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**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

SURYA KANT; CJI., AUGUSTINE GEORGE MASIH; J., K. VINOD CHANDRAN; J.

Writ Petition (Civil) No. 1110/2025; August 21, 2026.

Bhumika Trust versus Union of India and others

Constitution of India, 1950 — Subordinate Judiciary — Judicial Service Rules — Recruitment to the post of Civil Judge (Junior Division) — Eligibility Criteria — Requirement of 3 years' practice at the Bar — Modification/Review of Judgment dated 20.05.2025 — Transitional Scheme vs. Post-Transitional Scheme - The Supreme Court had, vide its Judgment dated 20.05.2025 in *All India Judges Association v. Union of India*(Judgment under Review), restored the mandatory requirement of a minimum 3 years' practice at the Bar to be eligible to appear for the Civil Judge (Junior Division) examination - On review and clarification petitions, the Court examined the disproportionate impact and hardship caused to law graduates, women, and marginalized candidates due to the abrupt restoration of the 3-year practice rule - *Held (per Surya Kant, CJI. and Augustine George Masih, J)* - While the institutional necessity for prior exposure to court functioning before assuming judicial office is neither unreasonable nor displaced, the 3-year practice requirement cannot be applied in a manner that abruptly excludes candidates who arranged their careers under the pre-existing regime - The judgment under review stands modified to balance practical readiness with intellectual merit by prescribing a phased transitional model and a restructured post-transitional framework.

Key Holdings & Scheme Framed By Majority – i. Transitional Period (For advertisements/notifications issued after 20.05.2025 up to 31.03.2027) - Deemed Practice Exemption - All law graduates are eligible to apply without having to satisfy the 3-year actual bar practice requirement. Candidates are deemed to have completed one year of active practice, and no separate Certificate of Practice is required for this deemed period - Two-Year Training & Clerkship Model - Selected candidates shall be designated as "*Trainee Judicial Officers*"and must complete - Compulsory 1 year of intensive training at the State Judicial Academy (treated as equivalent to 1 year of practice at the Bar) with fixed emoluments equal to half the salary of a Judicial Magistrate First Class - Compulsory 1 year of structured Law Clerkship (6 months under a Principal District/District and Sessions Judge or Higher Judicial Service Member, and 6 months under a sitting High Court Judge), also treated as equivalent to 1 year of practice at the Bar - Confirmation: Trainee Judicial Officers shall be appointed to regular cadres carrying full pay scales only upon a satisfactory, reasoned evaluation report submitted by the supervising High Court Judge - ii. Post-Transitional Period (For advertisements/notifications issued on or after 01.04.2027) - 1-Year Actual Practice Mandatory: Candidates must possess at least 1 year of actual practice in the District Courts, verified through a Certificate of Practice showing recorded presence and participation in effective judicial proceedings - Subsequent Training: Selected candidates must undergo 1 year of institutional training at the State Judicial Academy, followed by 6 months of Law Clerkship in District Courts and 6 months of Law Clerkship under a sitting High Court Judge - iii. Higher Legal Education Not Countable as Practice - The duration spent pursuing higher legal education (LL.M., etc.) cannot be counted towards the mandatory practice requirement, as it does not foster the requisite familiarity with courtroom processes and practical court functioning - iv. Operation & Review of the

Scheme - The scheme shall operate for five years, following which empirical data regarding its efficacy, recruitment quality, and officer performance shall be placed before the Supreme Court for reconsideration. *[Relied on Re: Recruitment of Visually Impaired in Judicial Services, 2025 SCC OnLine SC 481; All India Judges Association v. Union of India (Judgment under Review / 6th AIJA Case), 2025 SCC OnLine SC 1184; Paras 58–80]*

Dissenting Opinion (Per K. Vinod Chandran, J.) - No Ground for Review - There is no error apparent on the face of the record to warrant reviewing the well-considered judgment restoring the 3-year practice requirement - Impracticability of the Two-Year Training Model - Requiring candidates to undergo two years of post-selection training/clerkship on half-pay prejudices recruits, creates unviable financial and administrative burdens on the exchequer, and leaves courts undermanned - making confirmation contingent on the subjective satisfaction of a High Court Judge creates arbitrary hurdles and results in disparate classes of recruits - Distinction from Civil Services - Judicial service cannot be equated with executive services like IAS/IPS; judicial officers exercise unhindered adjudicatory discretion from day one without hierarchical supervisory control over their judicial decisions - Courtroom practice is irreplaceable by pre-service training. *[Paras 4-10]*

WITH Review Petition (Civil) No. _____/2026 (arising out of Diary No. 37749/2025) in Writ Petition (Civil) No. 1022/1989 Review Petition (Civil) No. 421/2026 in Writ Petition (Civil) No. 1022/1989 Review Petition (Civil) No. 420/2026 in Writ Petition (Civil) No. 1022/1989 AND Interlocutory Application Nos. 336090 and 336091/2025 in Writ Petition (Civil) No. 1022/1989

J U D G M E N T

SURYA KANT, CJI. (on behalf of himself and Augustine George Masih, J.)

1. I.A. No. 163059/2025 is allowed, and permission to file Review Petition is granted.
2. The instant matters seek either clarification or review of this Court's judgement dated 20.05.2025 passed in I.A. Nos. 93974/2019; 72900, 73015, and 40695/2021; and 50269 and 201893/2022 in Writ Petition (Civil) No. 1022/1989 (**Judgement under Review**), whereby a minimum of 3 years' practice at the Bar was mandated as an eligibility criteria to be considered for appointment to the post of Civil Judge (Junior Division).
3. The cases in the instant batch of matters comprise the following:
 - (i) Writ Petition (Civil) No. 1110/2025, filed by the NGO-Petitioner, seeking clarification as to the interplay of the Judgement under Review and the Judgement in ***In Re: Recruitment of Visually Impaired in Judicial Services***¹;
 - (ii) Three Review Petitions against the Judgement under Review, seeking recall of the directions insofar as they relate to the mandatory eligibility criteria of 3 years' practice at the Bar;
 - (iii) I.A. Nos. 336090 and 336091/2025 in Writ Petition (Civil) No. 1022/1989, seeking directions that the period spent for higher education in law ought to be also counted towards the 3 years' practice requirement.

I. THE SECOND AIJA CASE (1993): INTRODUCTION OF THE 3-YEAR PRACTICE REQUIREMENT

4. The question as to whether a minimum period of practice at the Bar ought to be prescribed as an eligibility requirement for appointment to the post of Civil Judge (Junior Division) first arose for consideration in Review Petition No. 249/1992 and a batch of

¹ 2025 SCC OnLine SC 481

connected Review Petitions arising from Writ Petition No. 1022/1989. These matters were decided by this *Court vide* Judgment dated 24.08.1993¹, which has consistently been referred to as the ‘**Second AIJA Case**’.

5. In the Second AIJA Case, this Court noticed that the qualifications prescribed and the procedure adopted for recruitment of Judges at the lowest rung were not uniform across the country. It observed that in most States, the minimum qualification for the post of Civil Judge-cum-Magistrate First Class, Magistrate First Class or Munsiff Magistrate was a minimum of three years’ practice as a lawyer in addition to the degree in law. In some States, however, the requirement of practice had been dispensed with altogether, and fresh graduates were eligible to become judicial officers with simply a law degree.

6. This Court in order to decide this conundrum, placed its reliance on the provisions of the Constitution itself. During the course of proceedings therein, it was pointed out that under Article 233(2) of the Constitution, no person is eligible to be appointed as a District Judge unless he has been an advocate or a pleader for not less than seven years, and that Articles 217(2)(b) and 124(3)(b) require at least ten years’ practice as an advocate for appointment as a Judge of a High Court and of this Court respectively. If experience at the Bar was thought to be indispensable at those levels, it could not be dispensed with at the level where adjudication first begins.

7. Keeping these considerations in mind, this Court directed all States to take immediate steps to prescribe three years’ practice as a lawyer as an essential qualification for recruitment as a judicial officer at the lowest rung. The purpose of this direction, as described by this Court, was “*calculated to ensure recruitment of competent, independent and honest judicial officers and thus to strengthen the administration of justice and the confidence of public in it.*”

II. THE SHETTY COMMISSION AND THE THIRD AIJA CASE (2002): THE REQUIREMENT OF 3-YEAR PRACTICE IS UNDONE

8. Pursuant to the directions issued in the Second AIJA Case, the Government of India constituted the First National Judicial Pay Commission on 21.03.1996 under the Chairmanship of Hon’ble Mr Justice K.J. Shetty (**Shetty Commission**). Although the Shetty Commission had been set up principally to examine the pay structure of judicial officers, its terms of reference were wide, and it took up, among other things, the question pertaining to qualifications for entry into judicial service.

9. The Shetty Commission published its report on 11.11.1999, and recommended that the requirement of three years’ practice can be done away with. Its reasoning rested essentially upon a change in the system of legal education in the intervening years. It noted that the recommendation of the Law Commission in its Fourteenth Report, which had formed the original basis for prescribing a minimum period of practice at the Bar, was made in 1958, at a time when the LL.B. course was of two years’ duration and practical training in law was not part of the curriculum. However, there had been subsequent evolution in legal education since, particularly with the introduction of the three-year LL.B. course and integrated five-year courses such as the B.A., LL.B., in which practical aspects of legal training had been incorporated into the curriculum.

10. The Commission further observed that the very purpose of establishing such institutions, namely to enrich the Indian Bar, was being defeated by insisting on three years’ practice as a precondition for judicial service. If intensive induction training of about

¹ All India Judges’ Association & Ors. v. Union of India & Ors., (1993) 4 SCC 288

a year were provided to young law graduates, it might be unnecessary to insist on practice at all. Accordingly, it recommended that the matter be reconsidered by this Court.

11. We may add here that the Shetty Commission was supplanted by the Law Commission of India, which in its 117th Report dated 28.11.1986 titled 'Training of Judicial Officers'¹, recommended that fresh law graduates be permitted to enter the judicial service, while emphasising the need for intensive training. It stated that *"the two years intensive training would outweigh the advantage, if any, of three years practice at the Bar which often enough hardly helps in the matter of equipping oneself"*.

12. The recommendations of the Shetty Commission came up for consideration before this Court and were decided by judgment dated 21.03.2002² (**Third AIJA Case**). In that decision, the Court framed twelve questions arising out of the Commission's report. Significantly, the eighth question concerned the issue of qualifications for appointment to judicial posts at the lowest rung in the judicial hierarchy.

13. In responding to that particular inquiry, this Court adopted the recommendation of the Shetty Commission and acknowledged that, pursuant to the Second AIJA Case, the eligibility rules had been appropriately amended prescribing a three-year standing at the Bar as an eligibility criterion. However, it observed that, due to the compulsory restrictions imposed by this requirement, the most qualified candidates were not being attracted to the judicial service. Consequently, the mandatory three-year rule came to be reversed.

14. The High Courts and the State Governments accordingly amended their respective Rules and, resultantly, graduates were not required to possess any prior experience at the Bar as a condition of eligibility for entry into the judicial service. Notably, this Court also recommended that such recruits should be imparted training for a period of not less than one year and, preferably, for two years, so as to equip them adequately for the discharge of their judicial responsibilities.

III. THE JUDGMENT UNDER REVIEW (2025): THE REQUIREMENT IS RESTORED

15. This position, captured by the Third AIJA Case, continued to hold the field for more than two decades. However, in 2023, this Court was once again called upon to consider a myriad of issues concerning the eligibility requirements for entry into the judicial service, one of which is material for the purposes of the present controversy. The issue, as framed by this Court, was as follows:

"Issue No. 7: As to whether the requirement of having minimum three years practice for appearing in the examination of Civil Judge (Junior Division), which was done away with by this Court in the case of All India Judges Association & Ors. (supra), needs to be restored? And if so, by how many years?"

16. In order to aid its inquiry, the responses of every High Court and every State Government were called for. In addition to these responses, this Court also placed heavy reliance on the 117th Report of the Law Commission, the Second AIJA Case, Shetty Commission's report, and the Third AIJA Case, and recorded that fresh law graduates *"who may not even have a single day's experience in practice as a lawyer"* had become eligible to compete for and enter the judicial service. It further observed that the time had come to review whether the requirement laid down in the Second AIJA Case ought to be restored.

¹ Law Commission of India, 117th Report on 'Training of Judicial Officers', dated 28.11.1986

² All India Judges' Association & Ors. v. Union of India & Ors., (2002) 4 SCC 247.

17. The Court also found that there was broad consensus amongst most of the High Courts who were in agreement that the requirement of a minimum of three years' experience at the Bar needed to be restored. Essentially, it had been posited that candidates appointed directly from college, with no experience at the Bar, were found to lack familiarity with court procedure and were unable to handle proceedings properly, and the difficulty was felt even more acutely when urgent orders had to be passed in crucial matters. Such officers were reported to be unacquainted with court decorum and took time to acquaint themselves with the court environment.

18. It was further stated that oral and written complaints were being received on a routine basis with regard to their behavioural attitude towards advocates, litigants, their superiors and the members of the staff. It was noticed that academic brilliance was, by itself, no answer to these difficulties, and that fresh law graduates with no exposure to the court environment are "not steeped into the culture, etiquette, temper and conduct of the court proceedings".

19. Relying upon this material, this Court arrived at the finding that for the last twenty years, during which the recruitment of fresh law graduates as Judicial Officers had been permitted, "*the said endeavour has not been a successful experience*", and that the appointment of such fresh law graduates had led to the many problems as enumerated in the affidavits of the High Courts.

20. There can be no gainsaying that this Court did not arrive at that conclusion without weighing what would be lost by it. It expressly acknowledged that in the initial years the opportunities available to a young graduate fresh from college would be minimal. It nonetheless took the view that the exposure to courts, and more particularly to litigants and to their briefs, would acquaint such a candidate with the onerous duties and responsibilities of every stakeholder in the judicial system; that it would bring in a sensitivity to human problems and greater clarity in the decision-making process; and that it would educate the candidate as to the role of the Bar in the dispensation of justice.

21. Returning to Second AIJA case, this Court concurred with the observation that Judges from the very day on which they assume office have to deal with questions of life, liberty, property and reputation of litigants. In such situations, neither the knowledge derived from books nor pre-service training can be an adequate substitute for the first-hand experience of the working of the court system, which will enable them to effectively adjudicate these issues. Such an experience is possible only when a candidate is exposed to the atmosphere of the court by assisting seniors and observing how lawyers and Judges function. Keeping the aforesaid observations and findings in mind, this Court recorded its agreement with the views expressed by most of the High Courts that the reintroduction of a certain number of years of practice was necessary.

22. Accordingly, this Court *vide* judgment dated 20.05.2025¹, issued ten directions. Of these, directions (i) to (vi) concerned the Limited Departmental Competitive Examination and the promotion of Civil Judges to the Higher Judicial Service, and are not in issue before us. Directions (vii) to (x), which are pertinent to the issues pending consideration, are reproduced hereinbelow:

"(vii) All the High Courts and the State Governments in the country shall amend the relevant service rules to the effect that candidates desirous of appearing in the examination for the post of Civil Judge (Junior Division) must have practiced for a minimum period of 3 years to be eligible

¹ All India Judges Association v. Union of India, IA. No. 93974/ 2019 in Writ Petition (Civil) No. 1022 of 1989

for the said examination. To fulfill the said requirement, the Rules shall mandate that the candidate produces a certificate to that effect duly certified either by the Principal Judicial Officer of that Court or by an advocate of that Court having a minimum standing of 10 years duly endorsed by the Principal Judicial Officer of such a District or a Principal Judicial Officer at such a station. Insofar as the candidates who are practicing before the High Courts or this Court, they shall be certified by an advocate who has a minimum standing of 10 years duly endorsed by an officer designated by that High Court or this Court. We further direct that the experience of the candidates which they have gained while working as Law Clerks with any of the Judges or Judicial Officers in the country should also be considered while calculating their total number of years of practice. The Rules shall also mandate that the candidates who are appointed to the post of Civil Judge (Junior Division) pursuant to their selection through the examination must compulsorily undergo at least 1 year of training before presiding in a Court;

(viii) It is directed that the number of years of practice completed by a candidate desirous of appearing in the examination for the post of Civil Judge (Junior Division) be calculated from the date of their provisional enrolment/registration with the concerned State Bar Council;

(ix) It is further directed that the said requirement of minimum years of practice shall not be applicable in cases where the concerned High Court has already initiated the selection process for the post of Civil Judge (Junior Division) prior to the date of this judgment and shall be applicable only from the next recruitment process; and

(x) All the amendments in terms of the aforesaid directions shall be carried out by the High Courts within a period of three months from the date of this judgment and the concerned State Governments shall consider and approve the same within a further period of three months."

23. This Court further clarified that all recruitment processes which had been kept in abeyance on account of the pendency of these proceedings would proceed in accordance with the Rules that were applicable on the date of the advertisement or notification.

IV. THE PRESENT PROCEEDINGS

24. It is in the Judgment so rendered, and in particular against directions (vii) and (viii) thereof, insofar as they restore the requirement of three years' practice at the Bar as a condition of eligibility for the examination for the post of Civil Judge (Junior Division), that the present petitions have been instituted.

25. To briefly recapitulate, the genesis of the present proceedings may be traced to Writ Petition (Civil) No. 1110/2025, instituted by Bhumika Trust, an entity representing several hundred persons with disabilities, seeking, *inter alia*, that the requirement of three years' practice at the Bar be dispensed with in respect of the candidates represented by it.

26. In furtherance of the same, when the said petition was taken up for hearing on 15.01.2026, this Court observed, *prima facie*, that the eligibility condition ought to be uniform, rather than vary across different categories of candidates seeking to compete for entry into the judicial service.

27. However, before taking a holistic view of the matter, it was considered appropriate to obtain the views and suggestions of all the High Courts, as also of Law Universities and National Law Schools. Accordingly, the Registrar Generals of all the High Courts were directed to place the order before their respective Chief Justices and to circulate the same among the Law Universities and National Law Schools situated within their respective jurisdictions.

28. In the meanwhile, some Review Petitions came to be filed against the Judgment under Review. *Vide* order dated 10.02.2026, notice was issued, and the Review Petitions

were directed to be listed in open Court for oral hearing. The Review Petitions were thereafter directed to be tagged with Writ Petition (Civil) No. 1110/2025.

29. Being seized of the issues arising out of the prescription of three years' practice as a precondition for recruitment as Judicial Officers at the entry level, this Court directed all the High Courts and the State Public Service Commissions which had already advertised the posts to extend the last date for submission of applications up to 30.04.2026, and further directed that any fresh advertisement issued by a State, a High Court or a State Public Service Commission shall carry a cut-off date falling after 30.04.2026.

30. Thereafter, *vide* order dated 22.05.2026, the interim order dated 13.03.2026 regarding the closing date for submission of applications for recruitment as Judicial Officers at the entry level was directed to continue to operate until further orders, and that the final date for submission of applications stood extended accordingly.

V. CONTENTIONS OF THE PARTIES AND THE SUGGESTIONS RECEIVED

31. Having traversed the sequence of events as they unfolded, we now proceed to examine the contentions and suggestions advanced by the Petitioners/Review Petitioners in support of the review of the Judgment under Review.

32. We also had the advantage of considering the affidavits and suggestions furnished by the High Courts, as well as by Law Universities, and National Law Schools in compliance with the order dated 15.01.2026.

Contentions/Suggestions on behalf of the Petitioners/Review Petitioners

33. We have heard Ms. Pinky Anand, Ms. Vibha Makhija and Mr. Colin Gonsalves, learned Senior Counsels appearing on behalf of the Petitioners/Review Petitioners. They have contended as follows:

a. The Judgment under Review did not sufficiently consider whether prescribing three years' practice was the most effective means of achieving the object sought to be attained. It was pointed out that although the 117th Report of the Law Commission, the report of the Shetty Commission and the reasoning in Third AIJA concerning the need to improve the training imparted to judicial officers were noticed, the Judgment under Review did not adequately consider whether the same objectives could be achieved through a shorter period of practical exposure at the Bar, supplemented by structured and enhanced institutional training after selection;

b. The temperament, etiquette, empathy and familiarity with court proceedings and the administration of justice are necessary attributes of a judicial officer. However, it could not be said that these attributes are better secured through three years of practice at the Bar, particularly when the quality and nature of such practice may vary considerably from candidate to candidate. Practical experience at the Bar, it was urged, is inherently diverse and dependent to a considerable degree upon the circumstances and opportunities available to an individual candidate.

c. Attention was also drawn to the 116th Report of the Law Commission for its observation that a short period of practice may not, by itself, provide effective training and that candidates should instead be provided with intensive training. The 117th and 118th Reports were also referred to for their reservations regarding the assumption that a prescribed period of practice necessarily qualifies a person to become a better judge.

d. The evolution and professionalisation of pre-service judicial training had not been adequately considered in the Judgment under Review. Since the three year practice requirement was originally conceived, institutional training for judicial officers had

expanded considerably and had acquired a more structured character. As of 2026, almost every State has its own Judicial Academy, and save for a few smaller States, the States possessed full-fledged academies with substantial infrastructure.

e. A mandatory period of three years' practice requirement would operate as a disincentive to meritorious candidates and would impair the ability of the judiciary to attract the best available talent.

f. To offer an illustration, under the present model, a candidate would ordinarily enter the office of Civil Judge (Junior Division) at about the age of twenty-nine, after three years of practice, followed by approximately one year spent in preparing for and taking the examination and another year of post-selection training. After the entire process, such a candidate, in the best-case scenario, would reach the level of District Judge only after the age of forty-one. In contrast, a candidate entering the Higher Judicial Service from the Bar becomes eligible for direct recruitment at the age of thirty-five after seven years of practice. This creates a situation wherein a candidate has very little incentive to appear for the examination, as the requirement of three years' practice delays entry into judicial service and correspondingly compresses the period available for subsequent career progression.

g. Notably, the requirement would have a disproportionate impact upon women and candidates belonging to marginalised and economically weaker sections. It was contended that the legal profession, particularly outside metropolitan centres, offers little or no remuneration to junior advocates, thereby making three years of practice economically difficult for candidates from disadvantaged backgrounds.

h. The requirement would ordinarily also mean that women would become eligible to sit for the examination only at about the age of twenty-seven. By that stage, many may have been married or may be under pressure to marry, leaving them with a comparatively short period in which to establish themselves professionally. In addition to this, women candidates are also frequently subjected to the dual responsibility of discharging household responsibilities alongside their professional commitments, which would include examination preparation as well. Due to these reasons, the requirement of prior practice would operate as an additional barrier to the participation of women in the judicial service.

i. The direction issued in Judgment under Review altered the rules of the game midway and caused retrospective hardship to candidates who had, for several years, prepared themselves on the legitimate expectation that they would be eligible to appear for the examination immediately upon graduation. It was pointed out that many such candidates had devoted considerable time and resources to institutional coaching in preparation for the examination. In light of that, candidates who graduated in 2025, as well as those who would graduate in 2026, 2027 and 2028, would be bound to face disproportionate impediments.

j. Certain practical difficulties arising from the implementation of the requirement were also brought to our notice. It was submitted that examinations for appointment to the post of Civil Judge (Junior Division) are not conducted annually in all States, but are notified depending upon the occurrence of vacancies. Consequently, a candidate may be required to remain in practice for anywhere between four and seven years before the first opportunity to appear for the examination becomes available.

k. Finally, in the form of suggestions, it was urged that the requirement of prior practice at the Bar be replaced by structured post-selection training, which could include two years at a Judicial Academy, along with attachments to District Judges as judges-in-training. Similarly, monitored judicial clerkships under Judges at different levels of the judicial

hierarchy were also suggested. Reference was made to the report of the Centre for Research and Planning of this Court recommending the introduction of Law Clerks in the district judiciary.

Opinions from High Courts, Law Universities/National Law Schools, and the Learned Amicus Curiae

34. Having considered the contentions and suggestions advanced on behalf of the Petitioners/Review Petitioners, we shall now turn to the suggestions and inputs received from the High Courts and Law Universities across the country pursuant to order dated 15.01.2026.

35. The larger number of High Courts, such as, the High Courts of Calcutta, Chhattisgarh, Delhi, Gauhati, Himachal Pradesh, Jammu & Kashmir and Ladakh, Jharkhand, Kerala, Madhya Pradesh, Odisha Punjab & Haryana, and Telangana responded that the condition, whatever its period, must apply uniformly, and that no exemption ought to be carved out in favour of specially-abled candidates. Their reasons were in substance that the office of Civil Judge (Junior Division) calls from the outset for exposure to court procedure, the appreciation of evidence and the drafting of judicial orders, and as such any relaxation made for one class would invite claims of parity from others and fragment the standard.

36. Four High Courts took a different view upon that question. The High Court of Meghalaya held that the condition ought not to be dispensed with altogether, but proposed a reduced period of practice for specially-abled candidates together with an extension of the upper age limit by three to five years. The High Court of Uttarakhand and the High Court of Sikkim proposed that the period be relaxed by one year, to two years. The High Court of Tripura proposed that the requirement be dispensed with in the case of specially-abled candidates.

37. The High Courts of Manipur and Jharkhand, in particular, proposed that such experience may include Law Clerkships or research attachments with Judges or Courts, apprenticeships with Senior Advocates or experienced practitioners, etc. These suggestions proceed on the premise that the underlying object of the requirement is to ensure meaningful exposure to the functioning of courts, which may be acquired through more than one route.

38. The Law Universities, Law Colleges and members of the Bar addressed themselves more directly to the duration of the requirement, and a substantial body of that opinion favoured a period shorter than three years, coupled with a strengthened regime of training after selection.

39. The National Law University, Jodhpur, proposed a reduced practice period of one year as a more balanced alternative, observing that it would provide meaningful exposure to practice without imposing prolonged financial hardship. It proposed that the shortened period be reinforced by structured Judicial Clerkships and intensive institutional training after selection. The National Law School of India University, Bengaluru, likewise opined that three years' standing at the Bar may be unnecessary in view of the importance of institutional training for selected candidates.

40. The National Law University, Delhi, proposed a two-year model comprising academy-based instruction followed by rotational attachments to civil and criminal courts under judicial supervision, together with structured practical exposure during the law degree. The Chanakya National Law University, Patna, on similar vein, suggested two years of training comprising judicial academy instruction and attachments to a District or

Additional Sessions Judge and a Senior Advocate, followed by an assessment of advocacy skills and court etiquette by a Committee of High Court Judges. The National Law Institute University, Bhopal, and the Dharmashastra National Law University, Jabalpur, proposed enhanced institutional training after recruitment, including supervised attachments to Civil and District Judges. The National University of Study and Research in Law, Ranchi, similarly favoured intensive post-selection training in court procedure, case management, judgment writing and judicial conduct, coupled with compulsory internships during the law degree. The Rajiv Gandhi National University of Law, Punjab, proposed supervised judicial attachments during probation, with confirmation contingent upon an assessment of competence.

41. The material placed before us by the Law Universities/National Law Universities also emphasised that the mere duration of practice may be an unreliable measure of practical competence. It was pointed out that young advocates may, during their initial years, receive limited exposure to substantive advocacy, trial work, appreciation of evidence or court craft, and that the quality of experience varies substantially depending upon the chamber, court and mentoring available. The NALSAR University of Law, Hyderabad, for instance characterised the three-year requirement as a potential economic barrier to candidates from disadvantaged backgrounds and submitted that competence should be assessed through structured training rather than the mere duration of formal practice.

Suggestions put forth by the Learned Amicus Curiae

42. Finally, we would also like to record suggestions made by Shri Siddharth Bhatnagar, learned *Amicus Curiae*, who placed before us four possible courses. The *first* was retention of the three-year requirement without modification, uniformly applicable to all candidates. The *second* was that any relaxation be confined to women and persons with disabilities, who might be permitted to appear as fresh graduates or with lesser practice and required to complete the balance of three years after selection, with seniority to count only from the date of appointment. The *third* was a staggered transition, under which the requirement would be phased in over the next three recruitment cycles with nil, one, and two years of practice respectively for 2026, 2027 and 2028, before being made uniformly applicable thereafter. The *fourth* was that reasonable accommodation be made for persons with disabilities by way of relaxed qualifying benchmarks, and that the Accessibility Committees of the High Courts be directed to secure meaningful professional engagement, assistive infrastructure and, as was separately suggested before us, engagement as Law Clerks, for such candidates.

VI. ANALYSIS

43. We have given our anxious consideration to the submissions advanced before us, the material placed on record by the High Courts, the Law Universities/National Law Universities, the learned *Amicus Curiae*, and the reasons which weighed with this Court in the Judgment under Review. At the outset, we are not persuaded that the Judgment under Review requires to be reconsidered on the fundamental question whether some prior exposure to the working of courts is desirable for a person seeking entry into the judicial service. In our view, the reasons postulated by this Court in restoring the requirement retain considerable force.

44. The more precise question, however, is whether such exposure necessarily requires three years of conventional practice at the Bar and the manner in which the requirement is to be implemented as a condition precedent to even appearing for the examination.

45. In our view, the Judgment under Review was justified in emphasising the peculiar nature of the responsibilities which attach to a judicial officer from the very first day of service. A Civil Judge is required to deal with questions affecting life, liberty, property, and personal rights of litigants. It was for this reason that the Judgment under Review considered exposure to the atmosphere of the court, including by assisting seniors and observing the manner in which lawyers and Judges function, to be of considerable value.

46. The experience placed before this Court also indicates that persons entering judicial service without any exposure whatsoever to the functioning of courts may require considerable time to familiarise themselves with court procedure, courtroom decorum and the practical demands of judicial office. These are not insignificant considerations. A minimum period of practical exposure before assuming judicial office is therefore neither unreasonable nor inconsistent with the object of securing a competent and independent subordinate judiciary.

47. In view thereof, there is considerable merit in the proposition that a person who is to assume judicial office ought not to be wholly unfamiliar with the functioning of courts and the practical consequences of judicial orders. Such exposure may contribute to the development of judicial temperament, patience, empathy, courtroom discipline and an appreciation of the respective roles of the Bench and the Bar. We see no reason, in this review jurisdiction, to displace that finding.

48. The difficulty, however, lies not in the recognition of this need but in the manner in which the period of experience is to be translated into an eligibility requirement. Having considered the entire material on record and the concerns flagged by the parties, we are of the view that a requirement of experience must bear a reasonable relationship with the object which it seeks to achieve. The passage of time at the Bar, while a meaningful component, may not be the sole factor behind the meaningful courtroom experience. The quality of practice may depend upon the nature of the chamber, the court in which the advocate practises, the opportunities for appearance, the availability of a mentor and, in many cases, the financial circumstances of the candidate.

49. That being so, the arguments advanced before us demonstrate that the restoration of the requirement has had an immediate and significant effect upon a generation of law graduates who pursued their education and prepared themselves for judicial service at a time when fresh graduates were eligible to compete for entry into the service. For more than two decades, the legal position following the Third AIJA case enabled fresh law graduates to enter the judicial service without any prescribed period of prior practice. The Judgment under Review altered that position by restoring three years of practice as a condition for even appearing in the examination.

50. We are particularly mindful of the position of those candidates who had already completed, or were in the process of completing, their legal education when the change was brought about. The future of such candidates has been severely affected due to the change in *status quo*. A candidate who may have planned to enter judicial service immediately upon graduation now finds that the opportunity which was available to him or her under the earlier regime has moved several years away.

51. This consideration assumes greater significance when the requirement is prescribed not merely as a qualification for appointment but as a condition for appearing in the examination itself. A three-year period of practice necessarily postpones the point at which a young law graduate may even compete for judicial service.

52. Crucially, the burden of this transition is also not distributed evenly as it affects certain groups of young aspiring lawyers disparately. For instance, young advocates, particularly those without established professional networks or financial support, may find it difficult to sustain themselves for several years in a profession in which the initial years of practice frequently provide little or no assured remuneration.

53. Women candidates especially may face additional social and familial constraints during the period in which they are expected to establish themselves at the Bar. Similarly, persons with disabilities may face difficulties in obtaining meaningful opportunities for practice at the Bar. We do not consider it necessary, for the purposes of the present review, to create separate eligibility regimes for each such category to address unique challenges faced by different groups. The responses of several High Courts have also rightly cautioned against creating fragmented standards for entry into judicial service.

54. There is, at the same time, a second consideration which deserves our attention. The object of the practice requirement is to ensure that a person entering judicial office possesses adequate familiarity with the working of courts. As stated by us above, three years of practice at the Bar alone does not ensure this. In our view, practical experience and judicial competence continue to develop even after a person joins the judicial service.

55. This is relevant to note because the institutional framework for judicial training has itself evolved substantially. Judicial Academies now exist across the country and provide an opportunity to impart, in a structured and supervised manner, the very skills which a young advocate may otherwise acquire unevenly at the Bar. The suggestions received pursuant to our order dated 15.01.2026 have also consistently pointed towards the importance of combining practical exposure with robust institutional training.

56. This approach is also consistent with the viewpoint adopted by this Court in the Third AIJA case. In that case, while dispensing with the three-year requirement at that stage, this Court did not proceed on the assumption that a fresh law graduate could simply enter court and begin presiding without preparation. On the contrary, it recommended that such recruits should undergo training for not less than one year and, preferably, two years, so as to equip them for the discharge of their judicial responsibilities.

57. The Judgment under Review itself contains an important indication in the same direction. While restoring the three-year requirement, it expressly directed that experience gained as a Law Clerk with any Judge or Judicial Officer should be counted towards the prescribed period. This recognition is significant because it acknowledges that a Law Clerk working closely with a Judge may acquire an understanding of crucial court processes and the functioning of the court in a way which is directly relevant to future judicial office. The suggestions received from the High Courts have echoed this approach as well and taken this principle further by identifying other forms of structured legal engagement, some of which we have discussed below, which may similarly provide meaningful exposure.

58. At this juncture, we also observe the specific submissions submitted by the Applicants in I.A. Nos. 336090 and 336091/2025, concerning the inclusion of the duration spent pursuing higher legal education towards the minimum practice requirements mandated by this Court. For the reasons previously outlined, particularly the aim of fostering familiarity and a comprehensive understanding of the functioning of judicial systems, this petition also warrants rejection.

59. At this stage, we may also distinguish between two questions which are sometimes conflated as one. The first is whether a person aspiring to become a Civil Judge should have some familiarity with the functioning of courts. We answer that question in the

affirmative as it is an indispensable precondition. The second is whether every aspect of judicial competence which the requirement seeks to secure must necessarily be acquired before the competitive examination and through conventional practice at the Bar. That question admits of a different answer and needs to be scrutinised by keeping in mind the viability of other possible means. In this regard, we believe that practical exposure and judicial training may be acquired through a combination of professional and institutional experience. As we noted above, even the Judgment under Review recognised this distinction when it directed that experience as a Law Clerk be counted towards the prescribed period.

60. We therefore consider that the present exercise should not be understood as questioning the wisdom of prescribing three years of practice. Rather, it is an exercise in ensuring that the rule is implemented in a manner which is fair to those affected by its sudden restoration, which gives sufficient time for the legal and professional ecosystem to adjust to the new requirement, and which does not unnecessarily narrow the field from which the subordinate judiciary may draw its future members. The purpose of an eligibility rule is to secure suitable candidates for judicial office. It should not, by the manner of its implementation, exclude candidates whom the judicial system would otherwise benefit from attracting.

61. This is not to suggest that considerations of convenience or speed of entry should override the institutional need for experienced judicial officers. A judicial service which demands adequate maturity and practical exposure must also remain sufficiently attractive to the most capable young lawyers. If the entry requirements become so burdensome that a significant segment of talented candidates are discouraged from even competing, the judiciary may lose precisely the pool of candidates which the requirement was intended to improve. The object, therefore, must be to secure practical readiness and intellectual merit, rather than to pursue one at the cost of the other.

62. Additionally, the intervening period has also seen recruitment processes being initiated and, in some cases, advertisements being issued. It would neither be equitable nor administratively sound to disregard the position of candidates who have already arranged their professional and educational lives on the basis of the earlier eligibility framework.

63. These circumstances, taken together, persuade us that a limited intervention is warranted. We reiterate that we are not substituting our assessment for that of the Bench which rendered the Judgment under Review on the desirability of practical experience. Nor are we holding that the three-year requirement is inherently unreasonable. The intervention which we consider necessary is narrower and is directed to its enforcement and implementation.

64. The immediate object therefore must be threefold: *first*, to minimise the hardship caused to fresh and recent law graduates by the sudden restoration of the requirement; *second*, to provide a structured and workable mechanism through which the requirement can be implemented without uncertainty or artificial exclusion; and *third*, to ensure that the judicial service continues to attract meritorious young persons who may otherwise be lost to other branches of the legal profession or public service.

65. The first of these considerations requires a transitional arrangement. More than a year has now elapsed since the Judgment under Review restored the three-year requirement. During this period, candidates have remained uncertain about their eligibility, while recruitment processes have been affected by the pendency of these proceedings. In these circumstances, it would serve little purpose to subject fresh graduates to the full

rigour of a rule whose application they could not have reasonably anticipated when they pursued their legal education. In view of this, a defined period is necessary so that the legal profession, the recruiting authorities and prospective candidates are all placed on notice of the regime that will govern future recruitment.

66. We may safely presume that, during the preceding one year, most law graduates would have either engaged in practice at the Bar, served as Law Clerks to Hon'ble Judges, or gained experience in law firms. As a one-time measure, such experience may reasonably be treated at par with one year of practice at the Bar.

67. The second consideration demands us to recognise that the requirement of experience and the requirement of training are not mutually exclusive and, if anything, they can be complementary. While the initial practice at the Bar exposes a candidate to the adversarial process, judicial training prepares the candidate for the fundamentally different responsibility of adjudication. It is therefore appropriate that candidates who are permitted to enter the selection process during the transitional period should not be placed in the field immediately upon selection. Their appointment must initially be to the status of trainee judicial officers, and their independent judicial functions should follow only after they have undergone an appropriate period of institutional training.

68. A period of one year of structured training at the State Judicial Academy would, in our view, serve this purpose. It would provide a common foundation to candidates irrespective of their experiences at the Bar. More importantly, it would permit the State Judicial Academies to assess the candidate not just on legal knowledge, but also on the practical skills required of a Judge.

69. We also consider it appropriate to note that this period of institutional training would serve as equivalent, for the purposes of the three-year requirement, to a period of one-year practice at the Bar. This does not proceed upon the assumption that training and practice are identical. It reflects the more limited proposition that, once a candidate has been selected through a competitive judicial examination, planned and guided training specifically designed to prepare him or her for judicial office provides relevant practical exposure.

70. The training period at State Judicial Academies must thereafter be followed by a further period of supervised practical engagement with the judicial process through Law Clerkship. A Law Clerkship under the direct supervision of Judges can expose a candidate to the manner in which court proceedings are to be held and decorum and attitude to be maintained towards members of the Bar and litigants. Simultaneously it will assist in preparation and analysis of cases, the evaluation of submissions, the application of procedural law and the discipline involved in preparing judicial orders.

71. We accordingly consider it appropriate that, following successful completion of the year-long institutional training, the trainee judicial officers should undergo a further year of structured Law Clerkship: first under the supervision of a Principal District/District and Sessions Judge or a Member of the Higher Judicial Services and thereafter under a sitting Judge of the concerned High Court. This period shall also be treated as equivalent to one year of practice at the Bar for the purpose of satisfying the eligibility requirement. The arrangement has the further advantage of enabling senior judicial officers to observe the performance of the trainee over a sustained period before the trainee is entrusted with independent judicial work.

72. The evaluation at the conclusion of this period assumes importance. The assessment must, *inter alia*, include the candidate's conduct, diligence, analytical ability,

understanding of procedure, capacity to deal with cases, quality of legal reasoning and suitability for judicial office. At the same time, the evaluation, should remain objective and reasoned, and it should not become an additional or undefined barrier to appointment. Subject to satisfactory evaluation, the trainee should thereafter enter regular judicial service with the status and remuneration attached to the post.

VII. DIRECTIONS AND CONCLUSION

73. In light of the above discussion, we consider it appropriate to issue the following directions, which would apply to all recruitment notification/advertisement(s) issued to the post of Civil Judge (Junior Division) in the transitional period, i.e., notification/advertisement(s) issued after the Judgement under Review up to 31.03.2027:

- (i)** All law graduates shall be eligible to apply, notwithstanding the three-year practice requirement. Having regard to the fact that more than one year has elapsed since the Judgment under Review was pronounced, such candidates shall, for the purposes of their applications, be deemed to have completed one year of active practice. They shall not be required to furnish a separate Certificate of Practice in support of the said deemed period;
- (ii)** Candidates selected pursuant to the aforesaid recruitment shall, upon appointment, be designated as “Trainee Judicial Officers” and shall undergo a compulsory period of one year of intensive training at the concerned State Judicial Academy. This period shall be treated as equivalent to one year of practice at the Bar for the purposes of the three-year requirement;
- (iii)** During the period of such training, the Trainee Judicial Officers shall be paid a fixed emolument equivalent to onehalf of the remuneration payable to a Judicial Magistrate First Class in the concerned State. They shall, in addition, be entitled to the facilities and other benefits ordinarily made available to trainees at the concerned State Judicial Academy;
- (iv)** Upon successful completion of the aforesaid training, the Trainee Judicial Officers shall undergo a further period of one year of structured Law Clerkship. The first six months shall be spent as a Law Clerk under the supervision of the Principal District/District and Sessions Judges or Members of the Higher Judicial Services, and the remaining six months under the supervision of a sitting Judge of the concerned High Court;
- (v)** The aforesaid one-year period of Law Clerkship shall also be treated as equivalent to one year of practice at the Bar for the purposes of satisfying the three-year requirement;
- (vi)** During the period of Law Clerkship, the Trainee Judicial Officer shall be paid same emoluments as admissible during their training in State Judicial Academies, with no further allowance, etc.; and
- (vii)** Upon completion of the Law Clerkship, the sitting Judge of the High Court under whose supervision the Trainee Judicial Officer has served shall submit a reasoned evaluation report concerning the performance and suitability of the trainee. Upon such evaluation being found satisfactory, the Trainee Judicial Officer shall be appointed to the regular post in the field and shall thereafter be entitled to the regular pay scale and other service benefits attached to the post.

74. We further direct that for the period following the transition period, i.e., notification/advertisement(s) issued on or after 01.04.2027, the following directions shall govern the recruitment to the post of Civil Judge (Junior Division):

- (i)** Every candidate seeking to appear for the examination for appointment as Civil Judge (Junior Division) shall possess at least one year of actual practice from the source and certification as laid down in direction (vii) and (viii) of the Judgment under Review for

now and thereafter as laid down hereinafter. Such practice shall be subject to verification through issuance of a Certificate of Practice, which shall not be issued unless the candidate's presence and participation in effective judicial proceedings, whether along with a senior member of the Bar with at least 10 years practice or otherwise, have been duly recorded in accordance with the mechanism to be prescribed by the High Courts;

(ii) The application of a candidate for recruitment to the judicial service from the aforesaid recruitment cycle shall be entertained only upon submission of the requisite certificate evidencing completion of one year of actual practice in the District Courts; and

(iii) Candidates selected pursuant to such recruitment shall, notwithstanding their one year of prior practice, undergo the same one-year period of intensive training at the State Judicial Academy followed by 6 months of Law Clerkship under the Principal District/District and Sessions Judges or Members of the Higher Judicial Services and thereafter another 6 months of Law Clerkship under a sitting Judge of the concerned High Court, in terms of directions (ii) to (vii) of Paragraph 73.

75. For abundant caution, we reiterate that all notification/advertisement(s) issued already after the Judgment under Review was pronounced, as well as all notification/advertisement(s) to be issued hereafter, for recruitment to the post of Civil Judge (Junior Division) shall conform to and will be governed by the aforesaid directions.

76. The State Governments, in consultation with respective jurisdictional High Courts, shall undertake and officially notify necessary amendments in the applicable Rules forthwith, and in any case, within three months from the date of this Judgment. The interim orders passed in these proceedings shall stand vacated.

77. We may also observe that the directions issued hereinabove should adequately address the grievances expressed by the Petitioners in Writ Petition (Civil) No. 1110/2025, particularly with regard to the need for appropriate accommodation for persons with disabilities.

78. In our considered opinion, it merits clarification that the scheme formulated herein should not be made immutable. Judicial recruitment is an evolving process, and the effect of the present arrangement can be properly assessed only after it has operated for a reasonable period. A period of three years would provide sufficient institutional experience to evaluate whether the combination of limited prior practice, structured training and supervised clerkship is achieving the desired objective. This Court may thereafter revisit the scheme on the basis of material concerning the quality of recruitment, performance of trainees, adequacy of training, and other relevant indicators.

79. Therefore, scheme contained in these directions shall remain in force for a period of five years from the date of this judgment.

80. Upon completion of the aforesaid period of five years, the working of this scheme, including the quality of recruitment, the nature and efficacy of training and clerkship, the performance of officers recruited under the scheme and such other empirical material as may be relevant, shall be placed before this Court for its consideration, and the scheme shall thereafter be revisited, if necessary.

81. Interlocutory Application Nos. 336090 and 336091/2025 are, accordingly, dismissed.

82. The Judgment under Review stands modified to the aforesaid extent, and Writ Petition (Civil) No. 1110/2025 as well as the Review Petitions stand disposed of in the above terms.

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

84. Ordered accordingly.

K. VINOD CHANDRAN, J.

1. With all the respect at my command I am unable to persuade myself that a review; of the well-considered, well thought out decision of a three-judge bench, prescribing a three-year 'practice'¹ at the Bar, before embarking on a judicial career, is imperative.

2. The review of the judgment in the **All-India Judges Association case (the 6th AIJA)** is sought only to the extent of it having provided three years practice, as a necessary requirement for recruitment at the grass roots level of the Judiciary in the States; i.e. the entry point of the Civil Judge (Junior Division)². Arguments raised, were omnibus as if it was a hearing proper on the merits, but I confine my consideration to those relevant for a review; within its welldefined contours of '*an error apparent on the face of the record*'. There were also arguments addressed regarding equal opportunities to the persons with disabilities, which though quite impressive and imperative, in my opinion would have to be considered by the regular Bench hearing the matter.

3. The arguments addressed, which according to me are relevant to the review are as follows: -

i) It was a three Judge Bench which removed the condition of a three-year practice for appearing in the CJ (JD) recruitment examinations, which has now been altered by a Coordinate Bench, which is not permissible.

ii) There should be equation with other public services, where there is no requirement of an experience before recruitment even into the higher echelons of the Civil Services, being IFS/IAS/IPS etc. The rigorous training regime as stipulated therein definitely could be brought into Judicial Service also.

iii) A three-year practice does not, in any way, equip the law graduates in dealing with the rigour of judicial service since in the initial gestation period, a fledgling lawyer would not be entrusted with briefs, and he/she would have little chance to argue in Courts.

iv) There could be a strict training regime extending to more than the period now provided, with the new recruits being posted as an understudy to existing Judicial Officers, ensuring skill enhancement.

4. In seriatim, I answer the above questions put forth, in the following manner: -

i) (a) The argument raised is that the stipulation of three years' experience removed as per the **3rd All India Judges' Association v. Union of India** case [(2002) 4 SCC 247]; a decision by a three-judge bench, has been restored in the **6th All India Judges' Association v. Union of India** case [2025 SCC OnLine SC 1184] by a Coordinate Bench, which is not permissible. Quite attractive, in the normal circumstances, but outrightly fallacious in the scenario of a '*continuing mandamus*'. The **1st All India Judges' Association v. Union of India** case [(1992) 1 SCC 119] also decided by a three-judge bench; issued directions to improve the conditions of service of the judicial officers, found necessary to maintain independence of the judiciary. Alive to the burden on the State exchequer, in justification, extracted the observation of *Professor Pannick* that: "*Judges*

¹ 'Practice', as an Advocate at the Bar

² hereinafter referred to as, 'CJ (JD)'

do not have an easy job. They repeatedly do what the rest of us seek to avoid; make decisions.” and held so: -

“45. These prescriptions for a Judicial Officer, therefore, result in a restricted life. Austerity is a quality to be practised by every Judge personally as also in his public functioning. This necessarily gives rise to a situation where the Judge must have patience, perseverance and painstaking habits. In order that a Judge may be able to put in these aspects into his public functioning it is absolutely necessary that the Judge enjoys freedom from personal worries. A reasonable salary, appropriate allowances and manageable living conditions are, therefore, required to be provided.”

i) (b) A Review was filed from the said decision which was termed the **2nd All India Judges' Association v. Union of India** case **[(1993) 4 SCC 288]** in which the three years' service condition was introduced as a uniform condition across the country; since the stipulation varied from State to State and in some States, there was no such requirement. A Coordinate Bench made modifications and held so: -

“56. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this Court and from no other court. Further, 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.”

i) (c) The **2nd AIJA** case was by a three-judge bench and the **3rd AIJA** case which removed the stipulation was a Coordinate Bench. The **3rd AIJA** case also reiterated paragraph 56 of the **2nd AIJA** case in paragraph No.40.

Hence this Court, in a three Judge Bench was considering the augmentation and skill building of the State Judiciary, issuing directions in the best interest of preserving the independence of the judiciary, the cornerstone of any functional and effective judicial dispensation, by resorting to a ‘*continuing mandamus*’.

ii) (a) Judicial services cannot be equated with other public services and, hence, the AIJA case has been retained before this Court as a ‘*continuing mandamus*’ for decades together. Unlike in the public services, there is no supervisory control exercised by the officers in the hierarchy of the State Judiciary, insofar as the essential duties of a Judicial Officer. Adjudication of cases which involves procedural aspects, recording of evidence, it's analysis and delivery of judgments; completely at the discretion of the Officer, upon which/whom none can interfere or impinge. It is trite that a wrong judicial order cannot even lead to a disciplinary enquiry and it can only be corrected by the higher courts in statutory appeals or revisions, or the supervisory jurisdiction conferred on the High Courts by the Constitution of India. Though, the general conduct of a Judicial Officer and her integrity can be brought in question under the administrative jurisdiction conferred on the High Court, the judicial acts are removed from such scrutiny, again to ensure independence of the judiciary. There can hence be no equation to public services; even recruitments to the higher echelons, where too there is a supervisory hierarchy of administration in place, as distinguished from the justice delivery system.

ii) (b) It was held in the **1st AIJA** case itself that: -

“20. ... There is a marked distinction between the nature of work which executive officers and judicial officers are called upon to discharge. The work of the judicial officers is usually sedentary while that of the executive officers involves a lot of physical movement. This is particularly so in the lower cadres of both the services. In view of this feature physical fitness is more important for an executive officer than in case of a judicial officer while in case of judicial officers, there is thus necessarily more of a mental activity than physical. Experience is an indispensable factor and subject to the basic physical fitness with growing age experience grows. ...”

iii) (a) Much has been argued on the futility of the three-year stipulation since no fledgling lawyer would be entrusted with a brief; which is to essentially say that she would not be tasked with the job of conducting a trial or an argument in Court. The question that arises immediately is that when a senior lawyer or litigant would not entrust a case to a lawyer who is fresh out of college, will it be safe to entrust such persons with the decision-making process in a case; when even legal services require an amount of experience to ensure; not mere representation, but quality assistance. It is not the complete entrustment of a case for conducting the trial or argument before Court, that moulds a lawyer in the initial years. It is the familiarity with the files, a lawyer acquires from the office of a Senior and the interactions she has with the fraternity of lawyers in the corridors of the Court that initiates her in the profession. The knowledge garnered from witnessing how a trial is conducted, the procedure shaped, as also arguments addressed within the courts, informs the keen student of how to go about the profession. Though arguing a case, before the Court, provides visibility, that is not the be-all and end-all of the profession. Behind every arguing counsel, whose ability is often measured by the felicity of expression and dexterity, on feet, there are an abundance of skills acquired over the years. Proficiency in drafting, adeptness at research, expertise in cross examination, precision in formulating arguments and much more, are to be learned by the young; observing first hand to become a complete professional. No training schedule, before or after recruitment, can give a budding jurist; be it a lawyer or a judge, the feel of the life and its worries, throbbing in every brief; which she experiences in practise.

(iii) (b) It was held in the **2nd AIJA** case that: -

“20. ...The recruitment of raw graduates as judicial officers without any training or background of lawyering has not proved to be a successful experiment. Considering the fact that from the first day of his assuming office, the Judge has to decide, among others, questions of life, liberty, property and reputation of the litigants, to induct graduates fresh from the Universities to occupy seats of such vital powers is neither prudent nor desirable. Neither knowledge derived from books nor pre-service training can be an adequate substitute for the first-hand experience of the working of the court-system and the administration of justice begotten through legal practice. The practice involves much more than mere advocacy. A lawyer has to interact with several components of the administration of justice. Unless the judicial officer is familiar with the working of the said components, his education and equipment as a Judge is likely to remain incomplete. The experience as a lawyer is, therefore, essential to enable the Judge to discharge his duties and functions efficiently and with confidence and circumspection. ...”

(iv) (a) The suggestion to bring in a structured training regime, rather than encouraging academically proficient students to opt for a judicial career, in my opinion would deter them. First of all, they will have to continue for two years without pay and allowances and without the period being reckoned as service. As of now, but for three States; all of the other States induct trainee CJ (JD) into the judicial services, assign them specific courts and enable full emoluments as applicable to a regular CJ (JD). Continuation for two years on half the pay of CJ (JD) will be prejudicial to the new recruits, and a strain on the exchequer, without any constructive work being elicited. The training hiatus would see the Courts unmanned and the vacancies unfilled; multiplying by reason of retirements and promotions.

iv) (b) Further direction insofar as the satisfaction of the sitting Judge of the High Court under whose supervision, the trainee judicial officer has to serve as a Law Clerk would create a further hurdle in the smooth transition from training to an active service on probation. There would also be two classes created of the recruits from the same source; lawyers with one year practice and those with two, three or more, in the identical

recruitment. If all were to be put to the same training regime, then there would be the issue of treating unequals as equals. If all are not put under the same regime then there could be allegation of hostile discrimination.

5. In my humble opinion, there is no ground for review, and the controversy should rest there. The Hon'ble the Chief Justice of India has expressed an opinion that the judgment under review does not require to be reconsidered on the fundamental question as to whether some prior experience of the working of the Court is desirable for new entrants into the judicial service; to which I fully concur. Noticing some practical difficulties, a *via media* is arrived at. With all the respect at my command, despite deep contemplation, I am not able to agree with the structured training programme for two years, as suggested, for students who have one year experience at the Bar, for reasons stated hereinabove.

6. The decision under review, on this particular aspect was arrived at based on the opinion expressed by a vast majority of the High Courts and States, who shaped it by observing the working of the judicial system and the inputs garnered therefrom. Even today, the High Courts, a vast majority of them have opined that experience at the Bar is imperative before stepping on to a judicial career. The Universities, but for a few, have taken a contrary stance, understandably in the perceived interest of students, motivated by the anxiety to propel them into a career at the earliest.

7. I am of the definite opinion, as expressed in the unanimous opinion, that experience at the Bar is essential for students right out of college; steeped in academics, who should have a feel of the affairs of man and the travails of a litigant, before deciding their destinies. This was the earlier norm; the departure from which has proved counterproductive, as is evident from the opinion of the High Courts, a clear reflection and indication of the mind of the largest stakeholder; the litigant public. One of the written submissions, rather uncharitably refers to the decision having been based on '*anecdotal-observations, prejudices and subjective reviews submitted by the High Courts*', without calling for an empirical, comparative study of the output of existing officers. For one, quality is not achieved, by mere academic excellence, nor can it be assessed based on the source from which the recruitments are made. Then, the High Courts are in administrative control of the District Judiciary, in constant touch with their general conduct and judicial dispensation. Assessment of performance of officers, evaluations for promotions; individually, by the Administrative/Portfolio Judges and collectively, by the Administrative/Standing Committee and the Full Court, which has administrative control of the District Judiciary provides the High Courts with valuable inputs and enlightening insights to evaluate the manner in which the justice delivery system can be bettered. The words employed in the written submissions, are disparaging and unbecoming, which are only to be rejected with the disdain it deserves.

8. The forensic and analytical skills of an adjudicator are better learnt in the profession by observing what happens in the Courts; not necessarily as a Presiding Officer controlling it, but as a keen and eager student of law; the Court room being the most profound of all classrooms. A Presiding Officer's mistake puts to peril a litigant, and her remedy is only by way of an appeal. A lawyer's mistake can be remedied by an experienced Presiding Officer, a seasoned Senior or an astute colleague, or even by a ministerial staff of the Court with first-hand experience of the proceedings. The requirement of experience is the need of the hour and essential in the immediate future, otherwise we would be accused of creating a cadre of careerists rather than of jurists capable of enriching a robust system, alive to the needs of the nation, society and its people.

9. With profound respect and intense regret, I beg to disagree and, in my opinion, there is no scope for a review of the well-considered judgment.
10. The Review Petitions, hence, stand dismissed.
11. The I.A.s and the Writ Petition to be posted before the regular Court concerned with the *continuing mandamus*.

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