016. Both e the writ petitioners were declared qualified in the Mains Examination. The High Court had published schedule for interview and issued call letters to both of them. One of the conditions mentioned therein was furnishing of a “no objection certificate of the employer”. Therefore, the writ petitioners filed a representation before the Registrar General, Patna High Court seeking to appear in the said interview. The request was declined on the ground that they were already in the State Judicial Subordinate Service. It was further informed to the f writ petitioners that if they desire to appear in the interview, they may choose to resign before participating in the interview and that the said resignation, once tendered, would not be permitted to be withdrawn. The rejection of their representation was the subject-matter of a challenge before the High Court. The High Court rejected²² the writ application. Hence, the writ petitioners came before this Court.

g 88. It will be gainful to refer to the following observations in the judgment delivered by Jasti Chelameshwar, J.: (*Vijay Kumar Mishra*⁸, SCC p. 319, paras 5-6)

“5. For any youngster, the choice must appear very cruel, to give up the existing employment for the uncertain possibility of securing a better

h ⁸ (2016) 9 SCC 313

²² *Vijay Kumar Mishra v. High Court of Patna*, 2016 SCC OnLine Pat 4063

employment. If the appellant accepted the advice of the High Court but eventually failed to get selected and appointed as a District Judge, he might have to regret his choice for the rest of his life. Unless providence comes to the help of the appellant to secure better employment elsewhere or become a successful lawyer, if he chooses to practise thereafter, the choice is bound to ruin the appellant. The High Court we are sure did not intend any such unwholesome consequences. The advice emanated from the High Court's understanding of the purport of Article 233(2). Our assay is whether the High Court's understanding is right.

6. Article 233(1)²³ stipulates that appointment of District Judges be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State. However, Article 233(2)²⁴ declares that only a person not already in the service of either the Union or of the State shall be eligible to be appointed as District Judge. The said Article is couched in negative language creating a bar for the appointment of certain class of persons described therein. It does not prescribe any qualification. It only prescribes a disqualification."

89. It can thus be seen that this Court once again went on to interpret Article 233(2) to mean that only a person not already in the service of either the Union or the State shall be eligible to be appointed as District Judge. The Court observed that the said Article is couched in "negative language" creating a bar for the appointment of certain class of persons described therein. It was further observed that it does not prescribe any qualification but only prescribes disqualification. With due respect, we may observe that the said observations of this Court are contrary to the law laid down by this Court in the Constitution Bench judgment of *Chandra Mohan*².

90. The Court in *Vijay Kumar Mishra*⁸ goes on the premise that there is a distinction between selection and appointment. It was held by this Court that every person who is successful in the selection process undertaken by the State for the purpose of filling up of certain posts under it, does not acquire any right to be appointed automatically. This Court noted that Article 233(2) only prohibits the appointment of a person who is already in the service of the Union or the State, but not the selection of such a person.

23 "233. *Appointments of District Judges.*—(1) Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State."

24 "233. (2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment."

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

8 *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313

a 91. After referring to the judgments of this Court in *Satya Narain Singh*⁵ and *Deepak Aggarwal*⁷, the two-Judge Bench in the said case observed that the question as to at what stage the bar comes into operation was not an issue before the Court nor did it go into that question. The Court, therefore, allowed the appellants therein to participate in the selection process without insisting upon their resignation from their current employment. The Court further directed that if the appellants therein were found suitable, it was open to them to resign from the current employment and opt for the post of District Judge, if they so desire.

b 92. Abhay Manohar Sapre, J., in his separate concurring judgment in *Vijay Kumar Mishra*⁸ observed thus: (SCC pp. 323-24, paras 22-25)

c “22. This submission though looks attractive, is not acceptable. Neither the text of Article and nor the words occurring in Article 233(2) suggest such interpretation. Indeed, if his argument is accepted, it would be against the spirit of Article 233(2). My learned Brother for rejecting this argument has narrated the consequences, which are likely to arise in the event of accepting such argument and I agree with what he has narrated.

d 23. In my view, there lies a subtle distinction between the words “selection” and “appointment” in service jurisprudence. (See *Prafulla Kumar Swain v. Prakash Chandra Misra*²⁵.) When the Framers of the Constitution have used the word “appointed” in clause (2) of Article 233 for determining the eligibility of a person with reference to his service then it is not possible to read the word “selection” or “recruitment” in its place. In other words, the word “appointed” cannot be read to include the word “selection”, “recruitment” or “recruitment process”.

e 24. In my opinion, there is no bar for a person to apply for the post of District Judge, if he otherwise, satisfies the qualifications prescribed for the post while remaining in service of the Union/State. It is only at the time of his appointment (if occasion so arises) the question of his eligibility arises. Denying such person to apply for participating in selection process when he otherwise fulfils all conditions prescribed in the advertisement by taking recourse to clause (2) of Article 233 would, in my opinion, amount to violating his right guaranteed under Articles 14 and 16 of the Constitution of India.

f 25. It is a settled principle of rule of interpretation that one must have regard to subject and the object for which the Act is enacted. To interpret a statute in a reasonable manner, the Court must place itself in a chair of reasonable legislator/author. So done, the rules of purposive construction have to be resorted to so that the object of the Act is fulfilled. Similarly, it is also a recognised rule of interpretation of statutes that expressions used therein should ordinarily be understood in the sense

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

8 *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313

25 1993 Supp (3) SCC 181

in which they best harmonise with the object of the statute and which effectuate the object of the legislature. (See *Interpretation of Statutes*, 12th Edn., pp. 119 and 127 by G.P. Singh). The aforesaid principle, in my opinion, equally applies while interpreting the provisions of Article 233(2) of the Constitution.” (emphasis supplied)

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(i) *Dheeraj Mor v. High Court of Delhi*⁹

93. That brings us to the decision of this Court in *Dheeraj Mor v. High Court of Delhi*²⁶ wherein a two-Judge Bench found that in view of the various decisions of this Court, the major issue that arises for its consideration is as to whether the eligibility for appointment as District Judge is to be seen at the time of appointment or at the time of application or both. The matter was, therefore, directed to be placed before the then Chief Justice of India so as to constitute a larger Bench of this Court. On reference, this Court decided the matter on 19-2-2020 in *Dheeraj Mor*⁹.

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94. The learned three-Judge Bench in the said case, upon interpretation of Article 233 of the Constitution, held that the only mode provided for the appointment of in-service candidates to the post of District Judge was by way of promotion. According to the three learned Judges, this interpretation has already been laid down by the Constitution Bench in *Chandra Mohan*².

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95. It will be relevant to refer to *para 19* of *Dheeraj Mor*⁹ which reads thus: (SCC p. 425)

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“19. It is apparent from the decision in *Chandra Mohan v. State of U.P.*² that this Court has laid down that concerning District Judges recruited directly from the Bar, the Governor can appoint only advocates recommended by the High Court and Rule 14 which provided for judicial officers to be appointed as direct recruits was struck down by this Court to be ultra vires. Thus, the decision is squarely against the submission espoused on behalf of in-service candidates. In the abovementioned para 11 of *Chandra Mohan*², the position is made clear. In *Chandra Mohan*² the Court held that only advocates can be appointed as direct recruits, and inter alia Rule 14 providing for executive officers’ recruitment was struck down. This Court has held that the expression “service of State or Union” means judicial service, it only refers to the source of recruitment. Dichotomy of two sources of recruitment/appointment has been culled out in the decision.”

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96. It can thus be seen that the three learned Judges held that in *Chandra Mohan*², this Court has laid down that insofar as District Judges recruited directly from the Bar are concerned, the Governor can appoint only advocates recommended by the High Court and Rule 14 therein which provided for the judicial officers to be appointed as direct recruits was struck down by this

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9 (2020) 7 SCC 401

26 (2018) 4 SCC 619

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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a Court as *ultra vires*. The Court noted that the position was squarely against the submissions espoused on behalf of the in-service candidates. The Court further reiterated that it was only the advocates who could be appointed as District Judges by way of direct recruitment. The three-Judge Bench also held that the law laid down in *Rameshwar Dayal*¹ was also against the submissions raised on behalf of the in-service candidates.

b 97. This Court in the said case, thereafter, referring to the judgments in *Satya Narain Singh*⁵, *Deepak Aggarwal*⁷ and *Vijay Kumar Mishra*⁸, held that an in-service candidate cannot apply against the posts reserved for advocates/pleaders as he has to be in *continuous practice* in the past and at the time when he has applied and is appointed. This Court, therefore, held that the law laid down in *Vijay Kumar Mishra*⁸ was not correct.

c 98. An argument was placed before this Court in *Dheeraj Mor*⁹ with regard to denial of equal opportunity. While rejecting the said argument, the Court observed thus: (SCC pp. 443-44, para 43)

d “43. ... We find that there is no violation of equal opportunity. There is a wide search for talent for inducting in the judicial service as well as in direct recruitment from Bar, and the best candidates are identified and recruited. Persons from unusual places are also given the opportunity to stake their claim in pursuit of their choice. In *State of Bihar v. Bal Mukund Sah*²⁷, this Court has observed that onerous duty is cast on the High Court under the constitutional scheme. It has been given a prime and paramount position in the matter with the necessity of choosing the best available talent for manning the subordinate judiciary. Thus, we find that there is no violation of any principle of the Universal Declaration of Human Rights, 1948 and the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.”

e 99. In conclusion, this Court observed thus: (*Dheeraj Mor case*⁹, SCC p. 444, paras 45-46)

f “45. In view of the aforesaid discussion, we are of the opinion that for direct recruitment as District Judge as against the quota fixed for the advocates/pleaders, incumbent has to be practising advocate and must be in practice as on the cut-off date and at the time of appointment he must not be in judicial service or other services of the Union or State. For constituting experience of 7 years of practice as advocate, experience obtained in judicial service cannot be equated/combined and advocate/pleader should be in practice in the immediate past for 7 years and must be in practice while

g 1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

8 *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

27 (2000) 4 SCC 640

applying on the cut-off date fixed under the rules and should be in practice as an advocate on the date of appointment. The purpose is recruitment from Bar of a practising advocate having minimum 7 years' experience. a

46. In view of the aforesaid interpretation of Article 233, we find that rules debarring judicial officers from staking their claim as against the posts reserved for direct recruitment from Bar are not ultra vires as rules are subservient to the provisions of the Constitution.”

100. The answers to the reference in the main judgment of Arun Mishra, J. are as under: (*Dheeraj Mor case*⁹, SCC pp. 444-45, para 47) b

“47. We answer the reference as under:

47.1. The members in the judicial service of the State can be appointed as District Judges by way of promotion or limited competitive examination.

47.2. The Governor of a State is the authority for the purpose of appointment, promotion, posting and transfer, the eligibility is governed by the Rules framed under Articles 234 and 235. c

47.3. Under Article 232(2) (*sic*), an advocate or a pleader with 7 years of practice can be appointed as District Judge by way of direct recruitment in case he is not already in the judicial service of the Union or a State.

47.4. For the purpose of Article 233(2), an advocate has to be continuing in practice for not less than 7 years as on the cut-off date and at the time of appointment as District Judge. Members of judicial service having 7 years' experience of practice before they have joined the service or having combined experience of 7 years as lawyer and member of judiciary, are not eligible to apply for direct recruitment as a District Judge. d

47.5. The rules framed by the High Court prohibiting judicial service officers from staking claim to the post of District Judge against the posts reserved for advocates by way of direct recruitment, cannot be said to be ultra vires and are in conformity with Articles 14, 16 and 233 of the Constitution of India. e

47.6. The decision in *Vijay Kumar Mishra*⁸ providing eligibility, of judicial officer to compete as against the post of District Judge by way of direct recruitment, cannot be said to be laying down the law correctly. The same is hereby overruled.” f

101. Thereafter, in the judgment delivered by Arun Mishra, J. for himself and Vineet Saran, J., in para 48, the Court held that wherever such in-service candidates have been appointed by way of direct recruitment against the posts reserved for Bar, they shall be discontinued and be reverted to their original post. g

102. In his separate concurring judgment, S. Ravindra Bhat, J., after correctly narrating as to what was laid down by the Constitution Bench in

⁹ *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401 h

⁸ *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313

*Rameshwar Dayal*¹, distinguished it on the reasoning that this Court had no occasion to deal with any rules framed under Articles 233/234 in relation to the appointment for the post of District Judge.

103. Bhat, J., further correctly referred to the *ratio* of *Chandra Mohan*² as under: (*Dheeraj Mor case*⁹, SCC p. 454, para 67)

“67. Thereafter, the Court held that the expression “*not already in the service*” of the Union or any State meant that those holding civil posts, or members of civil services i.e. occupying non-judicial posts, were ineligible to compete for selection and appointment as District Judge; thus, only those in service as Judges, or members of judicial services could be considered for appointment.” (emphasis in original)

104. It can thus be seen that Bhat, J., noticed that in *Chandra Mohan*², the Constitution Bench held that only those in service as Judges or members of judicial services could be considered for appointment. However, after noticing the same and noticing the judgments in *Satya Narain*⁵ and *Deepak Aggarwal*⁷, he observed thus: (*Dheeraj Mor case*⁹, SCC p. 458, para 71)

“71. It is clear that what this Court had to consider was whether Public Prosecutors and government advocates were barred from applying for direct recruitments (i.e. whether they could be considered to have been in practice) and whether—during their course of their employment, as Public Prosecutors, etc. they could be said to have “*been for not less than seven years*” practising as advocates. The Court quite clearly ruled that such Public Prosecutors/Government Counsel (as long as they continued to appear as advocates before the court) answered the description and were therefore eligible.” (emphasis in original)

105. In conclusion, Bhat, J., considered *Rameshwar Dayal*¹ and *Chandra Mohan*² in the following words: (*Dheeraj Mor case*⁹, SCC pp. 460-61, para 75)

“75. It is thus evident, that *Rameshwar Dayal*¹ was mainly concerned with the question whether practice as a pleader or advocate, in pre-Partition India could be reckoned, for the purpose of calculating the seven-year period, stipulated in Article 233(2). No doubt, there are some observations, with respect to appointments being referable to Article 233(1). However, the important aspect which is to be kept in mind, is that no rules were discussed; the experience of the Advocates concerned, who were appointed as District Judges, was for a considerable period, in pre-Partition India, in the erstwhile undivided Punjab. *Chandra Mohan*², on the other hand is a clear authority—and an important judgment, on the aspect that those in the

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

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service of or holding posts, under the Union or States,—if they are not in judicial service—are ineligible for appointment as District Judges, under Article 233(2) of the Constitution. The corollary was that those holding judicial posts were not barred *as holders of office or posts under the Union or the State*. Significantly, this Court in *Chandra Mohan*², invalidated a rule which rendered both officers holding executive positions, under the State, and those holding judicial posts, eligible to apply for appointment under Article 233(2).” (emphasis in original)

106. Bhat, J., with due respect, went wrong while holding that *Chandra Mohan*² invalidated Rule 14 therein, rendering both executive officers under the State and persons holding judicial posts ineligible to apply under Article 233(2). In fact, *Chandra Mohan*² only held the rules empowering recruitment of District Judges from “judicial officers” to be unconstitutional. “Judicial officers” as noticed in the Rule was held in the decision itself to be misleading since: “*it is common case that they belong to the executive branch of the Government, though they perform certain revenue and magisterial functions*” (sic).

107. It was held in *Chandra Mohan*²: (*Dheeraj Mor case*⁹, SCC p. 423, para 17)

“17. ... But Article 233(1) is nothing more than a declaration of the general power of the Governor in the matter of appointment of District Judges. It does not lay down the qualifications of the candidates to be appointed or denote the sources from which the recruitment has to be made. *But the sources of recruitment are indicated in cl. (2) thereof. Under Cl. (2) of Article 233 two sources are given, namely: (i) persons in the service of the Union or of the State, and (ii) advocate or pleader.*” (emphasis in original)

108. The reference is answered by Bhat, J., in the following terms: (*Dheeraj Mor case*⁹, SCC pp. 462-63, para 76)

“76. A close reading of Article 233, other provisions of the Constitution, and the judgments discussed would show the following:

76.1. That the Governor of a State has the authority to make “*appointments of persons to be, and the posting and promotion of, District Judges in any State*” [Article 233(1)].

76.2. While so appointing the Governor is bound to consult the High Court [Article 233(1) : *Chandra Mohan*² and *Chandramouleshwar Prasad v. High Court of Patna*²⁸].

76.3. Article 233(1) cannot be construed as a source of appointment; it merely delineates as to who is the appointing authority.

² *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

⁹ *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

²⁸ (1969) 3 SCC 56

a 76.4. In matters relating to initial posting, initial appointment, and promotion of District Judges, the Governor has the authority to issue the order; thereafter it is up to the High Court, by virtue of Article 235, to exercise control and superintendence over the conditions of service of such District Judges. (See *State of Assam v. Ranga Muhammad*²⁹)

b 76.5. Article 233(2) is concerned only with *eligibility* of those who can be considered for appointment as District Judge. The Constitution clearly states that one who has been for not less than seven years, “an advocate or pleader” and one who is “*not already in the service of the Union or of the State*” (in the sense that such person is not a holder of a civil or executive post, under the Union or of a State) can be considered for appointment, as a District Judge. Significantly, the eligibility—for both categories, is couched in negative terms. Clearly, all that the Constitution envisioned was that an advocate with not less than seven years’ practice could be appointed as a District Judge, under Article 233(2).

c 76.6. Significantly, Article 233(2) *ex facie* does not exclude judicial officers from consideration for appointment to the post of District Judge. *It, however, equally does not spell out any criteria for such category of candidates.* This does not mean however, that if they or any of them, had seven years’ practice in the past, can be considered eligible, because no one amongst them can be said to answer the description of a candidate who “*has been for not less than seven years*” “*an advocate or a pleader*” (per Deepak Agarwal i.e. that the applicant/candidate should be an advocate fulfilling the condition of practice on the date of the eligibility condition, or applying for the post). The sequitur clearly is that a judicial officer is not one who *has been for not less than seven years*, an advocate or pleader.” (emphasis in original)

d 109. While rejecting the argument with regard to denial of equal opportunity to the in-service candidates, Bhat, J., observed thus: (*Dheeraj Mor case*⁹, SCC pp. 464-65, paras 82-83)

e “82. In the opinion of this Court, there is an inherent flaw in the argument of the petitioners. The classification or distinction made —between advocates and judicial officers, per se is a constitutionally sanctioned one. This is clear from a plain reading of Article 233 itself. Firstly, Article 233(1) talks of both appointments and *promotions*. Secondly, the classification is evident from the description of the two categories in Article 233(2) : one “*not already in the service of the Union or of the State*” and the other “*if he has been for not less than seven years as an advocate or a pleader*”. Both categories are to be “*recommended by the High Court for appointment*”. The intent here was that in both cases, there were clear exclusions i.e. advocates with less than seven years’ practice

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29 1963 SCC OnLine SC 63 : (1967) 1 SCR 454 : AIR 1967 SC 903
9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

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(which meant, conversely that those with more than seven years' practice were eligible) and those holding civil posts under the State or the Union. The omission of judicial officers only meant that such of them, who were recommended for promotion, could be so appointed by the Governor. The conditions for their promotion were left exclusively to be framed by the High Courts.

83. In view of the above analysis, since the Constitution itself makes a distinction between advocates on the one hand, and judicial officers, on the other, the argument of discrimination is insubstantial. If one examines the scheme of appointment from both channels closely—as Mishra, J. has done—it is evident that a lion's share of posts are to be filled by those in the judicial service. For the past two decades, only a fourth (25%) of the posts in the cadre of District Judges (in every State) are earmarked for advocates; the balance 75% to be filled exclusively from amongst judicial officers. 50% (out of 75%) is to be filled on the basis of seniority-cum-merit, whereas 25% (of the 75%) is to be filled by departmental examination. This examination is confined to members of the judicial service of the State concerned. The decision of this Court in *All India Judges Assn. v. Union of India*³⁰, reduced the limited departmental examination quota (out of turn promotion quota) from 25% to 10% which took effect from 1-1-2011. Thus, cumulatively, even today, judicial officers are entitled to be considered for appointment, by promotion, as District Judges, to the extent of 75% of the cadre relating to that post, in every State. It is therefore, held that the exclusion—by the rules, from consideration of judicial officers, to the post of District Judges, in the quota earmarked for advocates with the requisite standing, or practice, conforms to the mandate of Articles 233-235, and the rules are valid.”

110. Bhat, J., went to the extent of saying that if rules of any State permit judicial officers to compete against the advocates' quota for appointment as District Judges, they are susceptible to challenge. He observed that enabling judicial officers to compete in the *quota earmarked for advocates* would potentially result in no one from the stream of advocates with seven or more years' practice being selected. He held that this will be contrary to the mandate of Article 233(2). Bhat, J., therefore, held that *Vijay Kumar Mishra*⁸, to the extent that it is contrary to *Ashok Kumar Sharma v. Chander Shekhar*³¹, as regards participation in the selection process of candidates who are members of the judicial service, for appointment to the post of District Judge, from amongst the quota earmarked for advocates with seven years' practice, was wrongly decided and in the result overruled the same.

30 (2010) 15 SCC 170

8 *Vijay Kumar Mishra v. High Court of Patna*, (2016) 9 SCC 313

31 (1997) 4 SCC 18

(j) *All India Judges Assn. (3) v. Union of India*¹⁰

a 111. Reliance was also placed by the learned Senior Counsel/counsel appearing on behalf of the respondents on the following observations made by three learned Judges of this Court in *All India Judges Assn. (3) v. Union of India*¹⁰: (SCC pp. 269-71, paras 27-29)

b “27. Another question which falls for consideration is the method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges. At the present moment, there are two sources for recruitment to the Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The subordinate judiciary is the foundation of the edifice of the judicial system. It is, therefore, imperative, like any other foundation, that it should become as strong as possible. The weight on the judicial system essentially rests on the subordinate judiciary. While we have accepted the recommendation of the Shetty Commission which will result in the increase in the pay scales of the subordinate judiciary, it is at the same time necessary that the judicial officers, hard-working as they are, become more efficient. It is imperative that they keep abreast of knowledge of law and the latest pronouncements, and it is for this reason that the Shetty Commission has recommended the establishment of a judicial Academy, which is very necessary. At the same time, we are of the opinion that there has to be certain minimum standard, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e. the District Judge cadre from amongst the advocates should be 25% and the process of recruitment is to be by a competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the subordinate judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75% appointment by promotion and 25% by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by promotion is concerned : 50% of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum-seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with

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¹⁰ (2002) 4 SCC 247

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adequate knowledge of case law. The remaining 25% of the posts in the service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior Division) should be not less than five years. The High Courts will have to frame a rule in this regard.

28. As a result of the aforesaid, to recapitulate, we direct that recruitment to the Higher Judicial Service i.e. the cadre of District Judges will be:

(1)(a) 50% by promotion from amongst the Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) 25% by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years' qualifying service; and

(c) 25% of the posts shall be filled by direct recruitment from amongst the eligible advocates on the basis of the written and viva voce test conducted by respective High Courts.

(2) Appropriate rules shall be framed as above by the High Courts as early as possible.

29. Experience has shown that there has been a constant discontentment amongst the members of the Higher Judicial Service in regard to their seniority in service. For over three decades a large number of cases have been instituted in order to decide the relative seniority from the officers recruited from the two different sources, namely, promotees and direct recruits. As a result of the decision today, there will, in a way, be three ways of recruitment to the Higher Judicial Service. The quota for promotion which we have prescribed is 50% by following the principle "merit-cum-seniority", 25% strictly on merit by limited departmental competitive examination and 25% by direct recruitment. Experience has also shown that the least amount of litigation in the country, where quota system in recruitment exists, insofar as seniority is concerned, is where a roster system is followed. For example, there is, as per the rules of the Central Government, a 40-point roster which has been prescribed which deals with the quotas for Scheduled Castes and Scheduled Tribes. Hardly, if ever, there has been a litigation amongst the members of the service after their recruitment as per the quotas, the seniority is fixed by the roster points and irrespective of the fact as to when a person is recruited. When roster system is followed, there is no question of any dispute arising. The 40-point roster has been considered and approved by this Court in *R.K. Sabharwal v. State of Punjab*³². One of the methods of avoiding any litigation and

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a bringing about certainty in this regard is by specifying quotas in relation to posts and not in relation to the vacancies. This is the basic principle on the basis of which the 40-point roster works. We direct the High Courts to suitably amend and promulgate seniority rules on the basis of the roster principle as approved by this Court in *R.K. Sabharwal case*³² as early as possible. We hope that as a result thereof there would be no further dispute in the fixation of seniority. It is obvious that this system can only apply prospectively except where under the relevant rules seniority is to be determined on the basis of quota and rotational system. The existing relative seniority of the members of the Higher Judicial Service has to be protected but the roster has to be evolved for the future. Appropriate rules and methods will be adopted by the High Courts and approved by the States, wherever necessary by 31-3-2003.” (emphasis supplied)

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c 112. In addition to the reliance placed on the judgment of this Court in *All India Judges Assn.*(3)¹⁰, it is submitted by the learned Senior Counsel/counsel appearing on behalf of the respondents that understanding the provisions of Article 233 of the Constitution in the correct perspective, the *First National Judicial Pay Commission* under the Chairmanship of Justice K. Jagannatha Shetty, a former Judge of this Court (hereinafter, “the Shetty Commission”), itself recommended bringing out an amendment to Article 233(2) so as to permit in-service candidates to compete in the posts reserved for direct recruitment. On the contrary, by also placing reliance on the Shetty Commission, the correctness of the aforesaid view in *Dheeraj Mor*⁹ is sought to be reconsidered by the learned Senior Counsel appearing on behalf of the petitioners.

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e 113. It is also the case of the respondents that the judgments of the Constitution Bench of this Court in *Rameshwar Dayal*¹ and *Chandra Mohan*² have been correctly considered by this Court in various subsequent decisions including in *Satya Narain*⁵, *Deepak Aggarwal*⁷ and *Ashok Kumar Sharma*³¹. It is further submitted that the law laid down in *Dheeraj Mor*⁹ only reiterates the earlier position as laid down in various judgments of this Court. It is, therefore, submitted that this position is in hold for decades together and no interference would be warranted for the same.

g 32 *R.K. Sabharwal v. State of Punjab*, (1995) 2 SCC 745

10 *All India Judges Assn. (3) v. Union of India*, (2002) 4 SCC 247

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

h 7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

31 *Ashok Kumar Sharma v. Chander Shekhar*, (1997) 4 SCC 18

E. Consideration

114. We now propose to deal with the rival submissions.

(i) Textual and contextual interpretation

115. We have already referred to the principles of plain and literal interpretation hereinabove.

116. We may also gainfully refer to the following observations of this Court in *RBI v. Peerless General Finance & Investment Co. Ltd.*³³; (SCC pp. 450-51, para 33)

“33. Interpretation must depend on the text and the context. They are the bases of interpretation. One may well say if the text is the texture, context is what gives the colour. Neither can be ignored. Both are important. That interpretation is best which makes the textual interpretation match the contextual. A statute is best interpreted when we know why it was enacted. With this knowledge, the statute must be read, first as a whole and then section by section, clause by clause, phrase by phrase and word by word. If a statute is looked at, in the context of its enactment, with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these glasses we must look at the Act as a whole and discover what each section, each clause, each phrase and each word is meant and designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place. It is by looking at the definition as a whole in the setting of the entire Act and by reference to what preceded the enactment and the reasons for it that the Court construed the expression “Prize Chit” in *Srinivasa*³⁴ and we find no reason to depart from the Court’s construction.”

117. It can thus be seen that the interpretation which makes the textual interpretation match the contextual one has to be preferred. A statute is best interpreted when the reason and purpose for its enactment is ascertained. The statute must be read first as a whole, and then section by section, clause by clause, phrase by phrase and word by word. It has been held that if the statute is looked at in the context of its enactment with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take colour and appear different than when the statute is looked at without the glasses provided by the context. With these “glasses” we must look at the Act as a whole and discover what each section, each clause, each phrase and each word means and what it is designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation.

118. The law laid down by this Court in *Peerless General Finance and Investment Co.*³³ has been followed in a catena of judgments including in

33 (1987) 1 SCC 424 : (1987) 61 Comp Cas 663

34 *Srinivasa Enterprises v. Union of India*, (1980) 4 SCC 507 : (1981) 51 Comp Cas 464

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a the Constitution Bench judgment of this Court in *Vivek Narayan Sharma (Demonetisation Case-5 J.) v. Union of India*³⁵, of which one of us (Gavai, J., as he then was) was a member.

(ii) *Scheme of Article 233 of the Constitution*

b 119. In that view of the matter, we will have to examine the entire scheme of Article 233 of the Constitution. We will also have to give meaning to each and every word used in the said provision.

c 120. As already discussed hereinabove, all provisions relating to appointment of a person to be a District Judge and the posting and promotion thereof are contained in clause (1) of Article 233 of the Constitution. Such appointments have to be made by the Governor in consultation with the High Court exercising jurisdiction in relation to such a State. As such, the contention as sought to be placed on behalf of the respondents that clause (1) of Article 233 of the Constitution deals with promotions and the only manner in which in-service candidates could be appointed as District Judges is by way of promotion and further that the appointments made under clause (2) of Article 233 of the Constitution have to be restricted only to the advocates or a pleader having seven years' practice in our view, is not in consonance with the textual and contextual meaning of Article 233 of the Constitution.

d 121. As already discussed hereinabove, clause (1) of Article 233 of the Constitution deals with all the aspects regarding appointment to be made, promotion and posting to the post of District Judge. Further, as held by the Constitution Bench of this Court in *Kuseswar Saikia*³, even appointment on promotion of a subordinate judicial officer would be traceable to clause (1) of Article 233 of the Constitution.

e 122. Not only that but as held by this Court in *Rameshwar Dayal*¹, clause (2) of Article 233 of the Constitution deals with the qualification of a person to be appointed as District Judge. However, it is held by this Court in *Rameshwar Dayal*¹, that clause (2) of Article 233 does not provide a qualification for a person who is already in-service of the Union or of the State. As clarified in *Chandra Mohan*², such a service of the Union or the State has to be only judicial service.

f 123. Though clause (2) of Article 233 of the Constitution begins in a negative manner, if the interpretation as sought to be given in the judgments of this Court in *Satya Narain Singh*⁵ till *Dheeraj Mor*⁹ is to be accepted, it will render the first part of clause (2) of Article 233 of the Constitution redundant.

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35 (2023) 3 SCC 1

3 *State of Assam v. Kuseswar Saikia*, (1969) 3 SCC 505

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

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124. It will be relevant to refer to the following observations of the Constitution Bench of this Court in *Union of India v. Hansoli Devi*¹³: (SCC p. 281, para 9)

“9. ... Patanjali Sastri, C.J. in *Aswini Kumar Ghose v. Arabinda Bose*³⁶ had held that it is not a sound principle of construction to brush aside words in a statute as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the contemplation of the statute. In *Quebec Railway, Light, Heat & Power Co. Ltd. v. Vandry*³⁷ it had been observed that the legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the legislature will not be accepted except for compelling reasons.”

125. We are of the considered view, and particularly in view of what has been held in *Rameshwar Dayal*¹, that clause (2) of Article 233 of the Constitution contains provisions with regard to qualification for appointment of District Judge wherein it provides that for anyone who is not already in service of the Union or of the State, such a person will be eligible to be appointed as District Judge only if he has been for not less than seven years an advocate or a pleader. However, if a person is already in judicial service of the Union or of the State, no such requirement is provided for.

126. We are also of the considered view that if clause (2) of Article 233 of the Constitution is not read in the aforesaid manner, then the words “[a] person not already in the service of the Union or of the State” will be rendered redundant and otiose. Such an interpretation of clause (2) of Article 233, in our view, would not be permissible in law.

127. We are further of the considered view that if the principle of textual and contextual interpretation is applied to the provisions of Article 233 of the Constitution, it would require that the first part of clause (2) of Article 233 of the Constitution be read as “other than a person already in the service of the Union or of the State” or “except the person already in the service of the Union or of the State” so as to avoid rendering the first part of clause (2) of Article 233 being rendered redundant and otiose. This interpretation of ours derives support from the judgment of this Court in *Rameshwar Dayal*¹ wherein the Constitution Bench clearly held that clause (2) of Article 233 provides qualification for a candidate who is an advocate whereas it does not provide qualification for an in-service candidate.

128. A combined reading of clauses (1) and (2) of Article 233 of the Constitution would, therefore, reveal that the Constitution under clause (2) of Article 233 does not provide for qualification for an in-service candidate for direct recruitment.

13 (2002) 7 SCC 273

36 (1952) 2 SCC 237 : AIR 1952 SC 369 : 1953 SCR 1

37 1920 SCC OnLine PC 10 : AIR 1920 PC 181

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

a 129. Insofar as the reliance placed on the recommendations of the Shetty Commission and the directions issued in *All India Judges Assn. (3)*¹⁰ by the respondents are concerned, it will be relevant to note that the recommendations were made by the Shetty Commission when the judgment of this Court in *Satya Narain*⁵ was holding the field.

(iii) *Recommendations of the Shetty Commission*

b 130. It will be relevant to refer to the following recommendations made in the Shetty Commission's Report:

"11.50. We have given our anxious consideration to the views and comments expressed by the respondents to our Questions 8.3 and 8.4.

c 11.51. The majority of the High Courts and the Service Associations barring a couple of them are for giving an opportunity to the Service Judges for direct recruitment as District Judges. Even, some of the Governments are in favour of such a move. The reasons given in support of the proposal are that it would promote efficiency, improve discipline in judicial service and make the officers to work more efficiently, diligently and sincerely.

d 11.52. We are highly impressed by the reasons given by the High Courts of Allahabad, Bombay, Punjab & Haryana and All India Judges Association. If meritorious young blood should be introduced in the mixed cadre, there is no reason why merited serving Judges should be excluded from consideration for direct recruitment. In such selection, the High Court will have an opportunity to assess the merit of serving Judges as against the merits of the competent advocates. The Bombay High Court has rightly observed that the High Court in such selection will have an added advantage of assessing the Service Judges on the basis of their work and confidential records.

e 11.53. We agree that if an opportunity is afforded, it would make the officers to work more efficiently, diligently and sincerely.

f 11.54. We do not understand why such an opportunity should create indiscipline, heartburn and jealousy amongst the judicial officers as the Karnataka High Court has stated. We are equally unable to appreciate that it may lead to frustration amongst the seniors who are not selected for direct recruitment as indicated by the Delhi High Court.

g 11.55. It may be noted that we are not recommending for accelerated promotion to Service Judges. The accelerated promotion to a junior Judge may lead to heartburn and jealousy in the Service. Though we have formulated a question on that aspect and though some of the High Courts and Associations are in favour of introducing the system of accelerated promotion, we do not consider it desirable to have that system since it is likely to lead to bitterness and jealousy amongst the officers.

h 11.56. The Commission considers that if an opportunity for direct recruitment is afforded to in-service Judges, it would, to a great extent,

¹⁰ *All India Judges Assn. (3) v. Union of India*, (2002) 4 SCC 247

⁵ *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

remove the frustration which is presently dogging them. Such an opportunity would add lustre to their career and enable them to outshine with their merit, hard work and sincerity.

11.57. The contention urged by the directly recruited District Judges that those who have got the promotional channel should be allowed to make a move only through that channel does not sound to reason. In All India Administrative Service, there is no bar for any person in any service for applying, subject to the age prescribed. It is a common experience that many of the successful IAS and IPS candidates initially belonged to one or the other service.

11.58. The Commission, therefore, considers that it is reasonable and also necessary to provide eligibility for Service Judges for direct recruitment of District Judges.”

131. It can thus clearly be seen that the Shetty Commission has recorded that a majority of the High Courts and the Service Associations were of the view that the Service Judges should be given an opportunity for direct recruitment as District Judges. The reasoning given in support of the said recommendation by the Commission was to promote efficiency, improve discipline in judicial service and make the officers work more efficiently, diligently and sincerely. It has been observed that if meritorious young blood should be introduced in the mixed cadre, there is no reason as to why merited serving Judges should be excluded from consideration for direct recruitment.

132. It has been further observed that, in such a selection, the High Court will have an opportunity to assess the merit of serving Judges as against the merits of the competent advocates. The Shetty Commission also referred to the view of the Bombay High Court wherein it was stated that the High Court in such selection will have an added advantage of assessing the service Judges on the basis of their work and confidential records.

133. The argument with regard to indiscipline, heartburn and jealousy amongst the judicial officers as put in by the Karnataka High Court has been specifically rejected by the Shetty Commission. The Commission further found that if such an opportunity is provided for direct recruitment to the in-service Judges, it would, to a great extent, remove the frustration which is presently dogging them. It has been observed that such an opportunity would add lustre to their career and enable them to outshine with their merit, hard work and sincerity.

134. The Shetty Commission further observed that when there is no such restriction in All India Services, there is no reason as to why the Service Judges should be forced to enter to judicial service only through promotional channel and not be permitted to enter through the direct recruitment. It has been observed that it was common experience that many of the successful IAS and IPS candidates initially belonged to one or the other service. The Shetty Commission, therefore, recommended amending Article 233 of the Constitution by insertion of clause (3) in it. The Shetty Commission also

recommended an age limit between 35 years and 45 years for advocates and the serving Judges to apply for direct recruitment to the post of District Judge.

a 135. It is to be noted that the recommendations for amendment of the Constitution as made by the Shetty Commission are on the basis of the interpretation of clause (2) of Article 233 of the Constitution in the judgment of this Court in *Satya Narain Singh*⁵. We have already held that the interpretation as placed in *Satya Narain Singh*⁵ and followed subsequently is not a correct interpretation.

b 136. We are, therefore, in full agreement with those observations made by the Shetty Commission, according to which in order to promote efficiency in the cadre of District Judges, the young talented meritorious judicial officers should not be denied an opportunity.

(iv) *Experience of a judicial officer*

c 137. As a matter of fact, some of the observations made in the subsequent three-Judge Bench judgments of this Court in *Sushma Suri*⁶ and *Deepak Aggarwal*⁷ would support the view that we have taken. In both the said cases, this Court held that merely because by virtue of being Government Advocates, the candidates who were in employment, their rich experience of working as a lawyer for the Government cannot be ignored. It has further been held that since they continue to appear for the Government, either on the civil side or on the criminal side, their rich experience would benefit the judiciary.

d 138. Rule 49 of the Bar Council of India Rules as originally framed, reads as follows:

e “49. An advocate shall not be a full-time salaried employee of any person, Government, firm, corporation or concern, so long as he continues to practise and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an advocate so long as he continues in such employment.

f Nothing in this Rule shall apply to a law officer of the Central Government or of a State or of any public corporation or body constituted by statute who is entitled to be enrolled under the rules of his State Bar Council made under Section 28(2)(d) read with Section 24(1)(e) of the Act despite his being a full-time salaried employee.

Law Officer for the purpose of this Rule means a person who is so designated by the terms of his appointment and who, by the said terms, is required to act and/or plead in courts on behalf of his employer.”

g 139. As already referred to hereinabove, in *Sushma Suri*⁶, the question arose as to whether the word “advocate” in Article 233(2) includes a law officer of the Central or State Government, public corporation or of a body corporate, who is enrolled as an advocate under exception to Rule 49, who is practising

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

6 *Sushma Suri v. State (NCT of Delhi)*, (1999) 1 SCC 330

h 7 *Deepak Aggarwal v. Keshav Kaushik*, (2013) 5 SCC 277 : (2013) 3 SCC (Civ) 26 : (2013) 2 SCC (Cri) 978

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before courts or tribunal for his employer. A three-Judge Bench held positively, permitting a Public Prosecutor and Government Counsel who is on the rolls of the Bar Council, as entitled to practice under the Act, who would also answer the description of an advocate under Article 233(2) of the Act.

140. The very same question arose in a different context in *Satish Kumar Sharma v. Bar Council of H.P.*³⁸ The appellant therein was appointed as Assistant (Legal) by the Himachal Pradesh State Electricity Board, who later enrolled with the State Bar Council at the expense of the Board. After his appointment, the appellant therein continued in the Board as a regular employee, was given promotions with change in designations and was also appearing for the Board in the courts. The certificate of enrolment issued in the year 1984 was withdrawn by the Bar Council of the State in the year 1996 after due notice and opportunity of hearing. Looking at the nature of the duties of the appellant who was a full-time salaried employee, it was found that his work was not mainly or exclusively to act or plead in courts and he had to attend to many more duties, which were quite substantial and predominant. The appellant therein was also found to be amenable to disciplinary jurisdiction of his employer and mere occasional appearances in some courts on behalf of the employer could not bring the employer within the meaning of "Law Officer" under para 3 of Rule 49 was the finding. The decision in *Sushma Suri*⁶ was specifically noticed and distinguished on the ground that in that case the Court was concerned with the definition of the word "advocate" as appearing in Article 233(2), which was held to include a Law Officer of the Central or State Government who is enrolled as an advocate falling under exception to Rule 49. It was found so in para 20 of *Satish Kumar Sharma*³⁸: (SCC p. 380)

"20. As stated in the above paragraph the test indicated is whether a person is engaged to act or plead in a court of law as an advocate and not whether such person is engaged on terms of salary or payment by remuneration. The essence is as to what such Law Officer engaged by the Government does."

141. *Satish Kumar Sharma*, however, was found to be not coming within the exception under Rule 49 especially when there was no rule framed by the State Bar Council entitling law officers to enrol as an advocate even if they were full time employees. The contention that after such a long time his certificate of enrolment could not have been cancelled was negated on the finding that even at the threshold, he was not entitled to be enrolled under Rule 49. On the same premise, an alternative contention that he may be permitted to resign and retain his enrolment from the date on which the certificate was issued was also negated. Finding no reason to maintain his seniority on the rolls of the State Bar Council, on the basis of an enrolment certificate which at its very issuance was barred, the claim was rejected.

38 (2001) 2 SCC 365

6 *Sushma Suri v. State (NCT of Delhi)*, (1999) 1 SCC 330

a 142. We have to specifically notice that both these decisions were taken based on Rule 49 as it existed then. The exceptions provided by paras 2 and 3 have now been removed and have been substituted with the following:

b "That as Supreme Court has struck down the appearance by Law Officers in Court even on behalf of their employers the judgment will operate in the case of all Law Officers. Even if they were allowed to appear on behalf of their employers all such Law Officers who are till now appearing on behalf of their employers shall not be allowed to appear as advocates. The State Bar Council should also ensure that those Law Officers who have been allowed to practice on behalf of their employers will cease to practice. It is made clear that those Law Officers who after joining services obtained enrolment by reason of the enabling provision cannot practice even on behalf of their employers.

c That the Bar Council of India is of the view that if the said Officer is a whole time employee drawing regular salary, he will not be entitled to be enrolled as an advocate. If the terms of employment show that he is not in full time employment he can be enrolled."

d 143. As of now, an employee cannot get enrolled in the rolls of the State Bar Council without giving up his employment. A law graduate who is enrolled as an advocate on taking up regular employment as full-time salaried employee is obliged to intimate the fact to the Bar Council in which he is enrolled and would then cease to practise as an advocate so long as he continues such employment. Failure to make such intimation can result in his name being struck off from the rolls. Reading Sections 29, 30 and 33 of the Advocates Act, 1961 together with Rule 49 of the Bar Council of India Rules, an employee, even if he is in the rolls of the State Bar Council, as long as he remains a fully salaried employee, on intimation of the regular employment would be prohibited from carrying on practice of law as an advocate.

e 144. It is further to be noted that Bar Council of India Rules "Part VI — Rules Governing Advocates" came to be amended by the Bar Council of India by incorporating Chapter III "Conditions for Right to Practice" in 2010. In the said newly added Chapter III, Rule 5 deals with voluntarily suspension of practice as well as resumption of practice. Under this Rule, an advocate upon joining the judicial service is expected to intimate to the State Bar Council concerned that he has joined the judicial service as a result of which his right to practice stands voluntarily suspended. Therefore, an advocate who joins the judicial service on his resignation or retirement is entitled to resume his practice after the Enrolment Committee of the State Bar Council concerned orders the resumption of his practice and returns the certificate to him with the necessary endorsement.

f 145. It is thus clear that an advocate who joins the judicial service only suspends his right to practice and continues to be on the roll of the State Bar Council.

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146. In *Rameshwar Dayal*¹, the Constitution Bench has found that Harbans Singh and P.R. Sawhney, Respondents 3 and 6 therein, were entitled to be appointed as District Judges though they were in service of the State on the date of their appointment. Though, their names were not found on the roll of the Bar Council, it was held by the Constitution Bench while interpreting Section 8(2)(a) of the *Bar Councils Act, 1926* and Clause 6 of the *High Courts (Punjab) Order, 1947* that the said respondents did not cease to be advocates at any time or stage after 15-8-1947 and they were deemed to be continued as advocates of the Punjab High Court till they were appointed as District Judges.

147. At the cost of repetition, we may state that as per the provisions contained in the Bar Council of India Rules, an advocate even upon his selection and joining as a judicial officer, he/she continues to be on the roll of the Bar Council.

148. As already discussed hereinabove, the experience the judicial officers gain while working as Judges is much greater than the one, a person gains while working as an advocate. Apart from that, before commencing their work as judicial officers, the Judges are also required to undergo rigorous training of at least one year.

149. When Government Pleaders and Assistant Public Prosecutor who were still practising in courts were held to be competent to apply for direct recruitment to the post of District Judge, can the judicial officers before whom they practise, considered to be inferior. In fact, there is an anomaly insofar as an Assistant Public Prosecutor being entitled to participate in the direct recruitment of District Judges, while the judicial officers before whom they argue case are disabled; as interpreted in *Dheeraj Mor*⁹.

150. We, therefore, see no reason to deny an opportunity to such young talented judicial officers to compete with the advocates/pleaders having seven years' practice in the matter of direct recruitment to the post of District Judge.

151. We may also gainfully refer to *Lila Dhar v. State of Rajasthan*³⁹, where a three-Judge Bench of this Court has observed thus: (SCC pp. 162-63, para 4)

“4. The object of any process of selection for entry into a public service is to secure the best and the most suitable person for the job, avoiding patronage and favouritism. Selection based on merit, tested impartially and objectively, is the essential foundation of any useful and efficient public service. So, open competitive examination has come to be accepted almost universally as the gateway to public services.”

152. It can thus be seen that the object of any process of selection for entry into a public service should be to secure the best and the most suitable person for the job.

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

39 (1981) 4 SCC 159

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153. The view taken in *Lila Dhar*³⁹ has been approved by the Constitution Bench in *Tej Prakash Pathak v. High Court of Rajasthan*⁴⁰. This Court, in the said case, observed thus: (*Tej Prakash Pathak case*⁴⁰, SCC p. 32, para 49)

“49. The ultimate object of any process of selection for entry into a public service is to secure the best and the most suitable person for the job, avoiding patronage and favouritism. Selection based on merit, tested impartially and objectively, is the essential foundation of any useful and efficient public service. So, open competitive examination has come to be accepted almost universally as the gateway to public services. [*Lila Dhar v. State of Rajasthan*³⁹] It is now well settled that while a written examination assesses a candidate’s knowledge and intellectual ability, an interview test is valuable to assess a candidate’s overall intellectual and personal qualities.”

(v) *Interpretation of a constitutional provision cannot be pedantic*

154. Insofar as the reliance placed by the respondents on the judgment of this Court in *All India Judges Assn. (3)*¹⁰ is concerned, wherein this Court observed that the recruitment to the Higher Judicial Service from amongst the advocates should be 25% and that the recruitment should be by way of a competitive examination including both written examination and *viva voce*, we may again state that the said observations are in light of the view taken by this Court in *Satya Narain Singh*⁵ and subsequent judgments relying on *Satya Narain Singh*⁵.

155. As observed by this Court in a catena of cases, the interpretation of the constitutional provisions cannot be pedantic. It has to be organic. A purposeful interpretation has to be adopted. If the appointment to the District Judges cadre is to be made directly for the purpose of enhancing the efficiency of district judiciary, any interpretation which restricts the competition and prohibits the otherwise meritorious candidates from zone of consideration will have to be eschewed. The interpretation which advances the purpose of bringing in efficiency in the district judiciary and permitting a broad-based competition amongst all the eligible candidates will have to be accepted.

156. We are, therefore, of the considered view that the judgments of this Court right from *Satya Narain Singh*⁵ till *Dheeraj Mor*⁹ do not lay down a correct proposition of law.

(vi) *Eligibility of a judicial officer for direct recruitment*

157. That leaves us with the question as to whether there should be no qualifications at all for a member of judicial service in the service of the State or the Union, for participating in the selection process for the post of District Judge by direct recruitment.

39 *Lila Dhar v. State of Rajasthan*, (1981) 4 SCC 159, para 4

40 (2025) 2 SCC 1

10 *All India Judges Assn. (3) v. Union of India*, (2002) 4 SCC 247

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

158. As already discussed hereinabove, all matters pertaining to appointment of a person to the post of a District Judge, his posting and promotion are covered under clause (1) of Article 233 of the Constitution. As held by the Constitution Bench in *Kuseswar Saikia*³, even the appointment as a District Judge by promotion is covered by Article 233(1) of the Constitution. As such, the State Governments in consultation with the respective High Courts will have to frame rules providing eligibility for in-service candidates to apply for the post of District Judge which would be filled by direct recruitment. We are in full agreement with the view taken by this Court in *All India Judges Assn. (3)*¹⁰ that the recruitment rules in all the States will have to be uniform as far as possible. Therefore, while maintaining the proportion of 50:25:25 for the posts of District Judges as provided by the judgment of this Court in *All India Judges Assn. (3)*¹⁰ which was reiterated by this Court in the recent judgment in *All India Judges Assn. v. Union of India*⁴¹, we propose to issue directions to the State Governments for framing rules in consultation with the respective High Courts providing the eligibility for candidates who are already in judicial service to apply for the post of District Judge to be filled through direct recruitment process.

159. In that respect, we are of the considered view that for bringing the advocates and the in-service candidates at the same level, it will be appropriate that the rules provide that an in-service candidate should be eligible for recruitment to the post of District Judge directly only if he has a combined experience of seven years as an advocate and a judicial officer. Similarly, if an advocate is participating in the selection process and he was a member of judicial service in the past, then his experience as a judicial officer also cannot be ignored. His experience as an advocate prior to joining judicial service, his experience as a judicial officer and his experience as an advocate after leaving the judicial service will all have to be taken together. Such a candidate will be eligible only if he has a combined experience as an advocate and as a judicial officer for seven years.

160. We are also of the considered view that in order to make available a level playing field for all the candidates, whether from in-service or advocates/pleaders, the minimum age as on the date of application should be 35 years as recommended by the Shetty Commission.

161. Insofar as the contention regarding the heartburn amongst the judicial officers in a situation where a junior gets promoted before the senior is concerned, in our view, the said contention is without any merit. The in-service candidates, though junior, will have to compete before being selected with the advocates as also their seniors, who also will be qualified, and only meritorious candidates would be selected and appointed. If a person is meritorious and on account of merit and merit alone gets selected directly as a District Judge, there can be no question of heartburn for those who are not as meritorious as persons selected.

³ *State of Assam v. Kuseswar Saikia*, (1969) 3 SCC 505

¹⁰ *All India Judges Assn. (3) v. Union of India*, (2002) 4 SCC 247

⁴¹ (2025) 11 SCC 233 : 2025 SCC OnLine SC 1184

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a 162. Insofar as the contention that if the in-service candidates are permitted to participate in the recruitment process as direct recruit, then the advocates/pleaders would not be in a position to get selected is concerned, the same is also without any merit.

b 163. In the selection process, as observed by the Shetty Commission, the selection would be on the basis of competitive examination, including both written examination and *viva voce*, and the majority of the marks would be for the written examination. The advocates/pleaders as well as in-service candidates would compete together and only the best/most meritorious amongst them will be selected with no weightage being conferred on in-service candidates. If such a restriction is not applicable in All India Services, we see no reason to import such an artificial restriction in the appointment of District Judges by way of direct recruitment.

(vii) *Break in practice of a prospective candidate*

c 164. Insofar as the contention advanced by the learned Senior Counsel on behalf of some of the petitioners that even if there is a break in the number of years of practice of a candidate, such break should be ignored and such persons who are having a total of seven years of practice should be considered eligible for appointment insofar as the direct District Judges is concerned, we are not inclined to accept the said contention.

d 165. We say so because say if a person has practised for five years and thereafter, he takes a break of ten years and thereafter practises for two years, there will be a disconnect with the legal profession. We are, therefore, inclined to hold that only such persons working either as an advocate/pleader including Government Pleaders and Public Prosecutors or as a judicial officer who, on the date of application, have a *continuous experience* of either an advocate/pleader or a judicial officer or a combination thereof shall only be eligible to be considered for appointment as District Judges through the stream of direct recruitment.

(viii) *Quota for advocates under Article 233(2)*

f 166. We are also not inclined to accept the contention on behalf of the respondents that 25% quota of direct recruitment is reserved only for practising advocates. We are of the view that if the contention in this respect is accepted, it will amount to providing a "quota" for the advocates having seven years' practice. A plain and literal reading of Article 233(2) does not contemplate such a situation. Therefore, the contention as canvassed in that regard does not hold water.

(ix) *Doctrine of stare decisis*

g 167. Before we proceed to answer the questions that are framed for our consideration, it will be necessary to consider the submission on behalf of the respondents that in view of the doctrine of *stare decisis*, since the law laid down by this Court in *Satya Narain Singh*⁵ has been followed for a period of over 40 years, the same should not be disturbed.

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⁵ *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

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168. We are, however, unable to accept the said contention. In this respect, we may gainfully refer to a recent judgment of this Court in *Property Owners Assn. v. State of Maharashtra*⁴²: (SCC p. 151, para 149)

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“149. We are not inclined to accept this submission. In *Sita Soren v. Union of India*⁴³, a Constitution Bench of this Court, speaking through one of us (D.Y. Chandrachud, J.) had occasion to clarify that the doctrine of *stare decisis* is not an inflexible Rule of Law. This Court may review its earlier decisions if it believes that there is an error, or the effect of the decision would harm the interests of the public or if ‘it is inconsistent with the legal philosophy of the Constitution’. In cases involving the interpretation of the Constitution, this Court would do so more readily than in other branches of law because not rectifying a manifest error would be harmful to the public interest and the polity. The period of time over which the case has held the field is not of primary consequence.”

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169. We are of the considered view that all the judgments right from *Satya Narain Singh*⁵ onwards till *Dheeraj Mor*⁹ have incorrectly applied the law laid down by the Constitution Benches of this Court in *Rameshwar Dayal*¹ and *Chandra Mohan*². As a result, by applying the law laid down by this line of judgments, injustice was meted out to the members of the judicial services, thereby depriving them from participating in the selection process for the post of District Judges by way of direct recruitment.

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170. The interpretation placed by the judgments right from *Satya Narain Singh*⁵ onwards till *Dheeraj Mor*⁹, in our view, is totally inconsistent with the provisions of clause (2) of Article 233 of the Constitution. Having thus found that the law laid down by this Court in the aforementioned cases does not correctly interpret the provisions of Article 233, if we fail to correct the legal position, we will be perpetuating the injustice that has been meted out for decades.

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171. It is further to be noted that the judgments of this Court in *Satya Narain Singh*⁵ onwards have taken an incorrect view. Even after noticing the factual position in *Rameshwar Dayal*¹ that two of the persons selected and whose appointments were challenged were in-service candidates, the judgment in *Satya Narain Singh*⁵ and other judgments held that the post of District Judge to be filled by direct recruitment are not available to in-service candidates and can be filled in only by the advocates having requisite number of years of practice. Even in *Chandra Mohan*², a rule that fell for consideration was dealing with the direct recruitment of District Judges. The said rule provided for

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42 (2024) 18 SCC 1

43 (2024) 5 SCC 629

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

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2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987



a applications for direct recruitment to be made by barristers, advocates, vakils and pleaders of more than seven years' standing, as well as judicial officers, who were admittedly from the executive branch of the State. We are, therefore, of the considered view that even after noticing these aspects in the Constitution Bench judgments of this Court, the subsequent judgments holding that filling the post of District Judge by direct recruitment could be filled in only by advocates/pleaders, are not only inconsistent with the literal interpretation of Article 233 but also inconsistent with the factual position as it emanated from consideration of this Court in *Rameshwar Dayal*¹ and *Chandra Mohan*². We, therefore, reject the argument on *stare decisis* as raised by the respondents.

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c 172. In any case, we clarify that what we have held in this judgment will be applicable only from the date of this judgment and in no case, any selection process completed, or any appointment made prior to this judgment would be affected, except in cases wherein any interim order(s) were passed by the High Courts or this Court. In such cases, the issue would now be governed by the orders to be passed by the Bench hearing the matters.

F. Conclusion and directions

d 173. In view of the answer which we propose to give for Question 4, it may not be necessary to deal with the other questions, however, since the questions are framed by this Court, we propose to answer all the questions.

174. In the result, we answer the questions as under:

e 174.1. Judicial officers who have already completed seven years in Bar before they were recruited in the Subordinate Judicial Service would be entitled for being appointed as a District Judge/Additional District Judge in the selection process for the post of District Judges in the direct recruitment process;

174.2. The eligibility for appointment as a District Judge/Additional District Judge is to be seen at the time of application;

f 174.3. Though there is no eligibility prescribed under Article 233(2) for a person already in judicial service of the Union or of the State for being appointed as District Judge, in order to provide a level playing field, we direct that a candidate applying as an in-service candidate should have seven years' combined experience as a judicial officer and an advocate;

g 174.4. A person who has been or who is in judicial service and has a combined experience of seven years or more as an advocate or a judicial officer would be eligible for being considered and appointed as a District Judge/Additional District Judge under Article 233 of the Constitution;

174.5. In order to ensure level playing field, we further direct that the minimum age for being considered and appointed as a District Judge/

h 1 *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987

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Additional District Judge for both advocates and judicial officers would be 35 years of age as on the date of application.

174.6. It is held that the view taken in the judgments of this Court right from *Satya Narain Singh*⁵ till *Dheeraj Mor*⁹, which take a view contrary to what has been held hereinabove do not lay down the correct proposition of law.

175. The reference is answered accordingly.

176. Consequently, all such rules framed by the State Governments in consultation with the High Courts which are not in accordance with the aforesaid answers shall stand quashed and set aside. It is directed that all the State Governments in consultation with the High Courts shall frame/amend the rules in accordance with what has been held by us hereinabove, within a period of three months from today.

177. The Registry is directed to obtain the necessary orders from Hon'ble the Chief Justice of India, on the administrative side, to place the matters part of the present batch before an appropriate Bench for deciding the same in the light of what has been held hereinabove.

178. Before we conclude, we place on record our sincere appreciation for all the learned Senior Counsel/counsel, so also their junior counsel, for assisting us in such meticulous manner. Our task was made easier by the assistance rendered by them. We also place on record our appreciation for all the learned counsel for strictly adhering to the time-limits, as a result of which this Court was able to complete the hearing in the prescribed time period. We would be remiss if we do not place on record our appreciation for the nodal counsel in collating all the material in an organized manner.

M.M. SUNDRESH, J. (*concurring*)— I have gone through the detailed analysis made by Hon'ble the Chief Justice of India in rendering the judgment. While I am in absolute agreement with the reasoning and the ultimate conclusion arrived at, along with the directions issued therein, I would only add my views on the interpretation of Article 233 of the Constitution of India (hereinafter referred to as "the Constitution").

180. We are dealing with a situation where this Court, in its subsequent decisions in *Satya Narain Singh v. High Court of Allahabad*⁵ and *Dheeraj Mor v. High Court of Delhi*⁹ has misconstrued the law as laid down by the larger Benches of this Court in *Rameshwar Dayal v. State of Punjab*¹ and *Chandra Mohan v. State of U.P.*²

181. Chapter VI of the Constitution deals exclusively with appointment, recruitment and control *qua* the subordinate courts. It is rather significant to note that this Chapter starts from the top with the appointment of District

5 *Satya Narain Singh v. High Court of Allahabad*, (1985) 1 SCC 225

9 *Dheeraj Mor v. High Court of Delhi*, (2020) 7 SCC 401

1 1960 SCC OnLine SC 123 : (1961) 2 SCR 874 : AIR 1961 SC 816

2 1966 SCC OnLine SC 35 : (1967) 1 SCR 77 : AIR 1966 SC 1987



a Judges, followed by recruitment of persons other than District Judges to the judicial service, moves on to control over subordinate courts, defines the expression “District Judge” and “judicial service” and thereafter ends with the application of provisions of this Chapter to certain classes of Magistrates:

“CHAPTER VI
SUBORDINATE COURTS

Article 233 of the Constitution

b **233. Appointment of District Judges.**—(1) Appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State.

c (2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.

Article 233-A of the Constitution

d **233-A. Validation of appointments of, and judgments, etc. delivered by, certain District Judges.**— Notwithstanding any judgment, decree or order of any court —

(a)(i) no appointment of any person already in the judicial service of a State or of any person who has been for not less than seven years an advocate or a pleader, to be a District Judge in that State, and

(ii) no posting, promotion or transfer of any such person as a District Judge,

e made at any time before the commencement of the Constitution (Twentieth Amendment) Act, 1966, otherwise than in accordance with the provisions of Article 233 or Article 235 shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions;

f (b) no jurisdiction exercised, no judgment, decree, sentence or order passed or made, and no other act or proceeding done or taken, before the commencement of the Constitution (Twentieth Amendment) Act, 1966 by, or before, any person appointed, posted, promoted or transferred as a District Judge in any State otherwise than in accordance with the provisions of Article 233 or Article 235 shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions.

Article 234 of the Constitution

h **234. Recruitment of persons other than District Judges to the judicial service.**—Appointments of persons other than District Judges to the judicial service of a State shall be made by the Governor of the State in accordance

with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

Article 235 of the Constitution

235. Control over subordinate courts.—The control over District Courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of District Judge shall be vested in the High Court, but nothing in this article shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

Article 236 of the Constitution

236. Interpretation.— In this Chapter—

(a) the expression “District Judge” includes Judge of a City Civil Court, Additional District Judge, Joint District Judge, Assistant District Judge, Chief Judge of a Small Cause Court, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Sessions Judge, Additional Sessions Judge and Assistant Sessions Judge;

(b) the expression “judicial service” means a service consisting exclusively of persons intended to fill the post of District Judge and other civil judicial posts inferior to the post of District Judge.

Article 237 of the Constitution

237. Application of the provisions of this Chapter to certain class or classes of Magistrates.—The Governor may by public notification direct that the foregoing provisions of this Chapter and any rules made thereunder shall with effect from such date as may be fixed by him in that behalf apply in relation to any class or classes of Magistrates in the State as they apply in relation to persons appointed to the judicial service of the State subject to such exceptions and modifications as may be specified in the notification.”

182. As per Article 233 and Article 234 of the Constitution, while an appointment to the post of a District Judge, and to posts in the judicial service other than that of a District Judge shall be made by the Governor of the State, the consultation is only with the High Court for the former, while it additionally extends to the State Public Service Commission for the latter. The exclusion of the State Public Service Commission in the process of appointment to the post of a District Judge shows that added importance is given to the said post.

183. Article 233 of the Constitution deals with two modes of appointment to the post of a District Judge. Clause (1) of Article 233 of the Constitution speaks of appointments to be made to the post of a District Judge. These appointments are to be made either by way of a promotion or through direct recruitment.



184. The procedure for appointment, posting and promotion to the post of a District Judge, *qua* a person in the judicial service, is one and the same with respect to the appointing authority, namely, the Governor, and the same is to be done in consultation with the High Court. Promotion is obviously meant only for a person in the judicial service. One has to be promoted first by the Governor, in consultation with the High Court, and thereafter appointed as a District Judge. Therefore, promotion is a precursor to appointment as a District Judge *qua* a person in the judicial service. Such an appointment is nothing but a resultant consequence. To make this position clear, one has to read Article 233(1) of the Constitution with respect to appointments as “appointments of persons to be District Judges”. Similarly, for posting, it has to be read as “posting of District Judges” and promotions of persons in the judicial service as “promotion and appointment as District Judges”. One cannot ignore the word “persons” which would only mean persons from two modes of appointment. Therefore, Article 233(1) of the Constitution deals with both, the modes and the sources of appointment.

185. Article 233(2) of the Constitution is a continuation of Article 233(1) of the Constitution. This provision, in fact, reiterates the fact that an appointment by way of direct recruitment can be done from two sources, namely, “judicial service” and “an advocate or a pleader”. While doing so, it declares the eligibility criteria only for the latter. Hence, it is made abundantly clear that no such eligibility criteria are fixed for a person in the judicial service. Clause (1) along with clause (2) of Article 233 of the Constitution, is a complete code by itself, and therefore does not leave any room for interpretation otherwise.

Doctrine of separation of powers vis-à-vis independence of the judiciary

186. Montesquieu’s words of wisdom in *The Spirit of Laws* become relevant in this context:

“There can be no liberty... there is no liberty if the powers of judging are not separated from the legislative and executive... there would be an end to everything if the same man or the same body... were to exercise those three powers.” (emphasis supplied)

187. Article 50 of the Constitution forms the basis for the applicability of the doctrine of separation of powers. It deals with the separation of the judiciary from the executive, and imposes an obligation on the State to take steps to separate the judiciary from the executive in the public services of the State:

“50. *Separation of judiciary from executive.*—The State shall take steps to separate the judiciary from the executive in the public services of the State.”

Hence, the concept of “independence of the judiciary” finds both, its genesis and sustenance, in the doctrine of separation of powers. Dr Rajendra Prasad, President of the Constituent Assembly and later President of India, in his speech to the Constituent Assembly of India, preceding the motion to adopt the

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Constitution, in *Constituent Assembly Debates*, Vol. XI (debate of 26-11-1949), stated thus:

“We have provided in the Constitution for a judiciary which will be independent. It is difficult to suggest anything more to make the Supreme Court and the High Courts independent of the influence of the executive. There is an attempt made in the Constitution to make even the lower judiciary independent of any outside or extraneous influence.” (emphasis supplied)

It is such independence that allows each and every Judge to make decisions, uninfluenced by any factor. Thus, the independence of the judiciary and the separation of powers between the three organs of the State, which form an integral part of the basic structure doctrine, ensure a vibrant and flourishing institution.

188. Under Article 233 of the Constitution, the primacy given to the High Courts, insofar as the mandate for its consultation in appointments to the post of a District Judge, along with the control exercised by it over subordinate courts under Article 235 of the Constitution, is a classic exhibition of the doctrine of separation of powers.

189. Judging is an independent sovereign function. The function of the Presiding Officer of a court is purely judicial, and not even quasi-judicial. For instance, in a criminal case, the prosecuting agency would invariably be either the State, the Union or their instrumentalities, who become mere litigants before the Court, though the Presiding Officer’s post may be connected to them only for administrative purposes. No employee can be an adjudicator of an employer. To say that such a Judge is their employee, and therefore debarred from competing for the vacancies earmarked to be filled through direct recruitment, would be contrary to the principle of independence of the judiciary.

190. In the context of the aforesaid discussion, the views of M.P. Singh in his article titled, “Securing the Independence of the Judiciary — The Indian Experience” published in the *Indiana International & Comparative Law Review*, IU Robert H. McKinney School of Law, gain significance:

“...Although the nature of the Indian Constitution—whether it is federal or unitary—is doubtful, basically it provides for a federal structure of Government consisting of the Union and the States. The Union and the States have their distinct powers and organs of governance given in the Constitution. While the Union and States have separate legislatures and executives, they do not have a separate judiciary. The judiciary has a single pyramidal structure with the lower or subordinate courts at the bottom, the High Courts in the middle, and the Supreme Court at the top. For funding and some administrative purposes, the subordinate courts are subject to regulation by the respective States, but they are basically under the supervision of the High Courts.... The unitary character of the judiciary is not an accident but rather a conscious and deliberate



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a *act of the Constitution-makers for whom a single integrated judiciary and uniformity of law were essential for the maintenance of the unity of the country and of uniform standards of judicial behaviour and independence...."* (emphasis supplied)

b 191. Judicial service is a distinct service by itself, owing allegiance to the judiciary alone. Therefore, it is kept away from the hands of the other two organs, except to a limited extent. Any attempt to dilute such judicial independence, by giving a rigid interpretation, would be against the constitutional ethos. The said view gets fortified by the judgment of this Court in *State of Bihar v. Bal Mukund Sah*²⁷: (SCC pp. 683-86, paras 32-35)

c "32. It is true, as submitted by learned Senior Counsel, Shri Dwivedi for the appellant State that under Article 16(4) the State is enabled to provide for reservations in services. But so far as "judicial service" is concerned, such reservation can be made by the Governor, in exercise of his rule-making power only after consultation with the High Court. The enactment of any statutory provision *dehors* consultation with the High Court for regulating the recruitment to the District Judiciary and to the Subordinate Judiciary will clearly fly in the face of the complete scheme of recruitment and appointment to the Subordinate Judiciary and the exclusive field earmarked in connection with such appointments by Articles 233 and 234. It is not as if that the High Courts being constitutional functionaries may be oblivious of the need for a scheme of reservation if necessary in appropriate cases by resorting to the enabling provision under Article 16(4). The High Courts can get consulted by the Governor for framing appropriate rules regarding reservation for governing recruitment under Articles 233 and 234. But so long as it is not done, the legislature cannot, by an indirect method, completely bypassing the High Court and exercising its legislative power, circumvent and cut across the very scheme of recruitment and appointment to the District Judiciary as envisaged by the makers of the Constitution. Such an exercise, apart from being totally forbidden by the constitutional scheme, will also fall foul on the concept relating to "separation of powers between the Legislature, the Executive and the Judiciary" as well as the fundamental concept of an "independent Judiciary". Both these concepts are now elevated to the level of basic structure of the Constitution and are the very heart of the constitutional scheme.

g 33. In *Kesavananda Bharati v. State of Kerala*⁴⁴ a twelve-Member Constitution Bench of this Court had occasion to consider this question regarding the basic structure of the Constitution which, according to the Court, could not be tinkered with by Parliament in exercise of its amending power under Article 368 of the Constitution. Sikri, C.J., in para 247 of the Report referred with approval the decision of the Judicial Committee

h 27 (2000) 4 SCC 640
44 (1973) 4 SCC 225

in *Liyanage case*⁴⁵ for culling out the implied limitations on the amending power of the competent legislature like Parliament of Ceylon with which that case was concerned. The relevant observations are found in SCC paras 253 to 255 of the Report at pp. 357 and 358, which read as under: (*Kesavananda Bharati case*⁴⁴)

‘253. The case, however, furnishes another instance where implied limitations were inferred. After referring to the provisions dealing with “Judicature” and the Judges, the Board observed:

“These provisions manifest an intention to secure in the Judiciary a freedom from political, legislative and executive control. They are wholly appropriate in a Constitution which intends that judicial power shall be vested only in the Judicature. They would be inappropriate in a Constitution by which it was intended that judicial power should be shared by the executive or the legislature. The Constitution’s silence as to the vesting of judicial power is consistent with its remaining, where it had lain for more than a century, in the hands of the Judicature. It is not consistent with any intention that henceforth it should pass to or be shared by, the executive or the legislature.”

254. The Judicial Committee was of the view that there “exists a separate power in the judicature which under the Constitution as it stands cannot be usurped or infringed by the executive or the legislature”. The Judicial Committee cut down the plain words of Section 29(1) thus:

“Section 29(1) of the Constitution says.— ‘Subject to the provisions of this Order Parliament shall have power to make laws for the peace, order and good government of the Island.’ These words have habitually been construed in their fullest scope. Section 29(4) provides that Parliament may amend the Constitution on a two-thirds majority with a certificate of the Speaker. Their Lordships however cannot read the words of Section 29(1) as entitling Parliament to pass legislation which usurps the judicial power of the Judicature — e.g., by passing an Act of attainder against some person or instructing a Judge to bring in a verdict of guilty against someone who is being tried — if in law such usurpation would otherwise be contrary to the Constitution.” (p. 289)

255. In conclusion the Judicial Committee held that there was interference with the functions of the judiciary and it was not only the likely but the intended effect of the impugned enactments, and that was fatal to their validity.’

45 *Liyanage v. R.*, (1967) 1 AC 259 : (1966) 2 WLR 682

44 *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225

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The ultimate conclusion to which Sikri, C.J. reached are found in paras 292 to 294 at p. 366 of the Report which read as under: (*Kesavananda Bharati case*⁴⁴)

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'292. The learned Attorney General said that every provision of the Constitution is essential; otherwise it would not have been put in the Constitution. This is true. But this does not place every provision of the Constitution in the same position. The true position is that every provision of the Constitution can be amended provided in the result the basic foundation and structure of the Constitution remains the same. The basic structure may be said to consist of the following features:

b

(1) *Supremacy of the Constitution;*

(2) *Republican and democratic form of Government;*

(3) *Secular character of the Constitution;*

c

(4) *Separation of powers between the legislature, the executive and the judiciary;*

(5) *Federal character of the Constitution.*

d

293. *The above structure is built on the basic foundation i.e. the dignity and freedom of the individual. This is of supreme importance. This cannot by any form of amendment be destroyed.*

294. *The above foundation and the above basic features are easily discernible not only from the Preamble but the whole scheme of the Constitution, which I have already discussed.'*

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The other learned Judges constituting the Constitution Bench had nothing inconsistent to say in this connection. Thus separation of powers between the Legislature, the Executive and the Judiciary is the basic feature of the Constitution.

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34. *It has also to be kept in view that judicial independence is the very essence and basic structure of the Constitution. We may also usefully refer to the latest decision of the Constitution Bench of this Court in High Court of Orissa v. Sisir Kanta Satapathy⁴⁶ wherein K. Venkataswami, J., speaking for the Constitution Bench, made the following pertinent observations in the very first two paras regarding Articles 233 to 235 of the Constitution of India: (SCC p. 727)*

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'An independent judiciary is one of the basic features of the Constitution of the Republic. Indian Constitution has zealously guarded independence of judiciary. Independence of judiciary is doubtless a basic structure of the Constitution but the said concept of independence has to be confined within the four corners of the Constitution and cannot go beyond the Constitution.'

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⁴⁴ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225

⁴⁶ (1999) 7 SCC 725

The Constitution Bench in the aforesaid decision also relied upon the observations of this Court in All India Judges Assn.⁴⁷ wherein on the topic of regulating the service conditions of the Judiciary as permitted by Article 235 read with Article 309, it had been observed as under: (SCC p. 297, para 10)

'10. ... the mere fact that Article 309 gives power to the executive and the legislature to prescribe the service conditions of the judiciary, does not mean that the judiciary should have no say in the matter. It would be against the spirit of the Constitution to deny any role to the judiciary in that behalf, for theoretically it would not be impossible for the executive or the legislature to turn and twist the tail of the judiciary by using the said power. Such a consequence would be against one of the seminal mandates of the Constitution, namely, to maintain the independence of the judiciary.'

In view of this settled legal position, therefore, even while operating in the permissible field of regulating other conditions of service of already-recruited judicial officers by exercising power under Article 309, the authorities concerned have to keep in view the opinion of the High Court of the State concerned and the same cannot be whisked away.

35. In order to fructify this constitutional intention of preserving the independence of the Judiciary and for fructifying this basic requirement, the process of recruitment and appointment to the District Judiciary with which we are concerned in the present case, is insulated from outside legislative interference by the Constitution-makers by enacting a complete code for that purpose, as laid down by Articles 233 and 234. Consultation with the High Court is, therefore, an inevitable essential feature of the exercise contemplated under these two articles. If any outside independent interference was envisaged by them, nothing prevented the Founding Fathers from making Articles 233 and 234 subject to the law enacted by the Legislature of States or Parliament as was done in the case of other articles, as seen earlier." (emphasis in original and supplied)

Principle of constitutional silence

192. While taking note of the doctrine of separation of powers and independence of the judiciary, coupled with the maintenance and enhancement of the quality of judging which forms part of the basic structure doctrine, a decision was consciously taken by the makers of the Constitution to fix the eligibility criteria only for the category of "an advocate or a pleader". At this juncture, the concept of "constitutional silence" comes into play as the makers of the Constitution deliberately left certain areas open-ended, keeping in mind the evolving needs of the society. This concept is invoked to give effect to the

⁴⁷ *All India Judges Assn. (2) v. Union of India*, (1993) 4 SCC 288 : AIR 1993 SC 2493

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essence of the Constitution. The spirit of this principle has been captured by Thomas Carlyle, a Scottish philosopher and historian, when he famously stated:

a “Under all speech and writing that is good for anything, there lies a silence that is better....” (emphasis supplied)

193. This Court had the occasion to deal with the aforesaid principle in *Bhanumati v. State of U.P.*⁴⁸: (SCC p. 17, paras 49-51)

b “49. Apart from the aforesaid reasons, the arguments by the appellants cannot be accepted in view of a very well-known constitutional doctrine, namely, the constitutional doctrine of silence. Michael Foley in his treatise on *The Silence of Constitutions* (Routledge, London and New York) has argued that in a Constitution ‘abeyances are valuable, therefore, not in spite of their obscurity but because of it. They are significant for the attitudes and approaches to the Constitution that they evoke, rather than the content or substance of their strictures’. (P. 10)

c 50. The learned author elaborated this concept further by saying, ‘Despite the absence of any documentary or material form, these abeyances are real and are an integral part of any Constitution. What remains unwritten and indeterminate can be just as much responsible for the operational character and restraining quality of a Constitution as its more tangible and codified components.’ (P. 82)

d 51. Many issues in our constitutional jurisprudence evolved out of this doctrine of silence. The basic structure doctrine vis-à-vis Article 368 of the Constitution emerged out of this concept of silence in the Constitution. A Constitution which professes to be democratic and republican in character and which brings about a revolutionary change by the Seventy-third Constitutional Amendment by making detailed provision for democratic decentralisation and self-government on the principle of grass-root democracy cannot be interpreted to exclude the provision of no-confidence motion in respect of the office of the Chairperson of the panchayat just because of its silence on that aspect.” (emphasis supplied)

e 194. One must appreciate the constitutional silence on the eligibility criteria *qua* a person in the judicial service, which has accordingly been left to the discretion and wisdom of the High Court and the Governor of the State, as per Articles 233 and 235 of the Constitution. Therefore, such an omission was done consciously, as a person in the judicial service has already been recruited by way of an appointment by the orders of the Governor, in consultation with the High Court and the State Public Service Commission.

f 195. As discussed, Article 233 of the Constitution does not place any fetters on the power of the appointing authority *qua* the fixation of eligibility criteria for persons in the judicial service, as circumstances might evolve over time, and the wisdom of the Constitutional Courts would take care of it.

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Eligibility vis-à-vis qualification to the post of a District Judge

196. The provisions in the Constitution use the words “qualification” and “eligibility” interchangeably. Examples of such provisions are Article 58 of the Constitution, which provides for the qualifications for election as President, Article 66 of the Constitution, which provides for election of Vice-President and Article 84 of the Constitution, which provides for qualification for membership of Parliament. a

197. The word “eligible” used in Article 233(2) of the Constitution must be read as “qualified”. Thus, a person who has been an advocate or a pleader for not less than seven years, along with the recommendation of the High Court is one qualification, and a person in the judicial service is the other qualification. Both of these qualifications are nothing but mere gateways for being appointed to the post of a District Judge, facilitating a threshold for entry. However, there is no bar on the High Court to fix the qualification, *qua* persons in the judicial service, with the approval of the Governor. These qualifications are meant only for consideration for appointment, subject to the successful completion of the recruitment process. b
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198. Accordingly, we are inclined to hold that there is no bar on persons in the judicial service from competing for the vacancies intended to be filled through direct recruitment. Any interpretation contrary to the aforesaid view, would amount to a reservation in favour of “an advocate or a pleader”, which is not only not contemplated under the Constitution, but also violates the very spirit enshrined thereunder. d

199. Another lens through which the aforesaid proposition can be viewed is Article 233-A of the Constitution, which provides for the validation of appointments made at any time before the commencement of the Constitution (Twentieth Amendment Act), 1966. Clause (a)(i) of Article 233-A of the Constitution encompasses the validation of appointments from both sources i.e. a person already in the judicial service and a person who has been an advocate or a pleader for 7 years or more. The express reference to both the sources, within the same clause, indicates the constitutional intent to place the persons in the judicial service on a par with those from the Bar and thus, they are fully entitled to participate in the direct recruitment process. The use of the phrase “any such person” in clause (a)(ii) of Article 233-A of the Constitution, which deals with the validation of posting, promotion, or transfer, further strengthens their entitlement to such participation. e
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Conclusion

200. While interpreting a constitutional provision, a court of law must be conscious not to violate the basic structure of the Constitution, and is duty-bound to give it a vibrant and organic interpretation. Article 14 of the Constitution forms an integral part of the basic structure. Though it provides for equality before the law, it allows for a reasonable classification, based upon an intelligible differentia, having a rational nexus to the object sought to be achieved. Therefore, construing Article 233(2) of the Constitution to be a provision meant only for the category of “an advocate or a pleader” would g
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a certainly be violative of Article 14 of the Constitution, for the purpose of its interpretation. In other words, a *contra* view would amount to creation of a quota for “an advocate or a pleader”. An absolute bar on persons in the judicial service would certainly prevent meritorious candidates from competing for the vacancies earmarked for direct recruitment, which would be an affront to the constitutional spirit.

b 201. A vibrant and qualitative judiciary fosters greater trust in the institution. Thus, it is vital to build a strong foundation. Maintaining and enhancing the quality at the bottom of the judicial pyramid would strengthen the faith of the public in the subordinate judiciary, which in turn would reduce the filing of appeals before the High Courts and the Supreme Court, and therefore considerably reduce the overall pendency.

c 202. Building a strong foundation and ensuring that the base is of pristine quality is only possible when the best talent is attracted. Letting go of emerging talent, by not identifying and nurturing them at the earliest, would lead to mediocrity as against excellence, which would weaken the foundation and undermine the entire judicial structure. It is obvious that greater competition would result in better quality. Excluding a group of persons from competing for a post, which is meant to serve the public, would certainly be unconstitutional, especially when the Constitution itself facilitates such participation. It is my
d fervent hope that our judgment empowers the institution to emerge stronger and maintain the highest standards of justice, as it is the interest of the institution that must prevail above all.

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(BEFORE B.R. GAVALI, C.J. AND K. VINOD CHANDRAN AND N.V. ANJARIA, JJ.)
REJANISH K.V. .. Appellant;

Versus

K. DEEPA AND OTHERS .. Respondents.

Civil Appeal No. 3947 of 2020[†] with Writ Petitions (C) Nos. 759 of 2017[‡], 1278 of 2019, Review Petition (C) No. 381 of 2021 in Writ Petition (C) No. 396 of 2018, Review Petition (C) No. 385 of 2021 in Civil Appeal No. 1700 of 2020, Review Petition (C) No. 1027 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 379 of 2021 in Writ Petition (C) No. 578 of 2018, Miscellaneous Application No. 179 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 669 of 2021 in Writ Petition (C) No. 999 of 2019, Review Petition (C) No. 380 of 2021 in Writ Petition (C) No. 222 of 2017, Miscellaneous Application No. 1050 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 781 of 2021 in Writ Petition (C) No. 316 of 2017, Review Petition (C) No. 774 of 2021 in Writ Petition (C) No. 744 of 2019, Review Petition (C) No. 780 of 2021 in Writ Petition (C) No. 602 of 2016, Review Petition (C) No. 853 of 2021 in Writ Petition (C) No. 1080 of 2019, Review Petition (C) No. 621 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 868 of 2021 in Writ Petition (C) No. 414 of 2016, Review Petition (C) No. 867 of 2021 in Writ Petition (C) No. 405 of 2016, Review Petition (C) No. 782 of 2021 in Writ Petitions (C) Nos. 639 of 2018, 857 of 2021, Review Petition (C) No. 989 of 2021 in Transfer Petition (C) No. 272 of 2018^{††}, Review Petition (C) No. 996 of 2021 in Civil Appeal No. 1703 of 2020, Writ Petition (C) No. 864 of 2021, Review Petition (C) No. 835 of 2021 in Civil Appeal No. 1704 of 2020, Review Petition (C) No. 836 of 2021 in Civil Appeal No. 1706 of 2020, Civil Appeal No. 11390 of 2025^{†‡}, Review Petition (C) No. 1354 of 2021 in Civil Appeal No. 1698 of 2020, Review Petition (C) No. 1042 of 2022 in Writ Petition (C) No. 999 of 2019 and Civil Appeal No. 11390 of 2025^{††}, decided on August 12, 2025

Constitution of India — Arts. 233(2) and 145(3) — Minimum number of Judges required for purpose of deciding any case involving substantial question of law — Direct recruitment of judicial officers in Subordinate Judicial Services as District Judges — Interpretation of Art. 233(2) — Matter referred to Constitution Bench of five Judges (Paras 18 to 26)

Janhit Abhiyan v. Union of India, (2021) 11 SCC 78, followed

Dheeraj Mor v. High Court of Delhi, (2020) 7 SCC 401, considered

Rameshwar Dayal v. State of Punjab, 1960 SCC OnLine SC 123; *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35, distinguished

[†] Arising from the impugned Final Judgment and Order in *Rejanish K.V. v. K. Deepa*, 2020 SCC OnLine Ker 20730 (Kerala High Court, WA No. 1075 of 2020, dt. 14-10-2020)

[‡] Under Article 32 of the Constitution of India

^{††} Under Article 139-A of the Constitution of India

^{†‡} Arising out of Diary No. 18470 of 2021

^{‡†} Arising out of SLP (C) No. 3076 of 2023

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G. Sabitha v. High Court of Hyderabad, 2018 SCC OnLine SC 4016; *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619, cited

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<i>Chronological list of cases cited</i>		<i>on page(s)</i>
1. (2021) 11 SCC 78, <i>Janhit Abhiyan v. Union of India</i>		601d-e
2. (2020) 7 SCC 401, <i>Dheeraj Mor v. High Court of Delhi</i>		598b-c
3. (2018) 4 SCC 619, <i>Dheeraj Mor v. High Court of Delhi</i>		599a-b, 599d-e, 601f-g
4. 2018 SCC OnLine SC 4016, <i>G. Sabitha v. High Court of Hyderabad</i>		598g
5. 1966 SCC OnLine SC 35, <i>Chandra Mohan v. State of U.P.</i>		599d, 600b, 600d, 600g-h
6. 1960 SCC OnLine SC 123, <i>Rameshwar Dayal v. State of Punjab</i>		599d, 599f-g, 600g-h

The Judgment of the Court was delivered by

B.R. GAVAI, C.J.— The present batch of petitions in effect seek review of the judgment and order dated 19-2-2020 passed by this Court in *Dheeraj Mor v. High Court of Delhi*¹ (hereinafter referred to as “*JUR*”) wherein a Bench of three learned Judges held that the members of the judicial service of a State could be appointed as District Judges either by way of promotion or the Limited Departmental Competitive Examination (LDCE). It was further held that under Article 233(2) of the Constitution, an advocate or pleader with 7 years of practice could be appointed as District Judge by way of direct recruitment, in case he is *not* already in the judicial service of the Union or a State. Thus, it was held that the rules framed by the High Court debarring judicial officers from staking their claim as against the posts reserved for direct recruitment from Bar would not be *ultra vires* to the Constitution.

2. Along with the review petitions, many other writ petitions as well as special leave petitions have been filed, *inter alia*, praying for a declaration that even those judicial officers who have an experience of seven years at the Bar prior to their joining as judicial officers would be entitled to be appointed as District Judges *via* direct recruitment under Article 233(2) of the Constitution.

3. We have heard Shri Jayant Bhushan, Shri Dama Seshadri Naidu, Dr Menaka Guruswamy, Shri V. Giri, Shri Anand Sanjay M. Nuli, Shri Shoeb Alam, Shri Rajive Bhalla, learned Senior Counsel and other counsel appearing for different parties praying that the question with regard to interpretation of Article 233(2) of the Constitution requires consideration by a Constitution Bench of this Court.

4. We have also heard Shri Nidhesh Gupta, Shri C.U. Singh, Shri Jaideep Gupta, Shri A. Hariprasad, Shri Shekhar G. Devasa, Shri A.M. Bujor Barua, Shri R. Basant, learned Senior Counsel and other counsel praying that such a reference is not necessary.

5. The learned counsel supporting the Reference have drawn the attention of this Court to the case of *G. Sabitha v. High Court of Hyderabad*² wherein *vide* order dated 10-5-2018, this Court had recorded that the issue as to “whether the judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial Services would be entitled for appointment

¹ (2020) 7 SCC 401

² 2018 SCC OnLine SC 4016

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as Additional District Judge against the Bar vacancy is pending consideration before the Constitution Bench in SLP (C) No. 14156 of 2016³.

a 6. It is submitted that in the said SLP (C) No. 14156 of 2015 i.e. *JUR*, though the issue was referred to a Constitution Bench, the same came to be decided by a Bench consisting of three learned Judges of this Court.

b 7. Attention of this Court is further drawn to the order dated 23-1-2018³ passed by this Court in the *JUR* wherein after considering the different views in various pronouncements, this Court had found that the issue involved substantial question of law as to the interpretation of Article 233(2) of the Constitution. Therefore, this Court directed the matter to be placed before the Hon'ble the Chief Justice of India for constitution of an appropriate Bench.

c 8. It is submitted that in view of the issue involving interpretation of Article 233(2) and the language used in Article 145(3) of the Constitution, the matter ought to have been referred to a Bench consisting of five learned Judges and could not have been referred to a Bench of three learned Judges. It is, therefore, submitted that it is in the interest of justice that the matter be referred to a Bench consisting of five learned Judges of this Court.

d 9. As against this, the learned counsel opposing the Reference submitted that the *JUR* only culls out the principle laid down by this Court in various decisions including the Constitution Bench judgments of this Court in *Rameshwar Dayal v. State of Punjab*⁴ and *Chandra Mohan v. State of U.P.*⁵

e 10. It is submitted that in view of the order dated 23-1-2018³ since the Reference was made by the Chief Justice of India to a Bench comprising of three learned Judges, the Bench has only laid down the law relying upon the earlier Constitution Bench judgments and therefore, a fresh Reference would not be necessary.

f 11. Various other issues on the merits of the matter(s) have also been pressed by the learned counsel. However, we do not find it necessary to refer to them inasmuch as, at this stage, we are only concerned with the question as to whether the issue involving interpretation of Article 233(2) requires to be referred to a Constitution Bench of this Court or not?

g 12. Insofar as the reliance placed by the learned counsel opposing the Reference on the judgment of the Constitution Bench of this Court in *Rameshwar Dayal*⁴ is concerned, this Court was considering the question with regard to the candidates who had been enrolled as advocates of the Lahore High Court on various dates between 1933 and 1940. The contention raised was that after the partition of the country which led to the establishment of a High Court of Judicature for the Province of East Punjab i.e. Punjab High Court on 15-8-1947, since the said candidates did not have 7 years' standing as advocates in the Courts in India, they did not fulfil the requirement of Article 233(2) when they were appointed as District Judges.

h ³ *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619

⁴ 1960 SCC OnLine SC 123 : (1961) 2 SCR 874

⁵ 1966 SCC OnLine SC 35 : (1967) 1 SCR 77

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13. The question, therefore, was as to whether the years of practice that the said candidates had in Lahore High Court before the partition of the country and before the establishment of the Punjab High Court would also be taken into consideration for the purpose of counting of the period of 7 years. To answer the said question, the Constitution Bench of this Court placed reliance on Clause 6(2) of the High Court (Punjab) Order, 1947 read with Section 8(3) of the Bar Councils Act, 1926 to hold that an advocate of the Punjab High Court was entitled to count the period of his practice in the Lahore High Court for determining his standing in the Bar.

14. Insofar as the judgment of the Constitution Bench in *Chandra Mohan*⁵ is concerned, the question that arose for consideration before this Court was whether the Governor can appoint as District Judges, persons from services other than judicial service, that is to say, whether the Governor can appoint a person who is in the police, excise, revenue or such other services as a District Judge? Answering the said question, this Court observed that acceptance of this position would take us back in the pre-independence days and that too to the conditions prevailing in the Princely States when appointments in the judicial service were made from police and other departments. This Court observed that this would hit the very principle of judiciary being an independent service.

15. The Constitution Bench in *Chandra Mohan*⁵ observed that though Article 233(1) of the Constitution is nothing more than a declaration of the general power of the Governor in the matter of appointment of District Judges, it does not lay down the qualifications of the candidates to be appointed or denote the sources from which the recruitment has to be made. It was further observed that the sources for the appointment of District Judges were indicated in Clause (2) of Article 233 which provided two sources, namely (i) persons in the service of the Union or of the State, and (ii) advocate or pleader.

16. The Court was posed with a question as to whether the service of the Union or of the State would mean any service of the Union or of the State or does it mean the judicial service of the Union or of the State. The Court observed that sources indicated that the term "service" mentioned therein is the service pertaining to the court. The Constitution Bench also relied on Article 236(b) which defines the expression "judicial service" to mean a service consisting exclusively of persons intended to fill the post of District Judge and other civil judicial posts inferior to the post of District Judge. The Constitution Bench, therefore, held that the term "service" mentioned under Article 233(2) of the Constitution can only mean the judicial service.

17. As such, the questions that came up for consideration before both the Constitution Benches in *Rameshwar Dayal*⁴ and *Chandra Mohan*⁵ are different from the one which arises for consideration in the present matters.

⁵ *Chandra Mohan v. State of U.P.*, 1966 SCC OnLine SC 35 : (1967) 1 SCR 77

⁴ *Rameshwar Dayal v. State of Punjab*, 1960 SCC OnLine SC 123 : (1961) 2 SCR 874

18. At this juncture, it will be apposite to refer to Article 145(3) of the Constitution which reads thus:

a "145. Rules of Court, etc.—(1)-(2) * * *
(3) The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five:

b Provided that, where the Court hearing an appeal under any of the provisions of this Chapter other than Article 132 consists of less than five Judges and in the course of the hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of this Constitution the determination of which is necessary for the disposal of the appeal, such Court shall refer the question for opinion to a Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion dispose of the appeal in conformity with such opinion."
c (emphasis supplied)

d 19. It can thus be seen that Article 145(3) of the Constitution provides that the minimum number of Judges, for the purpose of deciding any case involving a substantial question of law as to the interpretation of the Constitution or for the purpose of hearing any Reference under Article 143 shall be five.

20. A Bench of three learned Judges of this Court in *Janhit Abhiyan v. Union of India*⁶ to which one of us, B.R. Gavai, J. (as he then was) was a member, has observed thus: (SCC p. 89, paras 21-22)

e "21. As such, we are of the view that such questions do constitute substantial questions of law to be considered by a Bench of five Judges.

f 22. It is clear from the language of Article 145(3) of the Constitution and Order XXXVIII Rule 1(1) of the Supreme Court Rules, 2013, the matters which involve substantial questions of law as to interpretation of constitutional provisions they are required to be heard by a Bench of five Judges."

21. Being conscious of the position as emanates from Article 145(3), as also of the fact that the issues involved require interpretation of Article 233(2) of the Constitution, this Court *vide* order dated 23-1-2018³ had directed the matter to be placed before the Chief Justice of India in which subsequently *JUR* was pronounced.

g 22. Ordinarily, in view of the question involving interpretation of Article 233(2), the matter ought to have been placed before a Bench of five learned Judges. However, it appears that the same was placed before the Bench of three learned Judges and the *JUR* was delivered.

h ⁶ (2021) 11 SCC 78

³ *Dheeraj Mor v. High Court of Delhi*, (2018) 4 SCC 619

23. We are, therefore, of the considered view that the issues involved in the present batch of petitions ought to have been decided by a Constitution Bench of not less than five Judges.

24. At this stage, it will also be relevant to refer to Article 233(2) of the Constitution which reads thus:

“233. Appointment of District Judges.— * * *

(2) A person not already in the service of the Union or of the State shall only be eligible to be appointed a District Judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment.”

25. Upon a perusal of the text of Article 233(2) and in light of the submissions advanced by the learned counsel for the parties on the interpretation of the provision, we are of the considered view that the following two issues are substantial question of law as to the interpretation of Article 233(2) of the Constitution:

25.1. (i) Whether a judicial officer who has already completed seven years in Bar being recruited for Subordinate Judicial Services would be entitled for appointment as Additional District Judge against the Bar vacancy?

25.2. (ii) Whether the eligibility for appointment as a District Judge is to be seen only at the time of appointment or at the time of application or both?

26. In view of the discussion above, we pass the following order:

26.1. We refer the aforesaid issues for consideration of a Constitution Bench of five Judges of this Court;

26.2. The Registry is directed to place the matter before the Chief Justice of India on the administrative side for obtaining appropriate orders; and

26.3. This batch of petitions would be heard after the Reference is decided by the Constitution Bench.

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RAE

HIGH COURT OF BOMBAY

Ref. :- Press Advertisement No. A.5504/2025, dated 30.01.2026

SELECTION PROCESS – 2025

ADDENDUM

In view of the directions dated 11.03.2026 of the Hon'ble Supreme Court in Para – 20 of the judgment in Civil Appeal No.3947 of 2020 in the matter of Rejanish K.V. V/s. K. Deepa and Ors., all in service Judicial Officers of the Maharashtra Judicial Service, who have crossed the upper age limit of 45 years (or 48 years, if applicable), prescribed under clause – 3(d) of Advertisement No. A.5504/2025 as on 30.01.2026 and who are otherwise eligible under Article 233 of the Constitution of India as held by the Constitution Bench judgment dated 09.10.2025 of the Hon'ble Supreme Court of India in the matter of Rejanish K.V. V/s. K. Deepa and Ors. (2025 SCC Online SC 2196), read with Rule-5 of the Maharashtra Judicial Service Rules, 2008 (as amended) are hereby granted age relaxation to participate in the current Selection Process-2025 for the post of District Judge, by Nomination (25%), as a one time measure.

All such eligible Judicial Officers are permitted to apply through the Link given below. The Link would be active from 26.03.2026 after 7.00 p.m. till 01.04.2026 upto 11.45 p.m. and no applications would be accepted after the link is closed.

→ **Link of Form :-**

<https://bhc.gov.in/bhcjorecruitment2026/index.php>

As per Sr. No.10 under Instructions of the detailed Advertisement dated 30.01.2026 for the post of District Judge, by Nomination – 2025, copies of documents are to be submitted by the eligible Judicial Officers **on or before 08.04.2026.**

As per Clause No.24 of the said detailed Advertisement dated 30.01.2026, the Link for online payment gateway facility is given below.

→ **Link for online payment gateway facility :-**

<https://onlinesbi.sbi.bank.in/sbicollect/icollecthome.htm?corpID=917433>

Date : 26th March 2026

Sd/-
Registrar (Legal & Research)

THE HIGH COURT OF BOMBAY
APPELLATE SIDE

MI

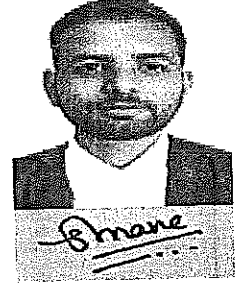
ELF

ADMIT CARD

(FOR PRELIMINARY WRITTEN EXAMINATION FOR THE POST OF DISTRICT JUDGE, BY
NOMINATION IN THE JUDICIAL SERVICE OF THE STATE OF MAHARASHTRA)

NAME :- MR. MANE SURAJ DEEPAK

ADDRESS :- S NO 111 VADAR WASTI
VISHRANTWADI ALANDI ROAD
PUNE 411015
PUNE-411015



ROLL NO.

:- C S 0 0 3 8 7 8

REGISTRATION ID

:- DJ2025X4790

NAME OF EXAMINATION

:- Preliminary Written Examination for the post of
District Judge, by nomination - 2025

DATE OF EXAMINATION

:- Sunday, 10th May, 2026

TIME OF EXAMINATION

:- 2.00 p.m. to 3.30 p.m.

CENTRE

:- Chhatrapati Sambhajnagar

EXAM CENTRE

:- Maharashtra Institute of Technology (MIT),
Beed Bypass Road, Satara Parisar,
Chhatrapati Sambhajnagar - 431 010.

HIGH COURT, APPELLATE SIDE,

BOMBAY, 5th MAY, 2026


REGISTRAR
(LEGAL & RESEARCH)

Note:-

Instructions to the candidates for the abovesaid examination have been uploaded on the Official Website of the High Court i.e. <https://bombayhighcourt.nic.in>. Candidate shall download the same from the said website for being followed before, during and after the examination. Candidate shall bring a downloaded copy of the instructions alongwith Admit Card for the examination.

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
1)	MBC00291	MR. ROHIT PREMBAHADUR YADAV
2)	MBC00292	MR. SUJIT BABRUWAHAN PATIL
3)	MBC00293	MS. MRUDULA KANCHANSHANTILAL KOCHAR
4)	MBC00295	MR. UMESH PRAVIN DEVARSHI
5)	MBC00296	MR. KAILAS GANGADHAR SAWANT
6)	MBC00297	MR. RIJWAN USMAN SHAIKH
7)	MBC00300	MR. VAIBHAV KALYANRAO JADHAV
8)	MBC00301	MR. PANDHARI TULSHIRAM GOTHEY
9)	MBC00302	MS. REVATI RAJESHWAR DESHPANDE
10)	MBC00303	MR. SUHAS PRABHAKAR BHOSALE
11)	MBC00304	MR. SHIVAKANT MACHHINDRA GOURGOND
12)	MBC00306	MS. MAYURA RAJARAM YADAV
13)	MBC00307	MR. JAYESH MADHUKAR AMBODKAR
14)	MBC00310	MR. JAVED RAJJAK MULANI
15)	MBC00312	MR. PRAVIN RAMKRISHNA NAVALE
16)	MBC00313	MR. DINKAR ANNASAHEB ARGADE
17)	MBC00314	MRS. SUJATA NILESH RATKANTHWARJAWADWAR
18)	MBC00315	MR. AJAY ASHOK BHATEWARA
19)	MBC00316	MR. MAHESH TANAJIRAO PATANKAR
20)	MBC00317	MS. MEETALI KERUAPPA KOTHULE
21)	MBC00318	MR. ATUL SURESH TEKALE
22)	MBC00319	MR. MANDAR PRABHAKARRAO PANDE
23)	MBC00321	MR. HEMANT UMAKANT JOSHI
24)	MBC00322	MRS. RAJITA MAHESH CHAVAN

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
25)	MBC00323	MS. SHALU GOPAL AGRAWAL
26)	MBC00324	MR. SHRINATH NAGNATHRAO PHAD
27)	MBC00326	MR. VILAS SHIVAJI KHANDBAHALE
28)	MBC00327	MR. SAMADHAN KASHINATH MULE
29)	MBC00328	MRS. JAYASHRI SANJAY JAGDALE
30)	MBC00331	MR. RIYAZ HABIBBHAI NATHANI
31)	MBC00333	MR. AJITSINGH MANSINGRAO PATANKAR
32)	MBC00335	MR. NITIN KASHINATH JOSHI
33)	MBC00336	MR. SAKALESH VASUDEORAO PIMPLE
34)	MBC00338	MR. YASHSHREE PRAKASH MARULKAR
35)	MBC00339	MR. PRASHANT SHRIKANT SHINDE
36)	MBC00340	MR. PANKAJ ARUN PATKI
37)	MBC00341	MR. RUPALI HEMANT PATIL
38)	MBC00343	MR. DEEPAKKUMAR MOHANLAL MATA
39)	MBC00345	MR. ANIL RAMKRISHNA GUNNAL
40)	MBC00346	MR. SACHIN VITTHAL DESHMUKH
41)	MBC00347	MS. R M K
42)	MBC00348	MRS. ANAGHA ADITYA DESAI
43)	MBC00350	MR. ARIF ABDULKADAR SHAIKH
44)	MBC00353	MR. SHRIDHAR KISANRAO DHEKALE
45)	MBC00356	MS. MOUSAMA BADSHAH ATTAR
46)	MBC00359	MR. SHRIKANT RAMCHANDRA NIMSE
47)	MBC00360	MR. ASHOK UTTAMRAO BAHIR
48)	MBC00364	MR. PRAVIN PRAKASHRAO DESHMANE

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
49)	MBC00366	MR. ABHIJEET VIJAY KULKARNI
50)	MBC00368	MR. RAJENDRA MURLIDHAR TUWAR
51)	MBC00372	MR. KISHOR GORAKH CHAUDHARI
52)	MBC00375	MR. SAMBHAJI SHIVAJI PARAVE
53)	NGC00377	MR. NILESH VIJAYKUMAR BANSAL
54)	NGC00379	MR. MAHESH SHRIDHARRAO KALE
55)	NGC00380	MR. GULSHAN RUSHIJI KOLTE
56)	NGC00381	MR. DILIPKUMAR SATISH KOLTE
57)	NGC00383	MR. DIPTANSHU ANIL TIWARI
58)	NGC00385	MR. SACHIN SARJERAO PATIL
59)	NGC00389	MR. PRAVIN MOHANRAO UNHALE
60)	NGC00390	MR. NIRANJAN RAMRAOJI WANKHADE
61)	NGC00391	MR. ASHISH MOHAN JOSHI
62)	NGC00392	MR. DNYANESHWAR VINAYAKRAO HARNE
63)	NGC00393	MR. VIVEK BRIJLAL RATHOD
64)	NGC00394	MR. JAYDIP GOVARDHAN PANDE
65)	NGC00395	MR. MANOJ RAMKRUSHNA WASHIMKAR
66)	NGC00396	MR. YASHDIP LILADHAR MESHRAM
67)	NGC00397	MR. BHAGAWAT TUKARAM ZIRAPE
68)	NGC00398	MR. KARUNA RAMKUMAR RAJPUT
69)	NGC00399	MR. BIJESH ABASAHEB GAIKWAD
70)	NGC00400	MR. AFTABKHAN NASIBKHAN PATHAN
71)	NGC00402	MR. GIRISH BALASAHEB DESHMUKH
72)	NGC00403	MR. ANAND SOPANRAO MUNDE

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
73)	NGC00404	MR. SUJITKUMAR CHANDRAKANT TAYDE
74)	NGC00405	MR. CHANDRAPAL RAMESH BALWANI
75)	NGC00406	MR. MAHESH VIJAYKUMAR PHADE
76)	NGC00407	MR. RAJENDRA TUKARAM GHOGLE
77)	NGC00408	MR. HARISH JADHAVRAO SHENDE
78)	NGC00413	MRS. TRUPTI NITIN JADHAV
79)	NGC00414	MRS. DALJEETKAUR MANIPALSINGH JUDGE
80)	NGC00416	MR. MILIND SUBHASH TODKAR
81)	NGC00418	MR. RAJESH BHIKALAL RAJA
82)	NGC00419	MS. PRANJALI VIJAYSINHA RANE
83)	NGC00423	MR. PRATIBHA LAXMANPRASAD GUPTA
84)	NGC00425	MRS. NINA NINAD BEDARKAR
85)	NGC00426	MR. PRAVIN KISHANRAO NARDELE
86)	CSC00428	MR. MAHENDRA BANSILAL PATIL
87)	CSC00429	MR. KRUSHNA MURALIDHAR SONAWANE
88)	CSC00430	MR. BHANUKANT BHAGWAT SHELKE
89)	CSC00432	MR. KALIDAS SIDRAM SURYAWANSHI
90)	CSC00433	MR. VILASSINGH NARAYANSINGH THAKUR
91)	CSC00435	MRS. SHITAL SATISH BANGAD
92)	CSC00436	MR. KISHOR HIRALAL PATIL
93)	CSC00437	MR. ANANT KISHOR DESHMUKH
94)	CSC00439	MRS. AVANI ASHWIN GODSE
95)	CSC00440	MRS. SHAHIN VASIM INAMDAR
96)	CSC00441	MR. KUNAL ABHAYKUMAR NAHAR

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
97)	CSC00442	MR. AMIT ASHOKRAO KHANDALE
98)	CSC00444	MRS. PRADNYA VASANT MEDHE
99)	CSC00445	MR. SHARAD SARDARSING PARDESHI
100)	CSC00446	MR. ANUP NANDKUMAR JAISWAL
101)	CSC00447	MR. MANOJ VASANTRAO CHAVHAN
102)	CSC00448	MR. RAJENDRAKUMAR BABASAHEB GIRI
103)	CSC00449	MR. RITESH RAMESH MAWATWAL
104)	CSC00450	MR. SWATI DILIPRAO AWASEKAR
105)	CSC00451	MR. YOGITA RAJENDRAAPPA MUKKANWAR
106)	CSC00453	MR. VASANT SHRIRAMJI YADAV
107)	CSC00454	MRS. GAZALA SHAIKHMUZAMMIL ALAMOUDI
108)	CSC00457	MR. JAYSING GULAB PAWAR
109)	CSC00458	MR. AWDHUT ASHOK BHOSALE
110)	CSC00459	MR. SACHIN SHIVAJIRAO UBALE
111)	CSC00460	MR. VIJAYKUMAR ASHOKLAL TEKWANI
112)	CSC00462	MR. PARESH VENKATRAO KULKARNI
113)	CSC00464	MRS. DEEPALI PARIMAL KADUSKAR
114)	CSC00465	MR. SHAKEEL MAQBOOLAHMED SAYYED
115)	CSC00466	MR. SATISH KACHARULAL BANGAD
116)	CSC00468	MR. NADEEM AMIN PATEL
117)	CSC00473	MR. SATISH NANA PATIL
118)	CSC00475	MR. MOHD AKBAR HUSAIN
119)	CSC00482	MR. TAYYABALI NAZIRALI QUADRI
120)	CSC00485	MRS. BHAGYASHRI KASHIRAM PATIL

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ANNEXURE 'A

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
121)	CSC00486	MR. SAYED ASHFAQALI RAZAALI
122)	KPC00487	MR. PRITAMKUMAR MAHAVIR PATIL
123)	KPC00488	MR. MALHAR POPATRAO SHINDE
124)	KPC00489	MR. SHASHIKANT RAJARAM MOKASHI
125)	KPC00490	MR. SUNIL DATTATRAY GAWADE
126)	KPC00491	MR. IRSHAD MOHMADRAFIK NAIKWADI
127)	KPC00492	MR. SURESH TUKARAM SHINDE
128)	KPC00493	MR. PRASAD NANDKUMAR DESHPANDE
129)	KPC00494	MR. SUMIT VIJAYKUMAR JOSHI
130)	KPC00495	MR. NARENDRA SHRIKRISHNA PURI
131)	KPC00496	MRS. MAYA ABHIJEET DESHMUKH
132)	KPC00497	MR. SUNILJEET DATTATRAYA PATIL
133)	KPC00498	MR. ATUL ASHOK CHENDKE
134)	KPC00499	MR. AVADHUT GAJANAN DESHINGKAR
135)	KPC00500	MR. ABHIJIT RAJSHEKHAR SOLAPURE
136)	KPC00501	MR. AVINASH RAMAKANT MALVADE
137)	KPC00502	MR. YASEEN HABIBSATTAR DESHMUKH
138)	KPC00506	MR. AVINASH ASHOKRAO WALUJKAR
139)	KPC00507	MR. SURYAKANT SHANKARRAO INDALKAR
140)	KPC00509	MR. SOPAN DASHRATH GHANWAT
141)	KPC00510	MRS. ARCHANA GANESH BEHERE
142)	KPC00511	MR. SUNIL SHANKARRAO SHINDE
143)	KPC00512	MR. SUSHIL BHAURAO DEORE
144)	KPC00514	MR. OMSHANKAR SHIVRAJ PATIL

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
145)	KPC00516	MR. PANDURANG LIMBAJI GHULE
146)	KPC00517	MR. KUNWARSINGH RAJBAHADURSINGH SINGHEL
147)	MB000526	MR. MAHESH DATTATRAY THOMBARE
148)	MB000528	MRS. SUVARNA UDAY PAWSE
149)	MB000529	MR. AMOL ANANDRAO MORE
150)	MB000532	MR. RAJU LAHYAPPA BAMANE
151)	MB000537	MRS. SHEETAL VITTHAL SALVI
152)	MB000539	MR. VIJAY RAJBALI YADAV
153)	MB000546	MR. ASHISH UDAY PATANKAR
154)	MB000550	MR. VINAYAK HARISH VISHWAS
155)	MB000552	MR. SHREYAS DUNDAPPA HATAROTE
156)	MB000558	MR. KARAN MANOJ CHAKRANARAYAN
157)	MB000560	MR. SUHAS BALBHIM KALDATE
158)	MB000563	MR. MAMTARAM VALIBA BHAGWAT
159)	MB000567	MR. GANESH BALU KHANDAL
160)	MB000568	MR. DURGESH BHAUSAHEB PEKHALE
161)	MB000573	MR. PRAKASH RAMDAS BOCHARE
162)	MB000579	MR. SHASHANK SURESH PEDNEKAR
163)	MB000586	MS. NUTAN DHANAJI BABAR
164)	MB000588	MRS. PRITI ASHOK SHRIRAM
165)	MB000590	MR. HITESH ANIL THORAT
166)	MB000593	MR. YOGENDRA SURENDRA KAWADE
167)	MB000594	MRS. MAYA MILIND KHAIRNAR
168)	MB000597	MR. SAMAR UDAY MAVINKURVE

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
 Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
 Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
169)	MB000600	MR. RAJESH RAMESHRAO PATKI
170)	MB000602	MR. HRISHIKESH UDESH AMBRE
171)	MB000606	MRS. UMA YASH BORADEKAPOOR
172)	MB000607	MR. RAJU SARANGDHAR PERE
173)	MB000609	MRS. MANISHA MARUTI MALI
174)	MB000610	MR. GANESH DINKAR PATIL
175)	MB000612	MR. DEEPAK BHASKAR LAHUDKAR
176)	MB000613	MR. MAHESH RATNAKAR SOWANI
177)	MB000615	MS. SAYALEE VIKAS NYAYADHISH
178)	MB000616	MR. DEEPAK YESHWANT ENAKPHALE
179)	MB000620	MS. RADHIKA HIRALAL ARORA
180)	MB000622	MRS. NAZANIN MUNIR JAMADAR
181)	MB000623	MS. DIPTI DIPAK KOLAPKAR
182)	MB000624	MRS. SHWETA VINAY CHANDAK
183)	MB000625	MRS. VAISHALI AMIT AGAWANE
184)	MB000626	MRS. UJJWALA SANDESH GADKARI
185)	MB000627	MS. GARIMA NARAYAN BAGRODIA
186)	MB000629	MR. SAMYAK NARAYAN GIMEKAR
187)	MB000630	MR. NIKHIL JEEVNRAO CHAVAN
188)	MB000634	MS. VIBHUTI AMARNATH AGRAWAL
189)	MB000637	MR. MOHAMMAD KARIM SAYYED
190)	MB000640	MRS. SWAPNALI SUJIT PATIL
191)	MB000642	MR. SACHIN RANGLAL NIKAM
192)	MB000645	MR. SANJAY MOTIRAM GHUGE

**HIGH COURT OF BOMBAY**

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
193)	MB000651	MR. MANOJ PRAKASH DHUMAL
194)	MB000653	MS. SMITA DURYODHAN DONGRE
195)	MB000654	MR. MUDASSAR NADEEM ABDULNAIM
196)	MB000655	MR. DHEERAJ BHIMRAO PANCHANGE
197)	MB000656	MR. MOHAMMED AHMED SHAIKH
198)	MB000664	MR. AKSHAY KIRAN SHINDE
199)	MB000669	MS. SARITHA VISHWAMBHARAN
200)	MB000675	MRS. RUPALI BHAUSAHEB EKHANDI
201)	MB000676	MR. AMIT ANIL MANE
202)	MB000684	MR. SUDHAKAR HARI PATIL
203)	MB000685	MR. SANTOSH PUNDLIKRAO WANKHADE
204)	MB000688	MR. RAJKUMAR SAMARJEET TIWARI
205)	MB000694	MR. AMOL SHRIRAM SHINDE
206)	MB000696	MR. ANIKET SUBHASH ABHYANKAR
207)	MB000700	MS. RANJANA MADHAO THAWARE
208)	MB000712	MR. GAURAV SADASHIV HANGE
209)	MB000715	MR. ALOKKUMAR INDRAPRATAP SINGH
210)	MB000716	MS. HARSHALA YASHWANT KAWALE
211)	MB000721	MRS. LEENA GURUDAS PEDNEKAR
212)	MB000731	MR. KETAN JAGDISH KOTHARI
213)	MB000732	MR. AKASH BABURAO REDKAR
214)	MB000734	MRS. PREETI ANILSINGH RAJPUT
215)	MB000735	MRS. ARCHANA SHRIKRISHNA MUJUMDAR
216)	MB000739	MR. OMPRASAD PANDURANG LOMATE

ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
217)	MB000740	MS. SHWETA SUBHASH GHODKE
218)	MB000745	MS. TRUPTI UMAKANT RAI
219)	MB000747	MR. HANUMANT BALA VAJALE
220)	MB000754	MR. TUSHAR BALASAHEB WAJE
221)	MB000756	MS. GEETA GHANASHYAM GAVLI
222)	MB000757	MRS. ASHWINI GOVINDRAO PAWAR
223)	MB000759	MRS. RANJANA SUKHDEV GOSAVI
224)	MB000762	MR. HASSANULLAH IRFANULLAH KHAN
225)	MB000764	MS. MAITHILEE PRAKASH MARDHEKAR
226)	MB000766	MS. GURMITKAUR RAJNARAYAN TANDON
227)	MB000774	MRS. SUMAN NITIN KOTIAN
228)	MB000776	MR. ASHISH MAHIPATI CHAVAN
229)	MB000779	MR. SAGAR JAGDISH BONDRE
230)	MB000784	MR. MOTILAL SONU CHAUDHARI
231)	MB000786	MRS. NAIMA IMRAN GHATTE
232)	MB000789	MR. UMESH SUDHAKARRAO BELEKAR
233)	MB000790	MRS. ROHINEE SAGAR BONDRE
234)	MB000796	MR. SANTOSH SHIVAJI ATAILE
235)	MB000799	MS. SONALI SURESH KHEDEKAR
236)	MB000801	MS. JAI ABHAY KOTNIS
237)	MB000802	MS. PRAMILA VASANT KADAM
238)	MB000804	MR. HRISHIKESH VILAS TAMBAT
239)	MB000806	MS. CHANDA MADHUKARRAO DHABALE
240)	MB000818	MS. AKSHI JAIN

**HIGH COURT OF BOMBAY**

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
241)	MB000819	MS. PADMA KRUSHNAT NALAWADE
242)	MB000821	MR. KIRAN KASHINATH GHULE
243)	MB000829	MR. ROHAN HARISHKUMAR BANSAL
244)	MB000833	MR. SAGAR ASHOK INGLE
245)	MB000837	MR. HANUMANT SATYAWAN TARI
246)	MB000839	MR. PAWAN PADMAKAR BAND
247)	MB000846	MR. HEMANT DNYANDEO HOLKAR
248)	MB000847	MS. ASHWINI VILASRAO PATIL
249)	MB000851	MRS. ANJALI VIVEK BHAGAT
250)	MB000854	MRS. POOJA SHASHIKANT PANDEY
251)	MB000857	MR. PRATIK BHARAT DESHMANE
252)	MB000860	MR. NIRANJAN BALASAHEB CHAVAN
253)	MB000861	MR. MAYURESH ANANT ATHAVALE
254)	MB000865	MR. SAGAR BABURAO SABALE
255)	MB000866	MR. RAJASHREE NINAD VIRKUD
256)	MB000868	MRS. SUSHEELA RAVINDRA PATIL
257)	MB000874	MS. SUVARNA HARISHCHANDRA SHRIRAM
258)	MB000876	MR. KAMALESH KAKASO MANE
259)	MB000881	MR. NITESH BHIMRAO RATHOD
260)	MB000887	MRS. SUJATA RAKESH BANDAL
261)	MB000893	MR. RAHUL BALNATH CHINCHALE
262)	MB000894	MR. ALAMOODI ABDUL KHAYYUM
263)	MB000895	MS. JAGRUTI BAPURAO THAKARE
264)	MB000904	MR. KAILAS KONDIBA KURANDALE

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HIGH COURT OF BOMBAY

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Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
265)	MB000905	MR. DAYANAND MARUTI WAGHMARE
266)	MB000907	MS. SONALI RAVINDRA KOLHE
267)	MB000910	MR. NITIN CHANDRAKANT PAWAR
268)	MB000911	MR. JAYJAYRAM NAMDEO SURYAWANSHI
269)	MB000912	MR. RANJANA VIJAY KAMBLE
270)	MB000915	MR. SUNIL BABASAHEB WALKE
271)	MB000921	MRS. ASMITA SHIVAJI JADHAV
272)	MB000922	MRS. HEMA BHAUSAHEB POKHARKAR
273)	MB000924	MR. NAVODIT MUKUND GUJAR
274)	MB000926	MR. SATISHKUMAR RAGHUPATHI CHETTIYAR
275)	MB000930	MS. RASIKA NANDKUMAR CHAVAN
276)	MB000932	MRS. PRANITA TANAJI BUYE
277)	MB000933	MR. PRAMOD MANIK KOLSE
278)	MB000934	MS. PALLAVI SURYAKANTGOURI CHALKAR
279)	MB000936	MR. MITHUN DADA BANSODE
280)	MB000937	MR. PRATHAMESH RAMESH BHOSALE
281)	MB000939	MR. NILESH ULHAS MASURKAR
282)	MB000940	MR. ASHWIN RAMESH KALE
283)	MB000945	MR. EKANATH KOYAPPA CHOUGALE
284)	MB000950	MR. RAVINDRA ANANDRAO SAWANT
285)	MB000955	MRS. BHUMESHWARI RAJENDRA BISEN
286)	MB000956	MR. ROHINI VISHNU PATIL
287)	MB000963	MR. SAMBHAJI SOPANRAO DESHMUKH
288)	MB000964	MR. YASHODHAN PRADEEP BAVKAR

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
289)	MB000965	MRS. PALLAVI KESHRIMAL BHOYAR
290)	MB000975	MR. RAHUL ISHWER SONAWANE
291)	MB000982	MR. CHANDRABHUSHAN NAMDEORAO ONDARE
292)	MB000985	MR. ATUL BHIMRAO PATIL
293)	MB000988	MR. VINOD SANTOSH DAMARE
294)	MB000989	MS. SRADDHA SUDAMRAO PANSARE
295)	MB000995	MR. SUNIL MOHAN KASBE
296)	MB000997	MR. SACHIDANAND KANTILAL LONKAR
297)	MB001013	MR. RAJKIRAN UTTAMRAO INGLE
298)	MB001024	MS. NANDA RAGHUNATH KUMBHAR
299)	MB001026	MR. KANCHAN VISHAL SARKATE
300)	MB001034	MR. ATUL ASHOK KORE
301)	MB001039	MRS. SHILPA RATNANAND LAUTRE
302)	MB001051	MRS. SARITA RAGHUNATH BHOR
303)	MB001071	MRS. ARTI HANUMANT KALE
304)	MB001072	MS. BABITA USHA KESHARWANI
305)	MB001077	MRS. PRAMILA NANDU JADHAV
306)	MB001079	MS. VAISHALI BALIRAM SHINDE
307)	MB001083	MR. PRASHANT SURESH GHODKE
308)	MB001091	MR. NEERAJ JAYANT DESHPANDE
309)	MB001095	MRS. MOKSHADA SHAMSUNDAR BHISE
310)	MB001096	MRS. PRADNYA KULDIP KASHID
311)	MB001097	MR. SAGAR ANIL DEORE
312)	MB001113	MR. JAYWANT RAMDAS AVHAD



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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
313)	MB001116	MR. PIYUSH ASHOK JAIN
314)	MB001121	MS. NEELAM BHASKAR JAGTAP
315)	MB001125	MRS. RAGINI KRISHNA JANGAM
316)	MB001126	MR. ASHISH GANPATRAO SABLE
317)	MB001127	MR. SHAIKHLAL BAXU SHAIKH
318)	MB001130	MR. PRAVIN ARJUN JAGDALE
319)	MB001135	MS. ANURADHA VASANT SHINDE
320)	MB001137	MRS. PRIYA SAURABH GONDHALEKAR
321)	MB001140	MR. PRANAV MADHAV PHADKE
322)	MB001142	MR. SANGRAM SUBHASH JADHAV
323)	MB001145	MR. DEEPAK SHANKARLALJI SHARMA
324)	MB001149	MRS. SUNITA PRABHAKARRAO PAITHANKAR
325)	MB001154	MR. KETAN ARUN DHAVLE
326)	MB001158	MS. VARSHA RAJDHARI YADAV
327)	MB001171	MR. KIRTI SHIVAJI KATKADE
328)	MB001176	MR. DADASO SAMPATRAO PATIL
329)	MB001182	MR. PRASHANT SHIVAJI NAGARGOJE
330)	MB001183	MR. AMAR SHYAMPRASAD MISHRA
331)	MB001191	MS. SANJANA UDAY JAGUSTE
332)	MB001200	MR. SWAYAM SHAILENDRA CHOPDA
333)	MB001204	MR. AMIT KRUSHNARAO PRADHAN
334)	MB001206	MR. TUSSHAR CHANDRAKANT NIRBHAVNE
335)	MB001210	MR. SUBHASH LAXMAN PHULE
336)	MB001212	MR. YASHWANT SATYAWAN DHANEGAVE

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
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List of provisionally eligible candidates / Judicial Officers for Main Written Examination for the post of District Judge, by Nomination – 2025

Sr. No.	Roll No.	Name of the candidate
337)	MB001217	MRS. POOJADEVI GANESH INAMDAR
338)	MB001223	MR. RAJAT RAJENDRA BADOLE
339)	MB001224	MR. SAMEER KADER SHAIKH
340)	MB001227	MR. NIKHIL CHANDRAKANT SHEJWAL
341)	MB001230	MRS. LATA KIRAN SAPKAL
342)	MB001232	MRS. SHITAL VISHAL METILPATIL
343)	MB001238	MR. SUNIL DADARAO SAWARKAR
344)	MB001241	MR. YASHODHAN RAMCHANDRA GAVANKAR
345)	MB001259	MS. SUPRIYA VILAS LAD
346)	MB001261	MR. AASHISH DNYANESHWAR MARGODE
347)	MB001263	MR. ASHRAQNAVID AMANULLA PATHAN
348)	MB001266	MR. SONALI ROHAN BARGE
349)	MB001274	MR. TASNEEM BEGUM SHAIKH
350)	MB001276	MR. JAYSHREE RANGNATH RAUT
351)	MB001278	MR. PRATIBHA BHARAT KADU
352)	MB001284	MR. GOPICHAND VASANT JAWALE
353)	MB001298	MRS. SHAILJA OMPRAKASH PANDEY
354)	MB001316	MR. SACHIN YUVRAJ KAMBLE
355)	MB001333	MRS. SUSHAMA SHAMRAO GAWAI
356)	MB001354	MRS. DHANNYA PRASAD
357)	MB001363	MR. DINESH DAGADU MANE
358)	MB001370	MR. PRATIK VISHWANATH SHINDE
359)	MB001372	MS. NILIMA AVINASH WANKHADE
360)	MB001380	MS. ARCHANA HARISHCHANDRA THAKUR

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
361)	MB001382	MR. VISHNU MANIKRAO JAWARE
362)	MB001385	MRS. VARSHA RAJKUMAR BHOGLE
363)	MB001387	MRS. SONALI YOGESH GHARAT
364)	MB001395	MR. AARISH SHAI FODDIN SHAIKH
365)	MB001400	MS. PRATIMA YASHWANT INGOLE
366)	MB001410	MR. PAVANKUMAR GHANSHYAM TAPADIYA
367)	MB001412	MR. NILESH UTTAMRAO DHOTE
368)	MB001423	MS. ASHWINI CHINTAMAN BALWADKAR
369)	MB001429	MS. PRACHI NARAYAN GOSAVI
370)	MB001441	MRS. SUVARNA SURESH WADKAR
371)	MB001450	MS. SAPNA ARUN HARNE
372)	MB001457	MRS. KRANTI SURESH KUMBHAR
373)	MB001465	MS. TRUPTI ASHOK BHARADI
374)	MB001470	MR. PRITI L JADHAV
375)	MB001486	MR. RAJENDRAPRASAD RAMNAIN MISHRA
376)	MB001494	MR. VITTHAL GANESRAO SHINDE
377)	MB001496	MR. SHAMSHODDIN JAINUDDIN MUJAWAR
378)	MB001502	MR. VIKAS DATTATRAYA BADE
379)	MB001523	MR. ANKIT MOTA
380)	MB001528	MR. NARESH SOMA BARI
381)	MB001529	MR. GAJANAN SHIVDAS BADGUJAR
382)	MB001547	MR. MANOHAR DAMU SAINDANE
383)	MB001565	MS. SMITA JAGANNTH PENDE
384)	MB001567	MR. MUKUL SHRIPAD INAMDAR

HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
385)	MB001572	MR. SAGAR CHANDRAKANT KUMBHAR
386)	MB001578	MR. YATIN ANIL DHURAT
387)	MB001606	MRS. PALLAVI PRAKASH CHOUGULE
388)	MB001667	MR. AJAYPRAKASH RAMNATH YADAV
389)	MB001668	MR. AJIT BALBHIM CHAVAN
390)	MB001669	MRS. ROHINI ANAND MALAKOLIKAR
391)	MB001670	MR. CHINTAMAN PUNDLIK SHELKE
392)	MB001671	MR. RAMCHANDRA NARAYANSA CHAVAN
393)	MB001672	MR. YOGESH DATTATRAY KOINKAR
394)	MB001675	MR. AMRIT CHANDRAKANT BIRAJDAR
395)	MB001677	MS. DIMPLE VALLABHJI DEDHIA
396)	MB001678	MR. GHANSHAM RAMLAL TIWARI
397)	MB001680	MR. NIKHIL DHANAJIRAO JADHAV
398)	MB001681	MR. SHARADCHANDRA PANDITRAO JADHAV
399)	MB001682	MRS. SWARA SAMEER PARKHI
400)	MB001685	MS. SAVITA KISHANRAO DUGAONKAR
401)	MB001686	MR. SHRUTI NILESH GANGWALSHAH
402)	MB001688	MR. RAJESH YASHWANTRAO KHANDARE
403)	MB001689	MR. DEEPAK DAMODAR KARVE
404)	MB001690	MR. SADANAND BABURAO PATIL
405)	NG001703	MR. JAHED JAKIRHUSAIN INAMDAR
406)	NG001704	MR. SHARAD BALBHIM KALDATE
407)	NG001707	MRS. SARIKA SANDIP THAKARE
408)	NG001709	MR. VIKESH RAMESH ASSUDANI



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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
409)	NG001721	MR. MANGALA RAHUL CHAVANHIWARALE
410)	NG001729	MS. DEEPIKA KESHAV GAWALI
411)	NG001730	MR. KAUSTUBH NAGESH MARATHE
412)	NG001731	MR. ADITYA BALKRISHNA DESHPANDE
413)	NG001733	MR. VASIM ISAMIYA SHAIKH
414)	NG001735	MR. LALIT VASANTRAO SHRIKHANDE
415)	NG001737	MR. RAVI MAGAN GIRI
416)	NG001739	MR. SURESH RAIBHAN RAMTEKE
417)	NG001743	MS. SONAL MADHUKAR TAYADE
418)	NG001748	MR. VISHAL SHRAVAN DHONDAGE
419)	NG001749	MR. NILESH CHANDRASHEKHAR DHANDE
420)	NG001751	MR. RAJENDRA VASANT KADAM
421)	NG001753	MR. VINOD VASANTRAO PATIL
422)	NG001754	MR. SANTOSH BHOLARAM VIJAYKAR
423)	NG001755	MS. JAYA KISHOR CHAINANI
424)	NG001756	MR. RUSHIKESH DILIP BHUYARKAR
425)	NG001757	MR. SAMEER GOPAL GUNARI
426)	NG001770	MS. SAYALI ASHOK SHENDGE
427)	NG001775	MR. ANAND YADNYAWALKYA BORKAR
428)	NG001785	MR. VISHAL HARIBHAU KHEDKAR
429)	NG001791	MS. ARCHANA NAVNATH GAJWE
430)	NG001792	MR. VAISHALI VASANT WAGHMARE
431)	NG001793	MR. ARIF HARUN SHAIKH
432)	NG001796	MS. DEEPTI CHANDRAKANT VORANI

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
433)	NG001804	MS. KIRTI PRABHAKAR DESHMUKH
434)	NG001806	MR. MAYANK SHANTIKUMAR SHARMA
435)	NG001807	MRS. AAFIYA WASEEM MIRZA
436)	NG001808	MR. TOUSIF HUSAIN KHAN
437)	NG001816	MR. SANMATI MAHAVIR BAKLIWAL
438)	NG001820	MR. NIKHIL LAXMAN HEMNE
439)	NG001821	MR. QAYEMODDIN RAHIMODDIN SYED
440)	NG001822	MR. PRAFUL MAHADEORAO GAIKWAD
441)	NG001825	MR. GOPAL GAJBHIYE
442)	NG001827	MS. DEEPIKA RAM MAHATKAR
443)	NG001828	MRS. SAKIYA AYUB SHEIKH
444)	NG001830	MR. SUDAM SHRIRAM KALE
445)	NG001831	MS. VISHAKHA GOPALRAO BOKARE
446)	NG001836	MRS. SWATI SHARAD LOHKAREJADHAV
447)	NG001839	MR. BABAN VASANTRAO WAHURWAGH
448)	NG001842	MRS. AAMENABANO KADIR SHAH
449)	NG001848	MR. RAJU RAMESH MELE
450)	NG001850	MRS. VIDYA MAHADEORAO DEWAR
451)	NG001851	MR. RAHUL KESHAVRAO GAIKWAD
452)	NG001854	MRS. SWATI HARISHCHANDRA TELGAONKAR
453)	NG001855	MR. DILIP GANGADHAR JAGTAP
454)	NG001856	MR. ASHISH GANGADHARRAO MHASKEY
455)	NG001857	MR. VICKRANT PRALHAD KHANDARE
456)	NG001861	MR. SATISH GOPALRAO GORE

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
457)	NG001863	MR. NITIN DHANRAJ MESHARAM
458)	NG001867	MR. SANDEEPKUMAR OMPRAKASHJI MALPANI
459)	NG001868	MR. MOHAN RAMCHANDRA KAMAT
460)	NG001870	MR. ENNA VIJAY DHANDE
461)	NG001871	MR. MANDAR MOHAN RAUT
462)	NG001878	MR. HITESH GUNWANT KATEKAR
463)	NG001880	MRS. SEEMA GOKUL WAWARE
464)	NG001891	MR. KAILASH KISANRAO CHAFALE
465)	NG001893	MS. AMREEN MOHAMMAD KASIM
466)	NG001894	MRS. RENUKA DEVENDRA PATANGE
467)	NG001896	MR. DEVENDRA BALASAHEB PATANGE
468)	NG001903	MR. TRUSHNA GOVINDRAO BANSOD
469)	NG001907	MR. NITIN GAJANAN HINGNE
470)	NG001911	MR. FAJILODDIN KHALILODDIN SIDDIQUI
471)	NG001914	MR. VIJAYKUMAR JAYSING JADHAV
472)	NG001915	MR. GAURAV PRAMOD TIWARI
473)	NG001916	MRS. TRIVENI SURESHRAO GAIGOLE
474)	NG001921	MR. SACHIN WAMANRAO THOMBRE
475)	NG001923	MR. NILESH RAMESHRAO PUND
476)	NG001927	MRS. PRAYANI NEVESH JAISWAL
477)	NG001937	MS. BHAGYASHRI MAHADEV KOTHAHALE
478)	NG001940	MR. NITIN NIWRUTTI CHINTAMANI
479)	NG001943	MS. PRIYANKA RAMESH PAMNANI
480)	NG001944	MR. ZUBAIR ZAFAR KHAN

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
481)	NG001949	MRS. VISHAKHA BHAGWAN PATIL
482)	NG001953	MR. MAHESH KRISHNA PATIL
483)	NG001954	MRS. VARSHARANI CHANDRAKANT RAUT
484)	NG001959	MR. RAHUL DINKAR RAHANE
485)	NG001966	MS. APEKSHA TULARAM BANSOD
486)	NG001967	MR. PRAVESH DUDHAJI AZADE
487)	NG001971	MR. CHETNA YASHAWANT NEWARE
488)	NG001972	MR. AMIT SURESH AGRAWAL
489)	NG001974	MRS. PINKEY NARAYANDAS PESHWANI
490)	NG001976	MR. ATUL RATNAKAR JOSHI
491)	NG001988	MR. DNYANESHWAR SUKHADEV PAHARE
492)	NG001990	MS. TRUPTI NANDKISHOR ASAWA
493)	NG001994	MR. CHANDRASHEKHAR ASHOKRAO GAWAI
494)	NG001999	MR. KISHOR SHANKAR WANKHEDE
495)	NG002001	MS. MRUNAL SHALIGRAM CHANDORE
496)	NG002018	MR. VIJAY SHAMRAO RAUT
497)	NG002029	MR. SONALI MANGESH BIRHARI
498)	NG002032	MS. TANUJA ANIL ASARKAR
499)	NG002033	MR. MOHIT MANOHAR PANCHARIYA
500)	NG002037	MR. RAVINDRA MADHUKARRAO BHENDE
501)	NG002039	MR. VAISHALI MANOHAR GAJBHIYE
502)	NG002044	MR. VIJAY APPA AWAGHADE
503)	NG002048	MR. NINAD ASHOK INGLEY
504)	NG002051	MR. SHAIKH RASOOL MAULA

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
505)	NG002052	MS. YOGESHWARI KRUSHNARAO RAUT
506)	NG002058	MR. TEJESH SHANTINATH ARAGE
507)	NG002070	MR. SANDEEP MARUTI SARODE
508)	NG002071	MR. PRAVIN PRABHULAL YADAV
509)	NG002076	MR. ROHIT RAVINDRA PANDE
510)	NG002077	MRS. PALLAVI RUPESH MALI
511)	NG002081	MRS. SHEETAL AMBADAS VAIDYA
512)	NG002085	MS. VARSHA DAYARAM BIRHARI
513)	NG002091	MRS. NEHA MOHIT PANCHARIYA
514)	NG002093	MR. VISHAL MAHANAND GAIKWAD
515)	NG002096	MR. ASHWIN VIJAY DAKHORE
516)	NG002097	MRS. SONALI LAXMAN SOVANKE
517)	NG002099	MR. PRAKASH TARACHAND TOLANI
518)	NG002104	MR. RAVI SHRIDHAR KALE
519)	NG002105	MR. AMOL NATHURAM JAGTAP
520)	NG002106	MS. RESHMA VITTHALRAO CHARDE
521)	NG002107	MR. KETAN VILAS BHOSKAR
522)	NG002108	MR. SANJAY HARICHANDRA ATAKARE
523)	NG002112	MR. ARHAT VISHWANATH PANDIT
524)	NG002116	MR. SANDESH DAYARAM KATHOKE
525)	NG002117	MR. SATISH SHYAMLAL KOTWANI
526)	NG002136	MR. SUYOG SUDHAKARRAO DHOLE
527)	NG002149	MR. ANKUSH MUKTESHWAR TIRUKH
528)	NG002156	MR. PRATIK SUDHAKARRAO PATIL

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HIGH COURT OF BOMBAYRef.: Press Advertisement No. A.5504/2025 dated 30.01.2026
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Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
529)	NG002169	MR. MANGESH DAYARAM BIRHARI
530)	NG002179	MS. BHAVANA SHYAM PAL
531)	NG002198	MR. PRADEEPSINGH PRUTHVIRAJSSINGH THAKUR
532)	NG002206	MR. PANKAJ SUBHASHRAO GAJBHIYE
533)	NG002216	MR. SHIVAM SATISH SHARMA
534)	NG002229	MR. TRUPTI ARJUN BHOYAR
535)	NG002233	MR. ABHAY RAMESH RANPISE
536)	NG002239	MRS. VISHALA SHARAD SHENDE
537)	NG002243	MR. VIVEK VASANTRAO RAJURKAR
538)	NG002249	MR. PALLAVI RAVIKIRAN SONAWANE
539)	NG002254	MR. BHOOMIT ASHOK AGRAWAL
540)	NG002256	MR. ROHAN KISHOR JOSHI
541)	NG002258	MR. UJWAL RAJAN PHASATE
542)	NG002265	MRS. ROHINI JAYDIP PANDE
543)	NG002270	MR. KASHINATH GANGADHAR MENDHE
544)	NG002271	MR. SATISHKUMAR SHRIPATRAO GAIKWAD
545)	NG002272	MR. PRADEEP DINKARRAO PATIL
546)	NG002276	MR. ANAND DATTATRAY THAKARE
547)	NG002289	MRS. NEHA NISHANT SINGHANIA
548)	NG002291	MRS. SONPARI MAHENDRA GADE
549)	NG002294	MR. PRITESH CHANDRASHEKHAR DESHPANDE
550)	NG002314	MR. PRATIK NARENDRA YENURKAR
551)	NG002317	MR. WASEEM MUNAWWAR SYED
552)	NG002321	MR. SEEMA NILESH SABLE

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
553)	NG002346	MR. SHANKAR BABURAO AMBHORE
554)	NG002371	MR. SUDHIR VYANKATRAO TALMALE
555)	NG002377	MR. SHANTANU GIRISH DESHPANDE
556)	NG002406	MS. HARSHIKA MADHUKAR BONDRE
557)	NG002429	MS. MRUNAL GAJENDRA HINGANGHATE
558)	NG002439	MR. RAMCHANDRA DATTATRAYA MANE
559)	NG002444	MRS. SAFIYANAZ UMAR KHAN
560)	NG002448	MS. PRATIKSHA JAGDISH DONGRE
561)	NG002461	MR. SHAHAJI DATTARAO BHOSALE
562)	NG002466	MR. CHETAN RAMESH BHOI
563)	NG002480	MS. JAYASHREE MAROTRAO KAKDE
564)	NG002491	MR. DIPENDRA BRIJLAL CHOUHAN
565)	NG002502	MR. DEEPAK RAMESHCHANDRA BHOLA
566)	NG002550	MS. SHWETA ARUN GUPTA
567)	NG002576	MS. RUPALI CHANDRAKUMAR NARWADIYA
568)	NG002578	MR. MUKUL SHRIRAM GADE
569)	NG002579	MR. NILESH BHASKAR PATIL
570)	NG002580	MR. GOPAL DAMODAR AGRAWAL
571)	NG002582	MS. SHUBHANGI MANIKRAO TAMGADGE
572)	NG002585	MR. SUNILKUMAR SUGDEO SALWE
573)	NG002586	MRS. RATNAMALA VYANKATESH DAFREY
574)	NG002587	MR. SHRIKANT PANDURANG ADE
575)	NG002588	MR. JAIDEEP MAHANGULAL CHOUHAN
576)	NG002590	MR. MAHESH MANOHAR PALSAPURE

ANNEXURE 'A'**HIGH COURT OF BOMBAY**

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
577)	NG002593	MR. MAHENDRA KESHAO SORTE
578)	NG002594	MR. ANAND DEVIDASRAO KARBHAJAN
579)	NG002595	MR. MUMTAJKHA BHUREKHA PATHAN
580)	CS002599	MR. NIKHIL TUKARAM CHANDEL
581)	CS002601	MS. RENU RAJESH KOTHARI
582)	CS002618	MR. KRUNAL JAGDISH PATEL
583)	CS002622	MR. D JAGDEO KALASKAR
584)	CS002623	MR. MANOHAR BALCHAND ASIJA
585)	CS002624	MR. AMOL SUDHAKARRAO SONWANE
586)	CS002626	MR. YOGESH GANGADHAR GAJARE
587)	CS002628	MR. SANKET SHIVAJI NAGARE
588)	CS002630	MR. SHANKAR BALKISANJI TIWARI
589)	CS002632	MR. VIJAY BHIMRAO JOGDAND
590)	CS002634	MR. SACHIN RAJARAM SHINDE
591)	CS002635	MS. RUHEENA ANJUM MOHDYOUNUS
592)	CS002636	MR. BHUSHAN SHANKAR WADHAI
593)	CS002637	MR. BALASAHEB GANGADHAR PAWAR
594)	CS002638	MR. SHRINIVAS HANUMANT PANCHAL
595)	CS002640	MR. RATHINDRA RAVINDRA KULKARNI
596)	CS002645	MR. MAYUR EKNATHRAO PAWAR
597)	CS002647	MR. SHAHABUDDIN MUKHTARUDDIN QADRI
598)	CS002655	MR. VISHAL VISHNU DESHMUKH
599)	CS002656	MR. PRASHANT BALASAHEB KADAM
600)	CS002658	MRS. JYOTI VENKATRAMAN NAIDU

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HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
601)	CS002659	MRS. SHITAL TULSHIRAM KAWALE
602)	CS002660	MR. ANIL DATTATRAY PAWAR
603)	CS002663	MR. MAHESH NARAYAN PATIL
604)	CS002665	MR. PRASAD DILIP GANGARDE
605)	CS002666	MR. PRAVIN VISHWAS PATIL
606)	CS002667	MRS. BHUMIKA JITENDRA RAUT
607)	CS002669	MR. MAHESH JAGANNATH DAULE
608)	CS002672	MR. BHANUPRATAP BASANTSINGH CHOUHAN
609)	CS002677	MR. MANGESH SUBHASH LUNIYA
610)	CS002680	MRS. ASHWINI SHIRISH DESHPANDE
611)	CS002681	MR. PADMAKAR KASHINATHRAO DHONDGE
612)	CS002685	MR. MANOJ VITTHAL KIRME
613)	CS002691	MR. PRAVIN PRABHAKAR SAGADE
614)	CS002694	MR. KEDAR KISHOR CHAUDHARI
615)	CS002695	MR. ABHISHEK JINPAL PATIL
616)	CS002703	MR. RAFEEQUE ASADULLAH SHAIKH
617)	CS002704	MRS. ATIYABEGAM TAHER SAYED
618)	CS002708	MR. YUNUS JAFARSAB TAMBOLI
619)	CS002709	MR. CHANDRAKANT ANIL PATIL
620)	CS002714	MRS. PALLAVI RAJENDRA JADHAV
621)	CS002715	MR. RAVIKIRAN VITTHAL SAPATE
622)	CS002723	MR. VISHWAJIT BIPINCHANDRA CHAVAN
623)	CS002724	MR. SHEKH SAMAD MAHEMUD
624)	CS002729	MR. SNEHAL SAMBAJIRAO RAUT

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Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
625)	CS002730	MR. ABHIJIT SHRIKANT OAK
626)	CS002735	MR. GAJANAN NAGNATH MUSTAPURE
627)	CS002737	MR. MAYURSINGH DILIPSINGH GAUTAM
628)	CS002743	MR. DATTATRAYA RAMKISAN KATHULE
629)	CS002746	MR. ATTDEEP KACHARU AGALE
630)	CS002747	MR. KRUSHNADEEP MADHAVRAO SURYAWANSHI
631)	CS002749	MR. MILIND PRALHAD SADAR
632)	CS002751	MR. KISHAN SURESH KULKARNI
633)	CS002754	MR. VISHAL HEMANTRAO DESHMUKH
634)	CS002757	MRS. DIPALI SUBHASHRAO SHIRPHULE
635)	CS002758	MRS. APOORVA SHYAM BHASARKAR
636)	CS002763	MR. RAHUL PRAKASH SHINDE
637)	CS002765	MR. MAHESH RAGHUNATH CHORGHE
638)	CS002769	MR. SATISH MADHUKAR AHER
639)	CS002772	MR. SACHIN CHANDRAKANT BHALERA0
640)	CS002774	MR. ANKUSH SIDRAM KAMBALE
641)	CS002775	MR. AMIT SARJERA0 YADAV
642)	CS002780	MR. GAJANAN BALAJI PAWAR
643)	CS002785	MR. MEGHARAJ VAMANRAO JAWALE
644)	CS002787	MR. YOGESH PRALHAD METKAR
645)	CS002791	MS. GAUTAMI SUNITRAO PATHAK
646)	CS002794	MS. RITA SHESHRAO KULKARNI
647)	CS002796	MR. CHAITANYA HARISHCHANDRA KULKARNI
648)	CS002797	MS. SHILPA SHRICHANDRA SHAHDADPURI

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
649)	CS002798	MR. CHARUDATT UDDHAV SHIPKULE
650)	CS002799	MR. SWATI RAMAKANT KENDRE
651)	CS002806	MR. MILIND MAHADU NIKAM
652)	CS002810	MR. SANDIP BHASKARRAO MORE
653)	CS002811	MR. DATARAJ GUNAJIRAO PATWE
654)	CS002813	MR. AWAIS ABDUL RAHEMAN
655)	CS002819	MR. PARIKSHIT SURESHCHNDRA MANTRI
656)	CS002826	MR. ACHUT PRABHAKAR KARAD
657)	CS002827	MS. SNEHA SHESHRAO KULKARNI
658)	CS002832	MRS. PRIYA RAGHAVENDRA BHARASWADKAR
659)	CS002833	MRS. ANUPAMA CHANDRASHEKHAR PARSHETTI
660)	CS002834	MR. HARIBHAU DASHARATH DESHINGE
661)	CS002837	MR. SANDIP BRIJALAL SHARMA
662)	CS002838	MRS. JAYANTI ANANTRAO CHOUDHARI
663)	CS002841	MRS. SUJATA LAXMAN PURI
664)	CS002842	MR. DIPAK SHENFAD JADHAV
665)	CS002845	MRS. MANGAL MAHESH MORE
666)	CS002846	MRS. SUREKHA VIJAY MORE
667)	CS002847	MR. RAJIV BABASAHEB BAHIRWAL
668)	CS002848	MR. SANTOSH BHANUDAS KHANDE
669)	CS002860	MRS. DIPTI ANKUSHRAO SARNAYAK
670)	CS002862	MR. GOVIND SUDHAKARRAO TEHARE
671)	CS002870	MRS. SHARVARI MAHESH JOSHI
672)	CS002871	MR. MANGALMURTI KISHANRAO MANDE



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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
673)	CS002874	MR. RAJENDRA DINKAR CHOUGALE
674)	CS002882	MS. APARNA CHANDRAKANT ROKADE
675)	CS002886	MR. PRASHANT BHAGWAT WARADE
676)	CS002890	MS. KETAKI NAMA GOWARIKER
677)	CS002893	MR. DEVDATTA RANGNATH BADAVE
678)	CS002905	MR. SWAPNA TUKARAM GHULE
679)	CS002907	MR. MAHESH TATYARAO RAUTRAY
680)	CS002908	MS. ANITA BANSI DHULE
681)	CS002909	MR. SHAILESH HIRAMAN SONAWANE
682)	CS002912	MRS. USUFJAI NAHEENSULTANA NURULLAKHAN
683)	CS002919	MR. DIGAMBAR MANIKRAO MORE
684)	CS002922	MRS. ROHINI RAMRAJE GHORPADE
685)	CS002926	MR. BHAGWAN DNYANOBA CHOKHAT
686)	CS002927	MR. KUNDLIK SUDHAKAR KHANDARE
687)	CS002928	MR. PRASAD BALKRISHNA JOSHI
688)	CS002929	MR. SHIVAJI SOPAN DUBE
689)	CS002930	MR. NILAM DINKAR NIKAM
690)	CS002934	MRS. JANVEE DNYANDEV UPARKAR
691)	CS002939	MR. SUBHASH DATTARAO TARE
692)	CS002942	MR. SHARAD AWADHUTRAO SURJUSE
693)	CS002947	MR. NAGNATH SAMPATRAO KUMTHEKAR
694)	CS002949	MR. RAHUL KESHAV DESHPANDE
695)	CS002950	MS. SONALI DILIP JAVALGEKAR
696)	CS002962	MR. VISHAL MANNULAL PARDESHI

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
697)	CS002963	MRS. RUPALI SURESHCHANDRAJI TAPADIYA
698)	CS002966	MRS. LEENA AMOL KALE
699)	CS002968	MR. BAPU PRAKASH SHILWANT
700)	CS002971	MR. MAHAVIR BALIRAM SONTAKKE
701)	CS002973	MS. MAYURA VAMANRAO NIMBALKAR
702)	CS002977	MR. VASIMAHEMAD AMASJID DESHMUKH
703)	CS002985	MR. DATTATRAYA BHAUSAHEB DOMALE
704)	CS002986	MR. SURESH VISHNU NIMASE
705)	CS002988	MR. AMARDEEP DADARAO TIDKE
706)	CS002990	MR. DHANRAJ EKANATH MALI
707)	CS002994	MR. ASIF GULAMDASTGIR TAMBOLI
708)	CS002995	MS. PALLAVI MANIKRAO GAWANDE
709)	CS002996	MS. BHAGYASHREE S BELKAR
710)	CS002997	MR. VIKAS SARJERAO WAGH
711)	CS003001	MR. AMIT SUNIL KOSHTI
712)	CS003003	MR. ANIL SITARAM SATOTE
713)	CS003010	MR. GOVIND SITARAM VARPE
714)	CS003012	MR. ATUL ARUN KULKARNI
715)	CS003025	MR. LAKSHMIBAI NAGANATH PANCHAL
716)	CS003029	MR. DNYANESHWAR SHANKAR JADHAV
717)	CS003030	MR. ANANT HIMMATRAO BAJAD
718)	CS003031	MS. RUPALI MOHAN KHANNA
719)	CS003033	MR. SHANTILAL MANIKCHAND BOHARA
720)	CS003036	MS. PRIYANKA ASHOK SAPKALE



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HIGH COURT OF BOMBAY

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List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025

Sr. No.	Roll No.	Name of the candidate
721)	CS003040	MR. PRASHANT VISHWANATH SURYAWANSHI
722)	CS003047	MR. AMITKUMAR NARENDRA KHATADE
723)	CS003048	MR. SHOYABMOHAMMAD ISRAIL SHAIKH
724)	CS003054	MS. SMITA HARIDAS UKEY
725)	CS003056	MRS. VRUSHALI BABURAO DOMBE
726)	CS003062	MR. PRADNYA MADHUKAR PAIKRAO
727)	CS003064	MR. PARAG SATISH THAKARE
728)	CS003067	MR. DINESH RAJENDRA KARLE
729)	CS003070	MR. SHIRISHKUMAR DIGAMBAR WAGHMARE
730)	CS003081	MR. CHANDRADIP PRAVINCHANDRA RAGHUVANSHI
731)	CS003082	MR. NILESH RAJARAM INDALKAR
732)	CS003087	MR. JITENDRA VIJAYKUMAR PALIWAL
733)	CS003090	MR. NITIN RAMESH DHOKE
734)	CS003092	MR. BAPPASAHEB NANABHAU TAWRE
735)	CS003105	MR. SATYANAND SHESHAHARI KHILLARE
736)	CS003109	MR. VIJAY BHIMRAO SHITOLE
737)	CS003111	MR. VASIM BURAN MULLA
738)	CS003117	MRS. BHAGYASHRI SATTYAWAN PISE
739)	CS003122	MR. GANESH RAYBHAN ANARTHE
740)	CS003133	MS. ANSARI TABEER FATEMA
741)	CS003138	MS. JABEEN MEHMOOD SHAIKH
742)	CS003152	MR. SHIVKANYA VISHAL MADKE
743)	CS003154	MRS. SHEELA MURLIDHAR BORDE
744)	CS003163	MR. MAHESH RAMCHANDRA DEVKATE

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
745)	CS003172	MR. SURAJ SURESH NALAWADE
746)	CS003194	MR. SHIVAJI NIVRUTTI THAPEKAR
747)	CS003198	MR. SATISH BAPPASAHEB PARNERE
748)	CS003210	MR. ASHLESHA SOUDAGAR MATE
749)	CS003214	MR. MAHESH DATTATRAY JOSHI
750)	CS003215	MR. KAILASH PANDURANG SHIKARE
751)	CS003230	MR. SACHIN SHRIRAM TAT
752)	CS003232	MR. AMOL MADHUKAR ROKADE
753)	CS003235	MS. SUCHITA HARAKCHAND RATHI
754)	CS003238	MR. NILESH RAVINDRA YALMANE
755)	CS003245	MR. SANTOSH LAXMAN VAIDYA
756)	CS003274	MS. PRIYANKA PURUSHOTTAM NATU
757)	CS003292	MR. NILESH MALAKAPPA WALI
758)	CS003294	MR. SUNIL CHINTAMANI GUND
759)	CS003305	MRS. SEEMA BALASO ZANZANE
760)	CS003306	MS. SARIKA RAMRAO WAYBASE
761)	CS003308	MR. GANESH SURESHAPPA KHUPSE
762)	CS003325	MR. PRANJASVI CHANDRAKANTRAO PHATALE
763)	CS003330	MRS. SUNITA VITTHAL PAGARE
764)	CS003331	MR. SATYADEO PANDURANG BEDARKAR
765)	CS003340	MR. SANJAY JAGANNATH VAIDYA
766)	CS003346	MR. KAMALJEET MANGILAL CHANDALIYA
767)	CS003348	MR. ASHISH DATTATRAYA SURYAWANSHI
768)	CS003354	MR. SUHAILPARVEZ GULAMAHEMAD SHAIKH

ANNEXURE 'A'**HIGH COURT OF BOMBAY**

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List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025

Sr. No.	Roll No.	Name of the candidate
769)	CS003355	MR. PAWAN RAMBHAU DHORE
770)	CS003356	MRS. SHUBHANGEE BALASAHEB DHAWALE
771)	CS003358	MR. TANUJSINGH YUVRAJSINGH THAKUR
772)	CS003364	MR. MANJUR FARUK SIDDIQUI
773)	CS003380	MR. RAMRAO BABURAO RAUT
774)	CS003396	MR. RAVI LAXMANRAO SHINDE
775)	CS003404	MRS. LAXMI RAJENDRA THAKUR
776)	CS003418	MR. PRATIK PRAKASH KOTHARI
777)	CS003426	MS. PRIYANKA JAYPRAKASH LIGADE
778)	CS003432	MR. AVINASH ANANDRAO DHOKE
779)	CS003454	MR. PARIKSHIT PRADIP DAWALKAR
780)	CS003455	MR. SANDEEP GANGADHARRAO SARODE
781)	CS003471	MRS. SINDHU SANJAYKUMAR CHOUDHARI
782)	CS003477	MR. PANKAJ MANMOHAN BIDADA
783)	CS003479	MR. ANIKET ARUN KALAMKAR
784)	CS003481	MRS. SWATI SURESHRAO JONDHALE
785)	CS003483	MR. SANDIP GANGARAM KAWARE
786)	CS003487	MR. VINODKUMAR RAMESHCHAND VARMA
787)	CS003490	MRS. SAPNA RAMKRISHNA BADVE
788)	CS003492	MR. DNYANESHWAR MADHUKAR GITTE
789)	CS003500	MS. NILAM RAMCHANDRA ITHAPE
790)	CS003517	MR. KISHOR DNYANESHWAR PATIL
791)	CS003519	MS. MANJUSHA MANIKRAO ALONE
792)	CS003526	MR. PRATIK SOPANRAO SONKAMBLE

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
793)	CS003528	MRS. APURVA ANANDRAO DESHMUKH
794)	CS003533	MR. SACHIN NARAYAN BHAVSAR
795)	CS003535	MR. MAROTI PRAKASHRAO PAWDE
796)	CS003551	MR. YOGESH RAJENDRA SHINDE
797)	CS003559	MS. PRACHI RADHAKISAN PALWE
798)	CS003564	MR. SACHIN HINDURAO KHADE
799)	CS003566	MR. SACHIN RAMASHANKAR SINGH
800)	CS003587	MR. NISHA SHIVAJI KALE
801)	CS003602	MS. RENUKA DATTATRAYA GAIKWAD
802)	CS003608	MR. RAMRAJE PANDHARINATH MAGAR
803)	CS003621	MS. SWATI HANMANTRAO PANHALE
804)	CS003642	MRS. PRANITA RITESH SUGAONKAR
805)	CS003665	MR. HANAN YUSUF PATHAN
806)	CS003669	MR. CHETANKUMAR UTTAM TELGAONKAR
807)	CS003672	MR. BHUSHAN MAHADEVRAO KALE
808)	CS003684	MS. RUPALI DHANPAL SIDANALE
809)	CS003689	MR. SACHIN GOROBA SHINDE
810)	CS003698	MRS. RAJASHREE AMRUT KARE
811)	CS003701	MR. DIPAK RUSTUMRAO BORDE
812)	CS003734	MR. YOGESHWAR KARBHARI PATIL
813)	CS003739	MR. JITENDRA NATHA JADHAV
814)	CS003742	MR. MADHUSUDAN DINKAR MAHADIK
815)	CS003749	MR. SACHIN JAIPAL SOMWANSHI
816)	CS003754	MR. NEETA MANOHAR RAUT

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
817)	CS003763	MR. ANUPAM RAJENDRAPPA MUKKANWAR
818)	CS003766	MR. SUNIL TULSIRAM JAGTAP
819)	CS003780	MR. AMEY OMPRAKASH CHOURASIA
820)	CS003796	MRS. ARCHANA LAXMIKANT PADHEN
821)	CS003797	MR. SHYAM SHRINIVAS KALASKAR
822)	CS003826	MR. JAHANGIR RASHEED PATHAN
823)	CS003836	MR. BHUSHAN SHIVANAND KASAR
824)	CS003844	MS. MEGHA VENKATRAO POUL
825)	CS003849	MRS. HUSNA RUSTAM KHAN
826)	CS003891	MR. SANJIVANI BALIRAM KADAM
827)	CS003916	MR. JITENDRA NAMDEVRAO GHUGE
828)	CS003926	MR. NITESH MANGENI BANDGAR
829)	CS003954	MR. SAGAR VASANTRAO KADAM
830)	CS004006	MR. SUJAY PRAKASHRAO PANDAV
831)	CS004007	MR. SALIM ABBAS JAMADAR
832)	CS004009	MR. MAHESHKUMAR TANAJIRAO KHARADE
833)	CS004013	MR. SHAIEKH TAJJUM HAMID
834)	CS004017	MR. VAIBHAV CHINTAMANI JOSHI
835)	CS004018	MR. PRABHAKAR NILKANTH AWALE
836)	CS004020	MR. PRASANNA RAMRAO KULKARNI
837)	CS004021	MR. SHARAD GINYANDEV DUBALE
838)	CS004025	MR. PRASHANT PRAKASHRAO KALE
839)	CS004026	MRS. USHA DEVIDAS JADHAV
840)	CS004027	MR. PRAKASH GANPATRAO MAHALANKAR

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
841)	CS004028	MRS. NEHA NILESH JOSHI
842)	KP004032	MR. PARTOSH PRITHVIRAJ OSWAL
843)	KP004037	MRS. SHARVARI TAPAS SAPRE
844)	KP004042	MR. VISHWANATH BHIMASHANKAR SHETTY
845)	KP004043	MR. AVINASH MADHUKAR PATIL
846)	KP004047	MR. SAMRAT RAGHUNATH KOKATE
847)	KP004052	MR. ABHIJEET ASHOK GOPALKAR
848)	KP004054	MR. AMOGSIDDH ASHOK KORE
849)	KP004057	MR. ATUL ARUN UTPAT
850)	KP004060	MR. SUNIL BHIMRAO MANE
851)	KP004071	MR. RAHUL PANDITRAO SADOLIKAR
852)	KP004072	MR. RAHUL DILIP GURAVE
853)	KP004076	MR. SANTOSH VISHNU MUNDE
854)	KP004084	MR. RUSHIKESH VIJAYKUMAR DESHMUKH
855)	KP004085	MR. PRASAD SUDHIR KAMBLE
856)	KP004086	MRS. MANISHA ARJUN SAWANT
857)	KP004094	MR. SHIVKUMAR BALSAPPA HATTARGI
858)	KP004096	MRS. SHABNAM ANSAR VIRANI
859)	KP004101	MR. PRAKASH RAJARAM KHONDRE
860)	KP004103	MR. PRASHANT BAJRANG SURYAWANSHI
861)	KP004104	MS. BODHINEE SHASHIKALA
862)	KP004107	MRS. ASHA VISHAL MOHITE
863)	KP004108	MRS. NIVEDITA BHUPAL KARNIK
864)	KP004117	MRS. PAURNIMA VAIBHAV GHADGE

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HIGH COURT OF BOMBAY

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**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
865)	KP004121	MS. ROMA PRAVIN GHOLE
866)	KP004122	MR. PANKAJ KHEMCHAND AHIR
867)	KP004123	MS. APARNA DAYANAND GADE
868)	KP004124	MR. DIGVIJAY DHANAJIRAO DESHMUKH
869)	KP004125	MR. VIPUL VIJAY KULKARNI
870)	KP004127	MS. PRAJAKTA BHIMRAO PATIL
871)	KP004134	MR. SAKET RAVINDRA KULKARNI
872)	KP004137	MS. PRANALI DHARMARAJ CHAVAN
873)	KP004139	MRS. ROHINEE PANDURANGRAO VAIGUNDE
874)	KP004140	MRS. UJWALA RAJKUMAR JADHAV
875)	KP004142	MR. ANAGHA SHARANKUMAR LIMBALE
876)	KP004150	MRS. MONALI PRANAV SHETE
877)	KP004151	MS. MADHURA NARHARI ATHALYE
878)	KP004159	MR. SAGAR SHAM JADHAV
879)	KP004166	MRS. AISHWARYA SAGAR JADHAV
880)	KP004173	MR. SHYAM SHIVAJI TONDCHIRE
881)	KP004174	MR. PRAVIN DATTATARAY MULE
882)	KP004175	MR. AMOL BHARAT JAWALE
883)	KP004177	MR. RAHUL SURESH DHADAKE
884)	KP004181	MRS. SWATI SHRIKRISHNA PATIL
885)	KP004182	MR. ASHISH DAGADU WAMAN
886)	KP004186	MRS. ANJUM FIROZKHAN PATHAN
887)	KP004190	MR. SAGAR BHUPAL MALAGE
888)	KP004192	MR. NIKHIL PRASAD BAJI

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HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
889)	KP004193	MS. AMRUTA BALASAHEB TATE
890)	KP004197	MR. ADITYA GHANSHAM NAIK
891)	KP004198	MRS. MONIKA AMOL AWALE
892)	KP004201	MRS. SONIT SINGH
893)	KP004203	MS. PADMAJA HIMMATRAO SHINDE
894)	KP004204	MR. BALKRISHNA RAJARAM PATIL
895)	KP004206	MRS. SWATI UTTAM KHORATE
896)	KP004207	MR. MARUTI PARASHRAM BAGADI
897)	KP004209	MR. RAMESHWAR KESHAVRAO SURYAWANSHI
898)	KP004211	MR. SMITA ABHIJIT RAJMANE
899)	KP004212	MS. MOHINI DATTATRAY NANAWARE
900)	KP004216	MRS. NEETA RAJESH CHAUDHARI
901)	KP004220	MRS. NANDINI KAIWALYA KULKARNI
902)	KP004224	MR. JOSH SUHAS EKSAMBEKAR
903)	KP004225	MRS. SHRADDHA JITENDRA DOLARE
904)	KP004226	MRS. SWAPNALI METHAJI WAGHMARE
905)	KP004231	MR. VINAYAK DATTATRAY PATIL
906)	KP004235	MR. ANIL SAHEBRAO SONWALKAR
907)	KP004238	MR. REVNAPPA MALKAPPA DURGE
908)	KP004239	MR. AMIT SUBHASHRAO MORE
909)	KP004240	MR. SACHIN VIKAS GAIKWAD
910)	KP004246	MR. BALIRAM DATTATRAYA TARE
911)	KP004247	MR. SUDHIR MADHUKAR BOMIDWAR
912)	KP004251	MR. BALASAHEB SHRIPATRAO GAIKWAD

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
913)	KP004255	MS. PALLAVI MANSING SURYAWANSHI
914)	KP004256	MR. LAXMAN DASHARATH BHOSALE
915)	KP004257	MR. PRASHANTKUMAR ASHOK PATIL
916)	KP004266	MR. PRATIK GANESH LAMBE
917)	KP004268	MR. GANESH NARAYAN PATOLE
918)	KP004281	MS. MADHURA UDAY MIRAJKAR
919)	KP004288	MR. DHARMENDRA JAGANNATH PANDIT
920)	KP004290	MR. GANESH BABURAO NANDAGAVALE
921)	KP004291	MRS. CHANDRASHILA SHIVAJI PATIL
922)	KP004301	MR. VIKAS SAVATA SHINDE
923)	KP004304	MR. DATTATRAYA RAJENDRA KAMBLE
924)	KP004305	MS. VAIBHAVI CHANDRAHAR KESHRSAGAR
925)	KP004309	MR. AMIT ANIL KULKARNI
926)	KP004310	MR. KUNAL KUMAR WAGHMARE
927)	KP004313	MR. RAMKRUSHAN MANGENI YEDAVE
928)	KP004314	MR. KIRAN RAJARAM HARAL
929)	KP004327	MR. KIRAN RAJARAM KHONDRE
930)	KP004340	MS. TEJASWINI RAGHUNATH PEDNEKAR
931)	KP004344	MR. SACHIN YASHWANT MANE
932)	KP004351	MRS. SUSHMA BASAVANNA GOUDA
933)	KP004353	MR. OMPRAKASH MOHAN MALI
934)	KP004355	MR. ABHIJIT NAGNATH GAIKWAD
935)	KP004358	MRS. POOJA ANAND APTE
936)	KP004362	MR. GANESH ARUN KARAJGAR

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HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
937)	KP004365	MR. VAIBHAV RAMCHANDRA GAIKWAD
938)	KP004366	MRS. SUCHITA ANAND BABAR
939)	KP004383	MR. NITIN RAMESH BHALGAT
940)	KP004397	MR. DHIRAJ MARUTI HINGLAJKAR
941)	KP004402	MR. NITIN ARJUN MANE
942)	KP004403	MRS. PRIYA YOGESH MALIUPADHYE
943)	KP004418	MR. AMOL HAMBIRRAO PATIL
944)	KP004436	MR. MRUNMAYEE MUKUNDRAO CHOUDHARY
945)	KP004438	MR. SATYANARAYAN CHANDRAKANT MANE
946)	KP004445	MRS. DHANASHRI MAHADEV PAWAR
947)	KP004447	MS. NUTAN JAGATRAO PATIL
948)	KP004442	MRS. PRIYA BALASAHEB GHORPADE
949)	KP004450	MRS. JYOTI NITIN BHASME
950)	KP004455	MS. SNEHAL RAJAN JOSHI
951)	KP004457	MR. MUKUL MUKUND KALYANKAR
952)	KP004471	MR. CHIDANAND SHANTAYYA MATHAPATI
953)	KP004481	MR. BABASO SANJAY SANKPAL
954)	KP004487	MRS. NUTAN SACHIN KADAM
955)	KP004494	MR. INDRAJIT GOVARDHAN MAHADEOKOLI
956)	KP004505	MR. RAVI PANDURANG THORE
957)	KP004511	MR. ALANKAR HEMANT KSHIRSAGAR
958)	KP004524	MR. ANUJ ABHAYKUMAR SHAHA
959)	KP004538	MR. SACHIN PRAKASH SHILWANT
960)	KP004558	MS. RUHI SANJEEV MORE

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
961)	KP004567	MR. PRATIK VIJAY KAPADIA
962)	KP004569	MRS. DURGA PRASAD PUJARI
963)	KP004571	MRS. SUPRIYA AMOL PATIL
964)	KP004575	MR. SACHIN SAMBHAJI SALUNKHE
965)	KP004576	MR. GIRISH SUDARSHAN MANE
966)	KP004577	MS. SWATI JAMBUKUMAR PATIL
967)	KP004585	MR. JYOTI PANDURANG PATIL
968)	KP004592	MRS. VEDVATI ANIRUDHA ADYA
969)	KP004595	MR. SACHIN SUDAM KOKATE
970)	KP004596	MR. PRANAND PRAMOD JOSHI
971)	KP004597	MR. MANOJ BAJIRAO PATIL
972)	KP004623	MR. VISHAL PANDURANG MANDE
973)	KP004625	MR. SUNEETA VITTHAL JADHAV
974)	KP004631	MR. SHAMMA NABI MULLA
975)	KP004638	MR. RUSHIKESH DEEPAK HINGANGAONKAR
976)	KP004646	MRS. SHILPA VISHVESH KULKARNI
977)	KP004647	MR. PARAMANAND CHANDRAKANT JAWALKOTE
978)	KP004648	MRS. SMITA RUPESH GHODKE
979)	KP004679	MS. KAVITA RAMLING KAPURE
980)	KP004718	MR. TUKARAM PATANG MOTE
981)	KP004719	MR. MAHENDRA HANUMANT SHITOLE
982)	KP004740	MR. SAMMEER RANADE
983)	KP004745	MR. SANJAY PANDHARINATH BUNDE
984)	KP004754	MR. VIRENDRAKUMAR VIJAY PATIL

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ANNEXURE 'A'

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026

Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
985)	KP004773	MR. VIKRAM VITTHAL IRALE
986)	KP004775	MR. VARUN SHRIKRISHNA JADHAV
987)	KP004781	MR. DILAVAR MALIK SHAIKH
988)	KP004783	MS. MADHAVI RAMESH PATKAR
989)	KP004788	MR. MEGHA SHASHIKANT MALI
990)	KP004802	MRS. VRUSHALI JITENDRA GHADIGAONKARRAOJADEJA
991)	KP004807	MR. AMIT ARUN LONDHEPATIL
992)	KP004864	MR. SAURABH DILIP DIKSHIT
993)	KP004869	MRS. MADHAVI PRATAPSIKH SHINDE
994)	KP004892	MR. DATTATRAYA RAMESH KULKARNI
995)	KP004898	MRS. KOMAL PRAMOD GADE
996)	KP004914	MR. NARAYAN LAXMAN KHAMKAR
997)	KP004929	MR. DHIRAJ SARWANAND PARWANI
998)	KP004931	MRS. SHITALADEVI SURESH LATWADE
999)	KP004932	MR. DHANAJI JAYASING PATIL
1000)	KP004933	MR. VINAYAK MILIND REDKAR
1001)	KP004934	MRS. DIPTI TUKARAM JADHAV
1002)	KP004935	MR. AMOL SHARADRAO DESHMUKH
1003)	KP004939	MR. RAVINDRA VIRUPAKSHA NADAGADALLI
1004)	KP004940	MR. DILAWAR MAHAMADGOUS MALIDWALE
1005)	KP004942	MR. PRADEEPKUMAR BALBHIM BHOSALE
1006)	KP004943	MR. PRAMOD SHANKAR PATIL
1007)	KP004944	MRS. VRINDA DHANANJAY BHOSALE
1008)	KP004945	MR. GANI MANIK NADAF

HIGH COURT OF BOMBAY

Ref.: Press Advertisement No. A.5504/2025 dated 30.01.2026
Addendum dated 26.03.2026

**List of provisionally eligible candidates / Judicial Officers for
Main Written Examination for the post of District Judge, by Nomination – 2025**

Sr. No.	Roll No.	Name of the candidate
1009)	KP004947	MR. RAJESH SHIEAJIRAO WANKHEDE
1010)	KP004949	MR. PARESH RAJAN WAGDOLE
1011)	MB004954	MR. MUKESH VISHANDAYAL SHARMA
1012)	MB004956	MS. MANDAKINI SHIVAJI BHOSALE
1013)	CS004959	MR. HARISH GOVIND ADAKE

Note :

- 1) No right is created in favour of the candidates who are declared as provisionally eligible for the Main Written Examination.
- 2) The eligibility and scrutiny of the candidates to further participate in the recruitment process will be decided after verification of documents and testimonials. Appearance at the Main Written Examination does not imply that the candidate is eligible to the post of District Judge, by Nomination.
- 3) It is made clear that the eligibility and suitability of the candidates is subject to relevant provisions of the Maharashtra Judicial Service Rules, 2008 (as amended) and the detailed Advertisement dated 30.01.2026 and Addendum dated 26.03.2026 for filling up 89 posts of District Judge, by Nomination, published on the Official website of the Bombay High Court.
- 4) The cut-off is fixed at **75.50 marks**.
- 5) The list is not as per merit, but it is as per Roll Number.

Sd/-

Date : 14th May, 2026

Registrar (Legal & Research)

REPRESENTATION

RAH

Date:- 19th May, 2026.

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To,
The Hon'ble Registrar General,
High Court of Bombay,
Appellate Side,
Fort, Mumbai – 400032.

Subject: Representation regarding correction of anomalies in the preliminary examination results of the District Judge Recruitment 2025 and pleaded to immediate stay on the upcoming Main Examination being conducted on the basis of rules yet to be notified.

Reference: Press Advertisement No.A.5504/2025 dated 30th January, 2026.

Respected Sir,

I, Adv. Mr. Suraj Deepak Mane (Sanad No. MAH/3642/2017), Roll No.CS003878, Address: Law & Legal, 8, Tupe Residency, Thube Park, Shivajinagar, Pune – 411005, through this representation, wish to draw your kind attention towards the extremely serious situation that has arisen in the ongoing recruitment process for the post of District Judge (25% Direct Nomination).

- 1) The Hon'ble Bombay High Court has published the results of the preliminary examination by permitting candidates practicing directly at the Bar as well as judicial officers already in service to apply under the Direct Nomination process, and a combined merit list has been declared. Now, the Main Written Examination for these candidates is scheduled to be held on 27th June and 28th June.
- 2) The detailed points regarding how this unjust process has caused grave injustice to the candidates practicing directly at the Bar (the Bar candidates) and the legal errors committed by the High Court while conducting this examination process are as follows:
 - a. I submits that, under Article 233(2) of the Constitution of India, a quota has been reserved so that meritorious advocates from direct practice (Direct Recruitment from the Bar) can enter the judiciary. However, despite this, applications were invited jointly

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from both judicial officers and advocates under the 25% Direct Nomination category in the recruitment advertisement for District Judges. After receiving the applications, the Hon'ble High Court conducted a combined examination for both, treated them equally, and declared a combined merit list. Due to this, the proportion of advocates qualifying for the Main Examination has drastically reduced. Consequently, thousands of eligible and meritorious advocates have been deprived of the opportunity to appear for the Main Examination.

- b. I submits that, the Hon'ble Bombay High Court itself has admitted in Paragraph No. 2 of the advertisement that this recruitment process is being conducted on the basis of 'amendments yet to be notified'. According to the established principles of Service Jurisprudence, until a rule is officially published in the Official Gazette of the State, it does not gain statutory validity. Conducting a preliminary examination and now preparing for the main examination based on rules that do not exist in the eyes of law is the biggest administrative mistake of the High Court. The entire experienced advocate class has suffered the consequences of this, and a situation has arisen where they will continue to suffer in the future.
- c. I submits that, in the year 2025, the Hon'ble Supreme Court in Paragraph 174 of the judgment in *Rejanish K.V. v. K. Deepa (2025 INSC 1208)* had given clear directions that, all State Governments, in consultation with the High Courts, must officially frame/amend the rules within 3 months. However, the Government of Maharashtra has not officially notified any such statutory amendment in the 'Maharashtra Judicial Service Rules, 2008', and without completing the legal process of amending the rules, haste has been made to conduct the preliminary and main examinations directly. This haste by the Hon'ble High Court has violated the due legal process.

3) It is therefore humble prayed that:

- (a) Until the amendments to the 'Maharashtra Judicial Service Rules, 2008' are officially notified by the Government of Maharashtra in the Official Gazette, the upcoming District Judge 2025 Main Examination should be stayed immediately.
- (b) To prevent loss to the candidates practicing directly at the Bar, the results of the preliminary examination should be

REPRESENTATION

restructured, a separate merit list for advocate candidates should be declared, and only advocates should be permitted to appear for the main examination against the seats meant for the Bar.

(c) It is the duty of the High Court to protect the rights granted to the Bar by the Constitution.

It is a humble request that serious cognizance of this representation be taken before the Main Examination to provide justice to the advocate fraternity.

Yours Faithfully,

(Adv. Suraj Deepak Mane)

Sanad No. MAH/3642/2017

Mob. No. 8237889019

Email ID :- manesuraj7@gmail.com

List of Documents filed herewith:-

1. Admit Card
2. OMR sheet

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THE HIGH COURT OF BOMBAY
APPELLATE SIDE

ADMIT CARD

(FOR PRELIMINARY WRITTEN EXAMINATION FOR THE POST OF DISTRICT JUDGE, BY
NOMINATION IN THE JUDICIAL SERVICE OF THE STATE OF MAHARASHTRA)

NAME :- MR. MANE SURAJ DEEPAK
ADDRESS :- S NO 111 VADAR WASTI
VISHRANTWADI ALANDI ROAD
PUNE 411015
PUNE-411015



ROLL NO. :-

C	S	0	0	3	8	7	8
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REGISTRATION ID :-

DJ2025X4790

NAME OF EXAMINATION :- Preliminary Written Examination for the post of
District Judge, by nomination - 2025

DATE OF EXAMINATION :- Sunday, 10th May, 2026

TIME OF EXAMINATION :- 2.00 p.m. to 3.30 p.m.

CENTRE :- Chhatrapati Sambhajnagar

EXAM CENTRE :- Maharashtra Institute of Technology (MIT),
Beed Bypass Road, Satara Parisar,
Chhatrapati Sambhajnagar - 431 010.

HIGH COURT, APPELLATE SIDE,
BOMBAY, 5th MAY, 2026


REGISTRAR
(LEGAL & RESEARCH)

Note:- Instructions to the candidates for the abovesaid examination have been uploaded on the Official Website of the High Court i.e. <https://bombayhighcourt.nic.in>. Candidate shall download the same from the said website for being followed before, during and after the examination. Candidate shall bring a downloaded copy of the instructions alongwith Admit Card for the examination.

REPRESENTATION



Date: 20/05/2026

To,
The Hon'ble Registrar General,
High Court of Bombay,
Appellate Side,
Fort, Mumbai – 400032.

Subject: Representation regarding correction of anomalies in the preliminary examination results of the District Judge Recruitment 2025 and pleased to immediate stay on the upcoming Main Examination being conducted on the basis of rules yet to be notified.

Reference: Press Advertisement No. A.5504/2025 dated 30th January, 2026.

Respected Sir,

I, Adv. Chandrakanta S. Gongane, Roll No. MB000774, through this representation, wish to draw your kind attention towards the extremely serious situation that has arisen in the ongoing recruitment process for the post of District Judge (25% Direct Nomination).

1. The Hon'ble Bombay High Court has published the results of the preliminary examination by permitting candidates practicing directly at the Bar as well as judicial officers already in service to apply under the Direct Nomination process, and a combined merit list has been declared. Now, the Main Written Examination for these candidates is scheduled to be held on 27th June and 28th June.
2. The detailed points regarding how this unjust process has caused grave injustice to the candidates practicing directly at the Bar (the Bar candidates) and the legal errors committed by the High Court while conducting this examination process are as follows:
 - a. I submit that, under Article 233(2) of the Constitution of India, a quota has been reserved so that meritorious advocates from direct practice (Direct Recruitment from the Bar) can enter the judiciary. However, despite this, applications were invited jointly from both judicial officers and advocates under the 25% Direct Nomination category in the recruitment advertisement for District Judges. After receiving the applications, the Hon'ble High Court conducted a combined examination for both, treated

REPRESENTATION

them equally, and declared a combined merit list. Due to this, the proportion of advocates qualifying for the Main Examination has drastically reduced. Consequently, thousands of eligible and meritorious advocates have been deprived of the opportunity to appear for the Main Examination.

- b. I submit that, the Hon'ble Bombay High Court itself has admitted in Paragraph No. 2 of the advertisement that this recruitment process is being conducted on the basis of "amendments yet to be notified". According to the established principles of Service Jurisprudence, until a rule is officially published in the Official Gazette of the State, it does not gain statutory validity. Conducting a preliminary examination and now preparing for the main examination based on rules that do not exist in the eyes of law is the biggest administrative mistake of the High Court. The entire experienced advocate class has suffered the consequences of this, and a situation has arisen where they will continue to suffer in the future.
- c. I submit that, in the year 2025, the Hon'ble Supreme Court in Paragraph 174 of the judgment in Rejanish K.V. v. K. Deepa had given clear directions that all State Governments, in consultation with the High Courts, must officially frame/amend the rules within 3 months. However, the Government of Maharashtra has not officially notified any such statutory amendment in the "Maharashtra Judicial Service Rules, 2008", and without completing the legal process of amending the rules, haste has been made to conduct the preliminary and main examinations directly. This haste by the Hon'ble High Court has violated the due legal process.

3. It is therefore humbly prayed that:

- (a) Until the amendments to the "Maharashtra Judicial Service Rules, 2008" are officially notified by the Government of Maharashtra in the Official Gazette, the upcoming District Judge 2025 Main Examination should be stayed immediately.
- (b) To prevent loss to the candidates practicing directly at the Bar, the results of the preliminary examination should be restructured, a separate merit list for advocate candidates should be declared, and only advocates should be permitted to appear for the main examination against the seats meant for the Bar.
- (c) It is the duty of the High Court to protect the rights granted to the Bar by the Constitution.

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It is a humble request that serious cognizance of this representation be taken before the Main Examination to provide justice to the advocate fraternity.

Adv. C. S. Gongane

Yours Faithfully,

(Adv. Chandrakanta S. Gongane)

Roll No. MB000774

List of Documents filed herewith:-

1. Admit Card
2. OMR Sheet

THE HIGH COURT OF BOMBAY

AI

Ref. :- 1) Press Advertisement No. A.5504/2025, Dated 30.01.2026
2) Addendum dated 26.03.2026.

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NOTICE

SELECTION PROCESS – 2025

[For the post of District Judge, by Nomination (25%)]

The Main Written Examination of the provisionally eligible candidates / Judicial Officers for the post of District Judge, by Nomination (25%) - 2025, will be conducted tentatively on Saturday, 27th June, 2026 and Sunday, 28th June, 2026 at Mumbai centre only. Venue, time and other details of the said examination will be declared shortly.

Date : 14th May, 2026

Sd/-
Registrar (Legal and Research)

