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CWP-19775-2023

Shikha and others vs. State of Haryana and others

Present:- Mr. Gurminder Singh, Sr. Advocate,
with Ms. Simurita Singh, Advocate,
for the petitioners.

Mr. B.R. Mahajan, Advocate General, Haryana
with Mr. Arun Beniwal, DAG, Haryana.

The claim in the present writ petition is to conclude the process of selection and notification of appointments of the Additional District and Sessions Judges for the State of Haryana, which were notified to be filled up under Rule 6(1)(a) of the Haryana Superior Judicial Services Rules, 2007 as per written test which provides a principle of merit-cum-seniority and passing a suitability test. The written test was conducted on 01.10.2022 by this Court and the *viva- voce* was conducted on 30.11.2022 and 01.12.2022. It is the grouse of the petitioners that the State of Haryana is not notifying the orders of appointment by way of promotions. It has further been contended that similar exercise was conducted for the State of Punjab, who, in due deference to the recommendations of this Court issued vide order dated 25.04.2023 (Annexure P-7), has already notified the promotions under Rule 7(3)(a) of the Punjab Superior Judicial Services Rules, 2007.

Apparently, on 23.02.2023, this Court sent the list of the names of the 13 judicial officers who had been recommended for promotion as Additional and District Session Judges. A period of over 6 months has gone by whereas the State of Punjab, in comparison, had issued the necessary notification.

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We do not see any tangible reason as to why the State should drag its feet in issuing the requisite notification in view of the provision of Article 233 of the Constitution of India, which have been dilated upon by the Apex Court in *Chandramouleshwar Prasad vs. Patna High Court, (1969) 3 SCC 56* that it is the High Court which is the body familiar with the efficiency and quality of officers who are fit to be promoted as District Judges and it is for them to see the suitability and credibility of the person to be recommended for appointment. The same has been held of paramount importance for the independence of the judiciary. Similarly, in *Malik Mazhar Sultan and another vs. U.P. Public Service Commission and others, (2006) 9 SCC 507*, the Apex Court noticed that non filling of vacancies for long time deprives the people of the services of the Judicial Officers and is one of the reasons of huge pendency of cases.

Adjourned to 13.09.2023, for filing status report. In case the same is not filed, let Mr. TVSN Prashad, Additional Chief Secretary, Department of Home Affairs and Justice, Haryana come present in Court on the next date of hearing to justify as to what is the reason to sit on the recommendations of this Court.

(G.S. SANDHAWALIA)
JUDGE

06.09.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE