

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C)No.11798 – 11799 OF 2020**

In the matter of:

The High Court of Kerala

.. Petitioners

Versus

Reshma A. & Ors.

.. Respondents

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Sl.No.	Particulars	Copies	Amount(s)
1.	Affidavit	1 + 3	
2.	Application for permission to File Additional Documents	1 + 3	Rs. 120.00
3.	Annexures P3 to P18	1 + 3	
		Total	Rs. 120.00



T.G.N.NAIR

ADVOCATE FOR THE PETITIONERS
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Filed on: 04.12.2020

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) No.11798-11799/2020

In the matter of:

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.Respondents

AFFIDAVIT ALONG WITH APPLICATION FOR
PERMISSION TO FILE ADDL. DOCUMENTS

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ADVOCATE FOR THE PETITIONER MR.T.G.NARAYANAN NAIR

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

SPECIAL LEAVE PETITION (CIVIL) NO.11798 -11799 of 2020

In the matter of:

The High Court of Kerala Etc., : Petitioner

Versus

Reshma A. and others : Respondents

AFFIDAVIT

I, Sophy Thomas, D/o. Late Mathew Thomas, aged 58 years, Registrar General, High Court of Kerala, do hereby solemnly affirm and state as follows:

1. I am the Registrar General of the High Court of Kerala, Ernakulam and I am competent to swear to this affidavit for and on behalf of High Court of Kerala.
2. The instant Special Leave Petition has been preferred against the final judgment and order of the Division Bench of the Hon'ble High Court of Kerala dated 26.08.2020 in Writ Appeal No.994 and 998 of 2020. Detailed facts relating to the SLP are not being mentioned herein for the sake of brevity.
3. The Special Leave Petition came up before this Hon'ble Court on 17.11.2020 and the Hon'ble Court passed the following order:



A handwritten signature in blue ink, appearing to read "Sophy Thomas".

SOPHY THOMAS
Registrar General
High Court of Kerala
Kochi-682 031

ORDER

- 1 We have heard Mr V Giri, learned senior counsel in support of the Special Leave Petition which has been filed by the High Court of Kerala and Mr V. Chitambaresh and Mr P S Patwalia, learned senior counsel on caveat.**
- 2 In view of the discussion which has taken place during the course of hearing and in view of the rival submissions, Mr V Giri, representing the High Court states that he would have a further discussion with the administration of the High Court and apprise this Court of the considered position in the matter.**
- 3 List the Special Leave Petition in the week commencing 7 December 2020.**
- 4 The High Court will be at liberty to file a further affidavit, if so required.**

In this regard, Certain facts have to be placed before this Hon'ble Court as they are relevant to the issue and certain documents will also have to be placed on record. Hence this affidavit along with an application for permission to file additional documents.

4. Selection to the post of Munsiff-Magistrates (Civil Judge - Junior Division as they are otherwise referred to) is being conducted pursuant to the directions issued by this Hon'ble Court, from time to time, in the matter, which is titled as Malik Mazhar Sultan (3) and another v. Uttar Pradesh Public Service Commission and others. It was in the year



A handwritten signature in blue ink, appearing to read 'S. P. S.', written over a horizontal line.

SOPHY THOMAS
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2007, this Hon'ble Court laid down a time frame to conduct the selection and made it clear that the time frame is required to be adhered to by the High Courts.

5. Para 7 of the said Order of the Hon'ble Supreme Court, which was later reported in 2008 (17) SCC 703, *inter alia*, lays down a time schedule for appointment to the post of Civil Judge (Junior Division) by direct recruitment. Recruitment is to be done on an annual basis. Number of vacancies are to be notified by the High Court on the 15th of January and milestones are laid down for the different stages of selection. The selected candidates are to join on or before the second January of the following year. The Registry of the High Court concerned will also have to report to the Hon'ble Supreme Court, every January, as to how many vacancies were notified and how many persons have been selected and permitted to join. High Court of Kerala while reading of the Judgment of the Hon'ble Supreme Court mentioned above, understood that the selection will have to be done every year.

6. A copy of the order of the Hon'ble Supreme Court, as contained in 2008 (17) SCC 703 was already placed on record and marked as Annexure-P2 (page 73). The said order was clarified as regards one of the aspects, namely, the mode of determining 10% of vacancies which have to be added to the vacancies existing as on the date of the notification. Whereas under the 2007 Order, this Hon'ble Court directed that 10% of unforeseen vacancies would be in respect of sanctioned posts and not the vacancies occurring in a particular year, in supersession of the saying, the Hon'ble Supreme Court by an order dated 24.03.2009 directed that in future the High Courts or PSC's shall



Sophy Thomas

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Registrar General
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notify the existing number of vacancies plus the anticipated vacancies for the next one year and some candidates also be included in the wait list. A copy of the order passed by this Hon'ble Court in Malik Mazhar on 24.03.2009 is placed and marked as **Annexure P13**.

7. Under the rules in question namely the Kerala Judicial Services Rules, 1991, as it stood prior to the amendment which came into force in 2019, the High Court of Kerala shall from time to time hold examinations, written and oral after notifying the probable number of vacancies likely to be filled up and prepare a list of candidates considered suitable and the list is so prepared after following the procedure laid down by the High Court and after applying rules of reservation contained in Rule 14 to 17 of Part II of the Kerala State and Subordinate Services Rules. Under the Rules as it stood prior to 2019, the list consisting of not more than double the number of probable vacancies notified was to be forwarded for the approval of the Governor. On approval, list was to remain in force for a period of three years or until a fresh approved list is prepared whichever is earlier. The above was the Rule position till 14.01.2019, when the amended Rules came into force.

8. It would be necessary to bring to the notice of this Hon'ble Court certain proceedings that have taken place in relation to the selection and appointment of Munsiff-Magistrates from the select list which was prepared in 2013. Notification for the year 2013 for the selection of Munsiff-Magistrates was published taking into account the additional posts of 30 Gram Nyayalayas and 27 Special Magistrates Courts. Pursuant to the notification 66 candidates were selected. It may be noted that for the selection in the year 2013, the High Court had notified 74 vacancies (probable) for General Recruitment and 07 for NCA (No

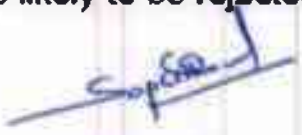



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Candidates Available). While calculating 74 vacancies notified for the year 2013 selection, the High Court took into account the establishment of 30 Gram Nyayalayas and 27 Special Magistrate Courts which was sanctioned by the Government. The select list of 66 candidates was approved by the Government and thereafter by notifications dated 31.10.2014 and 1.11.2014 all the 66 candidates were appointed as Munsiff-Magistrate trainees. It so happened that after those 74 vacancies were notified, 30 Gram Nyayalayas were not established as anticipated. Therefore, a reduction of 30 vacancies occurred in the total number of notified vacancies. Further 13 NCA slots had also to be kept vacant. In these circumstances, the High Court approached the Hon'ble Supreme Court by IA No.141/2015 for exemption for conducting selection in 2014-2015 and for permission to fill up the vacancies of 2015 from the then existing 66 candidates out of the 2013 selection. A copy of the IA No.141/2015 is produced herewith and marked as **Annexure P14**. A copy of the IA No.147/2015 which was filed in the same matter giving additional details regarding selection and also the breakup of the vacancies, dated 18.11.2015 is produced herewith and marked as **Annexure P15**.

9. After the matter was heard elaborately, this Hon'ble Court while dealing with Malik Mazhar case, took the view that the High Court cannot be exempted from conducting yearly selection. This was in spite of the fact that select lists prepared during that time had a validity period of three years and therefore the High Court had sought for operation of the same list drawn up pursuant to selection for the year 2013 for filling up of the posts which arose during 2014 and 2015. This Hon'ble Court passed the order, taking a firm view in the matter of yearly selection, that the High Court's application is likely to be rejected




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and dismissed. A copy of the order passed by this Court on 27.10.2015 is produced herewith and marked as **Annexure P16**. Thereafter, the High Court filed another application for reconsideration and recalling of the aforementioned order. The same was also rejected as withdrawn and the copy of the said order is produced herewith and marked as **Annexure P17**.

10. It is most respectfully submitted that this Hon'ble Court was of the view that the yearly selection cannot be dispensed with and the select list prepared pursuant to the selection for one year cannot be operated upon for the vacancies arising during the subsequent year/years. This was the reason why this Hon'ble Court passed the orders taking a 'firm view' as to the yearly selection in IA No.141/2015.

11. Rules were amended with effect from 14.01.2019, and the validity of the list approved by the Governor was reduced from three years to one year. Rule 7(1) and (2) as it stood prior to 14.01.2019 is extracted here for ready reference.

7. Preparation of lists of approved candidates and reservation of appointments:

(1) The High Court of Kerala shall, from time to time, hold examinations, written and oral, after notifying the probable number of vacancies likely to be filled up and prepare a list of candidates considered suitable for appointment to category 2. The list shall



S. J. Thomas
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be prepared after following such procedure as the High Court deems fit and by following the rules relating to reservation of appointments contained in rules 14 to 17 of Part II of the Kerala State and Subordinate Services Rules, 1958.

- (2) The list consisting of not more than double the number of probable vacancies notified shall be forwarded for the approval of the Governor. The list approved by the Governor shall come into force from the date of the approval and shall remain in force for a period of three years or until a fresh approved list is prepared, whichever is earlier.**

12. It will also be helpful to refer to the breakup of the vacancy position of Munsiff-Magistrates for the last few years. A copy of the same is produced herewith and marked as Annexure P18. In so far as 2019 selection is concerned, the notification was issued on 01.02.2019 and took into account the vacancies arising till 31.12.2019. 37 vacancies were notified and 69 persons were selected and found a place in the merit list. 37 candidates including 4 against NCA vacancies found place in the select list, which was approved by the Governor on 07.05.2020. The select list is already placed on record before this Hon'ble Court. 37 vacancies were notified and 37 persons (including NCA candidates) were appointed for the selection year 2019. The present dispute has arisen on account of claims made by the



Sophy Thomas
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candidates who secured rank below the appointed candidates, seeking appointment against vacancies that have arisen after 07.05.2020.

13. It may be submitted in this context that the selection for the year 2020 has already commenced. Yearly selection is to be conducted as per the direction issued by this Hon'ble Court in Malik Mazhar's case. The Vacancies existing for the year 2020 along with vacancies till 31.12.2020 plus 10% additional vacancies have been taken into account and 47 probable vacancies were notified along with 8 NCA vacancies. It is submitted that the selection process has already commenced. 3600 applications have been received and only the first phase of the exam date is to be notified.

14. It is submitted that from 2007 onwards, the number of persons who have been included in the select list as approved by the Hon'ble Governor and those who have thereafter been appointed have never exceeded the probable number of vacancies notified for the concerned selection year. 37 vacancies were notified as probable for the selection year 2019 and 37 persons have been included in the select list which has been approved by the Hon'ble Governor and have been given appointment also. If the merit list pursuant to the 2019 selection is to be again operated upon and persons like the writ petitioners are appointed, it will mean that the number of probable vacancies as notified in the selection for the year 2020 will stand drastically reduced, and an amended notification may have to be issued.

It is submitted that the aforementioned facts are relevant to the issue which is being considered by this Hon'ble Court in the above Special Leave Petition and is therefore being placed on record. The




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accompanying application is filed for permission to place on record the documents marked as Annexures P 13 to P 18. The accompanying application filed for the said purpose may kindly be allowed.



Sophy Thomas

DEPONENT

SOPHY THOMAS
Registrar General
High Court of Kerala
Kochi-682 031

VERIFICATION

I, the above-named deponent do hereby verify that all the facts stated above are true and correct to the best of my knowledge, information and belief and that no part thereof is false and no material is concealed therefrom.

Dated this the 4th day of December, 2020.



Sophy Thomas

DEPONENT

SOPHY THOMAS
Registrar General
High Court of Kerala
Kochi-682 031

Solemnly affirmed and signed before me by the deponent who is personally known to me.

Dated this the 4th day of December, 2020

B. G. Harindranath
ADVOCATE

ADV. B. G. HARINDRANATH
(K.378/84)

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

I.A. No. _____/2020

IN

SPECIAL LEAVE PETITION (CIVIL) No.11798-11799/2020

In the matter of:

The High Court of Kerala Etc.,

... Petitioner

Versus

Reshma A. & Ors.

.Respondents

AND IN THE MATTER OF:

An application for permission to file additional documents

To

The Hon'ble Chief Justice of India and His
Companion Judges of the Supreme Court of India

This application of the petitioners above named

MOST RESPECTFULLY SHEWETH:

1. The petitioners have filed the above special leave petition against the impugned final judgment and order dated 26.08.2020 passed by the Hon'ble High Court of Kerala at Ernakulam in W.A. No. 994 of 2020 & W.A No. 998 of 2020.

2. Petitioners have filed additional documents as Annexures – P13 to P18 along with affidavit. It is submitted that the above documents are necessary documents to be produced in the S.L.P. for a fair and just disposal of the case.

3. It is hence essential and expedient in the interest of justice that this Hon'ble Court may be pleased to permit the petitioners to file the same as additional documents in the case, lest petitioners should be put to irreparable injury and hardship.

P R A Y E R

It is, therefore, most respectfully prayed that Your Lordships may be pleased to:

(a) permit the petitioners to file Annexure – P13 to P18 as additional documents in the case; and

(b) pass such other order or orders as deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN & FILED BY:



(T.G.NARAYANAN NAIR)
ADVOCATE FOR THE PETITIONER.

Filed on: 04.12.2020

ANNEXURE – P13

ITEM NO.1

COURT NO.1

SECTION XI

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1867 OF 2006

MALIK MAZHAR SULTAN AND ANR.

Appellant (s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS.

Respondent(s)

(With appln(s) for intervention/directions in I.A.NO.34 and clarification of court's order dt.4.1.2007 and directions and modification of order dt.11.05.2007 and permission to file appln.for directions and office report)

WITH W.P.(C)..../2008 CC NOS.14852-14854 (with appln.(s) for permission to file SLP and with prayer for interim relief and office report)

AND SLP(C)No.28488/2008

(With prayer for interim relief and office report) WITH SLP(C)NO.27978/2008 (With appln.(s) for permission to place addl.documents on record and with prayer for interim relief and office report)

Date: 24/03/2009 These Appeals/petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J.M. PANCHAL

Mr.Vijay Hansaria, Sr.Adv.(A.C.)
Ms.Sneha Kalita, Adv.

For petitioner (s) Mr.C.S.N.Mohan Rao, Adv.
 Mr.Vinod Kumar, Adv.
 Mr.Ranjit Kumar, Sr.Adv.
 Mr.S.S.Ray, Adv. Ms.Bina Gupta, Adv.
 Mr.Nishe Rajen Shonker, Adv.
 Mr.Pardeep Gupta, Adv. Mr.K.K.Mohan, Adv.
 Mr.Suresh Bharti, Adv.
 Mr.Ranjit Kumar, Sr.Adv.
 Mr.V.N.Raghupathy, Adv.

For Respondent(s)/ applicant(s) Mr.Ejaz Maqbool, Adv.

For Rajasthan High Court Mr.Sunil Kr.Jain,Adv.

Mr.Ajay Bhatia, Adv.

Mr.Aneesh Mittal,Adv.

State of U.P

Mr.Yunus Malik, Adv.

Ms.Sunita Gautam, Adv.

Mr.Shrish Kr.Misra, Adv.

Mr.Pushkin, Adv.

High Court of Kerala

Mr.T.L.V.Iyer, Sr.Adv.

Mr.T.G.N.Nair, Adv.

Mr.A.V.Ramakrishna Pillai, Regr.

Mizoram

Mr.K.N.Madhusoodhanan, Adv.

Mr.R.Sathish, Adv.

Calcutta High Court

Mr.Jaideep Gupta, Sr.Adv.

Mr.G.S.Chatterjee, Adv.

Mr.Raja Chatterjee, Adv.

Mr.Sachin Das, Adv.

Puducherry	Mr.R.Shanmugasundaram, Sr.Adv. Mr.V.G.Pragasam, Adv. Mr.S.J.Aristotle, Adv. Mr.Prabu Ramasubramanian, Adv.
Tamil Nadu	Mr.R.Shanmugasundaram, Sr.Adv. Mr.T.Harish Kumar, Adv. Mr.V.Vasudevan, Adv.
Goa	Ms.A.Subhashini,Adv.
Chhattisgarh	Mr.Adesh Sharma, Adv. Mr.Ram Swarup Sharma, Adv.
Haryana	Mr.Manjit Singh, AAG For Mr.T.V.George, Adv.
Gujarat	Mrs.Hemantika Wahi, Adv. Miss Pinky Behra, Adv. Mr.Somnath Padhan, Adv. Ms.Mamta, Adv.
M.P.	Mr.B.S.Banthia,Adv. Mr.Vikas Upadhyay, Adv.
Orissa H.C.	Mr.Janaranjan Das, Adv. Mr.Swetaketu Mishra, Adv. Mr.P.P.Nayak, Adv.
Nagaland	Mr.S.Balaji,Adv.
R.No.25	Mr.Atul Jha,Adv. Mr.D.K.Sinha, Adv.
I.A.No.65	Mr.Nishe Rajen Shonker, Adv. Mr.Himinder Lal, Adv. Mrs.Rekha Pandey, Adv.

	Mr.S.W.A.Qadri, Adv.
	For Mrs.Anil Katiyar, Adv.
	Mr.D.S.Mahra, Adv.
Jammu & Kashmir H.C.	Mr.Bharat Sangal, Adv.
	Mr.Gaurav Pachnanda, Adv.
	MR.Chetan Gupta, Adv.
	Mr.Prasenjit Don, Adv.,
	Ms.Mrinalini Oinam, Adv.
	Mr.Anis Suhrawardy, Adv.
	Mr.Mehdi Imam, Adv.
	Mr.Tabrez Ahmad,Adv.
Govt.of NCT of Delhi	Ms.Jyoti Singh, Adv.
	Mr.Ankur Chibber, Adv.
	Mr Sudarshan Rajan, Adv.
Manipur	Mr.Kh.Nobin Singh,Adv.
Assam	Mr.Riku Sarma, Adv.
	Mr.Ranjan Mazumdar, Adv.
	For M/s.Corporate Law Group, Adv.
West Bengal	Mr.Bhaskar P.Gupta, Sr.Adv.
	Mr.Tara Chandra Sharma, Adv.
	Ms.Neelam Sharma, Adv.
	Ms.Pankhuri, Adv.
Uttarakhand H.C.	Ms.Rachana Srivastava, Adv.
	Mr.MOhd.Noorullah,Adv.
	Ms.HImani, Jadoun, Adv.
I.A.Nos.63&64	Mr.M.N.Rao, Sr.Adv.
	Mr.T.N..Rao, Adv.

	Mr.Ramesh, Adv.
	Ms.Manjeet Kirpal, Adv.
	Mr.Mitin Mohapatra, Adv.
For UPPSC	Mr.Shail Kr.Dwivedi, AAG
	Ms.Vandana Mishra, Adv.
Bihar/Tripura	Mr.Manish Kumar, Adv.
	For Mr.Gopal Singh, Adv.
High Court of A.P.	Mr.T.V.Ratnam, Adv.
	Mr.M.Chandrashekhar, Adv.
Sikkim	Mrs.Aruna Mathur, Adv.
	For M/s.Arputham Aruna & Co., Adv.
	Mr.Lakshmi Raman Singh, Adv.
I.A.No.57	Mr.Manish Mohan,
	Adv. Mr.Nirmal Kr.Ambastha,Adv.
	Mrs.Anita Mohan,
	Adv. Mr.Sanjay Kharde,
	Adv. Mrs.Asha G.Nair, Adv.
	Mr.Ranjan Dwivedi, Adv.
H.C.of M.P.	Mr.Ravindra Shrivastava, Sr.Adv.
	Mr.C.D.Singh, Adv.
	Mr.Sunny Chaudhary, Adv.
	Mr.Aditya Singh, Adv.
	Ms.Upasana Nath, Adv.
	Mr.Krishna, Adv.
	Mr.Maninder Singh, Adv.
	Mr.Gaurav Sharma, Adv.
	Mr.Sumeet Bhatia, Adv.

Ms.Surbhi Mehta, Adv.

Mr.Kamlendra Mishra, Adv.

Mr.Ashok K.Srivastava, Adv.

Mr.Shaiwal Srivastava, Adv.

Mr.Indrajeet Das, Adv.

Mr.Debasis Misra, Adv.

Mr.Aniruddha P.Mayee, Adv.

Mr.Anil Shrivastav, Adv.

Mr.P.I.Jose, Adv.

Mr.Anupam Mishra, Adv.

Mr.B.K.Mishra, Adv.

Mr.Vivek Kandari, Adv.

Mr.Pradeep Misra, Adv.

Mr.Radha Shyam Jena, Adv.

Mr.Ashok Mathur, Adv.

Mr.Arun K.Sinha, Adv.

Mr.Sanjay R.Hegde, Adv.

Mr.Amit Kr.Chawla, Adv.

Mr.A.Rohen Singh, Adv.

Mr.Nishant Mishra, Adv.

Mr.Rajesh Srivastava, Adv.

Mr.Jatinder Kr.Bhatia, Adv.

Mr.Vishnu Sharma, Adv.

Ms.Anupama Sharma, Adv.

Ms.S.Janani, Adv.

Mr.B.B.Singh, Adv.

Mr.P.H.Parekh, Sr.Adv.

Mr.Ajay Kr.Jha,Adv.

Miss Divya Sinha, Adv.

Miss Pallavi Srivastava, Adv.

For M/s.Parekh & Co., Adv.

Mr.Ranjan Mukherjee, Adv.

Ms.Kamini Jaiswal, Adv.

Mrs.D.Bharathi Reddy, Adv.

Mrs.Jayshree Anand, AAG

Mr.K.K.Mahalik, Adv.

Mr.Ajay Pal, Adv.

Ms.Nitu Kumari Sinha, Adv.

Ms.Asha Jain Madan, Adv.

Mr.Mukesh Jain, Adv.

Mr.S.C.Patel, Adv.

Mr.Kamal Mohan Gupta, Adv.

Mr.T.Mahipal, Adv.

Mr.Prakash Kumar Singh, Adv.

Mr.Y.Raja Gopala Rao, Adv.

Mr.C.S.Rajan, Sr.Adv.

Mr.G.Prakash, Adv.

Mrs.Beena Prakash, Adv.

Mr.Naresh K.Sharma, Adv.

Mr.Anuvrat Sharma, Adv.

R.G.,H.C.of T.N.

Mr.R.Nedumaran, Adv.

Mr.P.Somasundaram, Adv.

Ms.Sumita Hazarika, Adv.

Mr.Siddhartha Chaudhary, Adv.

Mr.Sunil Kr.Verma, Adv.

Mr.T.G.N.Nair, Adv.

Mr.Ugra Shankar Prasad, Adv.

Mr.S.Chandra Shekhar, Adv.

Mr.Naresh Kumar, Adv.

Mr.Edward Belho, Adv.

Mr.P.Athumei R.Naga, Adv.

Mr.Vikuolie Nihu Kera, Adv.

Mr.Milind Kumar, Adv.

Mr.Dharam Bir Raj Vohra, Adv.

Mr.Amit Kumar, Adv.

UPON hearing counsel the Court made the following

ORDER

I.A.No56:

On 4th January, 2007, this Court had given certain directions regarding the selection and appointment of Members of subordinate judicial officers in various courts. In the tabular form, the number of vacancies are notified by the High Court/Public Service Commission. It was directed that the further vacancies that may arise due to elevation or death or otherwise, 10 per cent of the posts shall be notified and this is referred at P.16 of the order, it is further stated :

"We further direct that ten per cent of unforeseen vacancies would be in respect of sanctioned posts and not vacancies occurring in a particular year".

It has been pointed out by the counsel appearing for the various High Courts that 10 per cent of the sanctioned posts are notified in some States. A large number of posts are to be notified whereas there was corresponding number of vacancies to be filled if the candidates are selected in the select list. There may be an expectation for such candidates to get appointment and this creates unwanted litigation by the candidates and it is prayed that the existing vacancies alone be notified along with the anticipated vacancies that may arise in the next one year and some candidates also be included in the wait list prepared by the High Courts/PSCs.

In supersession of the order passed by this Court on 4.1.2007, this Court direct that in future the High Courts/PSCs shall notify the existing number of vacancies plus the anticipated vacancies for the next one year and some candidates also be included in the wait list. To this extent earlier order is modified.

I.A. is disposed of accordingly.

I.A.NO.67:

I.A. is dismissed as withdrawn with liberty to pursue the matter in the special leave petition filed by the petitioner.

I.A.NO.57:

There were 42 vacancies in the cadre of District Judges in the State of Jharkhand and the examination was proposed to be held on 31.8.2008, but the same was not held and the clarification was sought from the High Court. Learned counsel appearing for the High Court of Jharkhand stated that there was a Writ Petition(S) No.4159 of 2008 before the High Court and it was finally disposed of by the judgment dated 29th August, 2008, and certain directions have been given to fill up these 42 posts. We are told that the Judgment of the High Court is challenged before this Court in a special leave petition and they are to be dealt with separately.

There were 22 posts of sub-Judge (Civil Judge Senior Division) and 66 candidates have been put in the zone of consideration and interview is proposed to be held and it is submitted by the learned counsel for the Jharkhand that these posts will be filled up. There were 65 vacancies of Munsiffs and

the main examination and interview are to be held shortly. This is recorded.

I.A. is disposed of accordingly.

The presence of the Registrar is recorded. His presence is dispensed with. I.A.59 & SLP(C) No.28488/2008

The Registrar General seeks further time. Adjourned.

I.A.Nos.63&64:

Registrar General and Registrar (Vigilance) of the High Court of Andhra Pradesh are present.

Learned counsel for the High Court submits that there were 10 vacancies of Civil Judges (Sr.Division) and the same have been filled up by promoting the Civil Judges (Jr.Division) and the High Court has also prepared a list of eligible candidates for promotion to Civil Judges (Sr.Division).

List on 5.5.2009.

Meanwhile, reply, if any be filed.

I.A.Nos.65&68:

Registrar, Kerala High Court is present.

Two weeks time, as requested, is granted for filing a reply.

List on 5.5.2009.

I.A.No.66:

Issue notice returnable on 5.5.2009. Secretary(Legal) of the State of Bihar is directed to be present on the next date of hearing.

We are told by learned counsel appearing for the High Court of Bihar that 109 vacancies of the Civil Judge (Sr. Division) are to be filled up and it has recommended the names of 101 candidates to the State Government and the State Government has not taken any further steps to appoint them. The State of Bihar is directed to take urgent steps to fill up these vacancies.

(G.V.Ramana)
Court Master

(R.K.Dhawan)
Court Master

(Veera Verma)
Court Master



// True Copy //

ANNEXURE – P14

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A No. 141 OF 2015

IN

CIVIL APPEAL NO.1867 OF 2006

In the matter of:

Malik Mazhar Sultan & Anr.

Appellants

Versus

U.P. Public Service Commission & Ors.

Respondents

AND IN THE MATTER OF:

The High Court of Kerala, represented by

The Registrar (Recruitment & Computerisation).

Applicant

AND IN THE MATTER OF:

An application for Direction

To

The Honourable Chief Justice of India and His
 Companion Judges of the Supreme Court of India

This application of the applicant above named

MOST RESPECTFULLY SHEWETH

1. By order dated 04-01-2007, this Hon'ble Court had issued general directions regarding the time schedule to be adhered to for filling vacancies that may arise in subordinate courts and District Courts.

2. The details regarding the sanctioned strength and the working strength of judicial officers in the State of Kerala as on 27-07-2015 are as follows;

Post	Sanctioned Strength	Working Strength	vacancy
District & Sessions Judges	147*	134+10**	03***+10(13)
Sub Judges/Chief Judicial Magistrates	73	73	Nil
Munsiff-Magistrates	236	179+30****	27+30(57)

* *Increase in the Sanctioned Strength is due to the establishment of one Special Court for Prevention of Atrocities against the Scheduled caste/Scheduled Tribe.*

** *10 Posts of Family Courts are filled up by posting retired District Judges in accordance with the Family Courts Act, 1984.*

*** *01 vacancy has arisen due to the death of one Officer in the cadre.*

**** *30 Posts are filled up by temporary appointment as per Rule 9 of Kerala Judicial Service Rules, 1991.*

3. It is respectfully submitted that the High Court of Kerala was not in a position to conduct selection to the post of District and Sessions Judges in the year 2013 as per the Schedule prescribed by this Hon'ble Court due to delay in completion of the selection process with respect to the selection of the District Judges in the year 2012 for reasons beyond the control of the High Court.

4. The notifications for fresh selection for the years 2013-2014 together were issued on 24-02-2014 and common written examinations

were held on 12th and 13th July 2014. The result was published on 28-01-2015. A total of 41 candidates have secured the minimum marks in the written examination and the viva voce for them was held from 23-02-2015 to 28-02-2015. The final results were published on 10-04-2015. All the 41 candidates have secured their place in the merit list also. The High Court had forwarded a select list of 8 candidates to the Government (04 candidates from the NCA Selection and 04 candidates from the Open competition). On the request of the High Court the Government have appointed these 8 candidates as District and Sessions Judges as per G.O(MS)No.133/2015/Home, G.O(MS) No.134/2015/Home, G.O.(MS)No. 135/2015/Home all dated 02.07.2015. On the issuance of the posting orders, all of them have taken charge at their respective stations on 15 and 16 July 2015. However, Contempt of Court Case No. 572/2015 in Writ Petition (Civil) No.7492/2014, Writ Petition (Civil) Nos .12044/2014, 12732/2015, 13445/2015, 13521/2015, 14281/2015,14780/2015,14957/2015 and 20451/2015 are pending against the above selection of District Judges in the High Court. Hence, the above 08 appointments are subject to the final disposal of these Writs.

As stated in the previous affidavit and I.A. No. 131 of 2015, with regard to the re-fixing of the cadre strength of the District Judges, the Government as per G.O(MS)No.107/2015/Home dated 29-05-2015, have fixed the cadre strength at 130 as against the request of the High Court to fix the same as 146.(previous cadre strength of the District Judges was 99). A copy of the I.A. No. 131 of 2015 along with the

affidavit and the order dated 26.02.2015 passed in the said I.A. are annexed as **Annexure – A1** [Pages 14 – 35].

Since the cadre strength is revised to 130, the number of vacancies to be filled up by direct selection District Judges has increased to 32, ie., 25% of the cadre strength. Against said vacancies at present, there are only 21 Directly Recruited District Judges functioning in the State Judiciary. Hence, 11 more candidates can be appointed to this category. Since there are altogether 13 vacancies in the cadre of District Judges as on date, steps will be taken to notify these 11 Direct selection vacancies, inclusive of 03 NCA vacancies. The remaining 02 vacancies will be filled up by way of promotion from Sub Judges/Chief Judicial Magistrates (Civil Judges – Senior Division).

5. There are no officers in the cadre of Sub Judges/ Chief Judicial Magistrates (Civil Judges – Senior Division) having 5 years of qualified service for promotion to the cadre of District Judges through limited Competitive Examination. This is because, the officers in the cadre of Sub Judges/ Chief Judicial Magistrates (Civil Judges – Senior Division) are getting regular promotion on or even before the completion of five years in the cadre. For filling up existing vacancies by promotion, as said in the previous affidavit, after the evaluation of the Judgements rendered by 18 Sub Judges /Chief Judicial Magistrates, the High Court had recommended the names of 16 Officers to the Government for appointing them as District and Sessions Judges by way of promotion. The Government have appointed the said 16 Sub Judges /Chief Judicial Magistrates as District

and Sessions Judges in the Kerala State Higher Judicial Service as per G.O(MS)No.136/2015/Home dated 02-07-2015. All the above 16 promotees have taken charge at their respective places as per the posting orders of the High Court.

6. At present no vacancy is existing in the cadre of Sub Judges/Chief Judicial Magistrates (Civil Judges-Senior Division).

7. With regard to the selection of Munsiff-Magistrates, as on 27-07-2015, a total number of 30 Temporary Munsiff-Magistrates are functioning in the State. By order dated 13-05-2014, the Government of Kerala had accorded sanction for establishing 27 temporary Judicial First Class Magistrate Courts at various places in the State for one year and all the above courts have been established .

8. Moreover, as per order dated 01-03-2011, the Government have accorded administrative sanction for the establishment of 30 Gram Nyayalayas in the State and the buildings have been transferred in 8 locations and buildings have been identified for the same in 6 more locations. Out of the 8 locations, the High Court has taken possession of only 02 locations and the remaining six locations could not be taken over due to the lack of required space in the buildings available with the Local self Government Institutions. Moreover, the appointing authority in respect of the Ministerial Staff has not been proposed by the Government in Kerala Gram Nyayalayas (Kerala)Rules, 2012. Hence, functioning of none of the Gram Nyayalayas has been

commenced as on date. However, it is informed that active steps are being taken to identify premises in the rest of the locations to get the Gram Nyayalayas started at the earliest.

9. The Notification for the year 2013 for the selection of Munsiff-Magistrates was published taking into account the additional posts of 30 Gram Nyayalayas sanctioned as per G.O(Ms)No.86/2011/Home dated 01-03-2011 and 27 special Magistrate Courts sanctioned as per G.O(Rt)No.94/2014/Home dated 13-05-2014. So the chances of all the 66 candidates selected as per Notification in the year 2013 getting appointment immediately after their training is remote and no vacancy of 2014 will remain unfilled . As per the time schedule prescribed by this Honourable Court, the selection process for the year 2015 was to commence on 15th January 2015.

10. Unfortunately, the High Court is not in a position to initiate the selection process with respect to the years 2014 and 2015 due to following changed circumstances,

As stated above, the Government had sanctioned 30 Gram Nyayalayas in the state. During the previous selection (2013) , the High Court notified 74 vacancies (probable) for general recruitment and 7 for NCA(No Candidate Available) vacancies. While calculating the 74 vacancies notified for 2013 selection, the establishment of 30 Gramanyalayas mentioned above and 27 Special Courts sanctioned on the basis of 13th Finance Commission recommendation as per G.O.

(MS) No.94/2014/Home dated 13.05.2014, were also taken into account. The 27 Special Courts were sanctioned temporarily limiting for a period of one year up to 31.03.2015 and its term has been extended by one more year as per G.O(Rt)No.186/2015/Home dated 24-01-2015. A common examination was conducted for both recruitment. A select list of 66 candidates (5 candidates in respect of two NCA selections and 61 candidates in respect of selection for general vacancies) had been approved by His Excellency the Governor of Kerala. The Government as per G.O.(MS) No.218/2014/Home dated 31.10.2014, G.O.(MS) No.219/2014/Home dated 01.11.2014 and G.O.(MS) No.217/2014/Home dated 31.10.2014 have appointed these 66 candidates as Munsiff-Magistrate Trainees. The High Court has commenced the one year statutory pre-induction training on 15.12.2014 at the Kerala Judicial Academy, Ernakulam. However, Writ Petition (Civil) Nos.15424/2013, 15769/2013, 7316/2015, 8511/2015 and Writ appeal No.316/2015 are pending against the above selection of Munsiff-Magistrates in the High Court of Kerala. Hence, the above appointments after the successful completion of the pre-induction training is subject to the final disposal of these Writ Petitions.

11. No Gram Nyayalayas has started functioning till date. In anticipation of the establishment of the above said Gram Nyayalayas,66 candidates were selected and appointed as Munsiff-Magistrate Trainees from the merit list relating to general vacancies and NCA Vacancies notified in 2013.

12. Though 74 vacancies were notified, 30 Gramnyayalayas were not established as anticipated and there is a consequential reduction of vacancies by 30 number. Further more 13 NCA slots are to be kept vacant in the event of appointment of all the 61 candidates selected in the 2013 General selection.

13. It is submitted that there is nothing amiss in anticipating the establishment of Gramanyalayas while calculating the notified vacancies for 2013 selection in view of the fact that no court can start functioning without a presiding officer (judicial officer) given actual posting to the respective courts. This is the reason why the High Court has decided to call all the 61 Munsiff-Magistrate Trainees from the Select list of General Selection 2013 for pre-induction training. All the 66 Munsiff-Magistrate Trainees (61 General + 5 NCA) who have abandoned their active practice at the bar or government service as the case may be, are now undergoing pre-induction training with the expectation of getting posted as Munsiff-Magistrate. Training allowance provided to each of them is Rs. 27,700/- per month and the same is to be given during the period of training for at least one year which is extendable upto two years.

14. The pre-induction training will be completed by the end of 2015. If the establishment of 30 Gramanyalayas does not materialise within this period, 30 Munsiff-Magistrate Trainees cannot be given appointment as Munsiff-Magistrate. It is worth mentioning to note here

that the denial of appointment to these 30 candidates on completion of training would result in huge wastage of public money spent from the state exchequer by way of training allowance.

15. In view of the uncertainty regarding the appointment and posting of already selected Munsiff-Magistrate Trainees due to non-commencement of 30 Gram Nyayalayas , the initiation of selection process for the general vacancies without giving appointment to the already selected candidates, who are undergoing training with a reasonable expectation of being appointed as Munsiff-Magistrate will cause much difficulty. Moreover, the procedure normally followed hitherto is that fresh selection process will not be initiated before the initiation of selection process with respect to the NCA vacancies relating to the immediate previous selection. The number of NCA vacancies with respect to the 2013 selection can be finalised only on appointment of Munsiff-Magistrates from the above 61 Munsiff-Magistrate Trainees from the General selection. In view of the uncertainty regarding the number of NCA vacancies, recruitment to the NCA vacancies can be initiated only on the expiry of the ranked list.

16. The High Court had issued Notification No.REC4-5383/2013 dated 21.03.2013 (1st Re-notification) for filling up 5 NCA vacancies (Scheduled Tribes-1, Hindu Nadars-1, Latin catholic/Anglo Indian-1 and Muslims-2) relating to select list prepared pursuant to High Court Notification No. REC4-97821/2011 dated 31.01.2012. Even after the 1st

Re-notification, one reservation turn each of Scheduled Tribes and Hindu Nadars are still remaining unfilled for want of suitable candidates from the said communities. So, a 2nd Re-notification with respect to these vacancies can also be issued along with next selection process for the general vacancies.

17. The above circumstances necessitate that without resorting to initiate a fresh selection during the year, 2015, the vacancies that may arise during the year can be utilised for accommodating the 30 trainees intended for the Grama Nyayalayas. Apart from that, the main objective or purpose behind the direction of this Hon'ble Court insisting timely selection will not be defeated as no courts will be left unmanned due to the existence of a select list consisting of sufficient number of well trained candidates. However, in the meantime, if the commencement of above said Gram Nyayalayas are materialised within this period, the High Court can initiate fresh selection process.

18. Hence, it is humbly prayed that the initiation of selection process with respect to the post of Munsiff-Magistrate for the year 2014 and 2015 for general and NCA vacancies may be exempted.

19. It is respectfully submitted that the High Court is ready to comply with any direction that may be issued by this Hon'ble Court.

PRAYER

It is therefore, most respectfully prayed that Your Lordships may graciously be pleased to;

- (a) exempt the High Court of Kerala from conducting the recruitment in the cadre of Munsiff- Magistrate for the year 2014 and 2015.
- (b) permit the High Court of Kerala to fill the vacancies of 2015 from the present select list of 66 candidates of 2013 selection; and
- (c) pass such other order or orders as deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE
PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:

(T.G. NARAYANAN NAIR)
ADVOCATE FOR THE PETITIONER/APPLICANT

Filed on: 20.08.2015

IN THE SUPREME COURT OF INDIA*CIVIL APPELLATE JURISDICTION*

I.A.No. 141 OF 2015

IN

CIVIL APPEAL No. 1867 OF 2006

In the matter of:

Malik Mazhar Sultan & Anr.

Appellants

Versus

U.P. Public Service Commission & Ors.

Respondents

AND IN THE MATTER OF:The High Court of Kerala, represented by
The Registrar (Recruitment & Computerisation).

Applicant

AFFIDAVIT

I, Venu Karunakaran, S/o N.Karunakaran, aged 55 years, Registrar (Recruitment & Computerisation)High Court of Kerala, Ernakulam, Kerala do hereby solemnly affirm and state as follows:

1. I am the Registrar (Recruitment & Computerisation) of the High Court of Kerala and I am duly authorized by the Honourable the Chief Justice to swear this affidavit for and on behalf of the High Court of Kerala.

2. I have read and understood the contents of the accompanying application and the same are true and correct to the best of my knowledge and belief.

3. The above facts are true and correct to the best of my knowledge.

DEPONENT.

VERIFICATION

I, the above-named deponent do hereby verify that all the facts stated in paras 1 to 3 of the Affidavit are true and correct to the best of my knowledge and belief that no part thereof is false and nothing material is concealed therefrom.

Dated this the 7th day of August 2015.

DEPONENT.

Solemnly affirmed and signed before me by the deponent who is personally known to me.

Dated this the 7th day of August 2015.

V.A Muhammed
Advocate

A handwritten signature in blue ink, appearing to read 'V.A Muhammed', is written over a light blue rectangular background.

True Copy

ANNEXURE - P 15

I.A-143/2016

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1867 OF 2006

In the matter of:

Malik Mazhar Sultan & Anr.

Appellants

Versus

U.P. Public Service Commission & Ors.

Respondents

AFFIDAVIT

I, Ashok Menon, son of Haridas Pullat, aged 56 years, Registrar General, High Court of Kerala, do hereby solemnly affirm and state as follows:

- 1 I am the Registrar General of the High Court of Kerala and I am duly authorized by the Honourable the Chief Justice to swear to this affidavit for and on behalf of the High Court of Kerala.
2. This affidavit is filed pursuant to the order dated 27.10.2015 in the above Civil Appeal.
3. The details regarding the sanctioned strength and the working strength as on 01.11.2015 are as follows:

Name of the Court : High Court of Kerala

Name of the State : Kerala

Post	Sanctioned Strength	Working Strength	vacancy
District & Sessions Judges	148*	140 (131+9**)	8***+9(17)
Sub Judges/Chief Judicial Magistrates	73	72	1
Munsiff-Magistrates	236	235 (179+56****)	1+56(57)



Ashok Menon
ASHOK MENON
Registrar General
High Court of Kerala
Kochi-682 011

2 :

- * Increase in the Sanctioned Strength is due to the establishment of one Special Court for Prevention of Atrocities against the Scheduled caste/Scheduled Tribe and one Motor Accident Claims Tribunal.
- ** 9 Posts of Family Courts are filled up by posting retired District Judges as per Rule 4(5) of the Family Courts(Kerala)Additional Rules, 1990.
- *** 01 vacancy has arisen due to the death of one Officer in the cadre.
- ****56 Posts are filled up by temporary appointment as per Rule 9, sub rule(1) of Kerala Judicial Service Rules, 1991.

DISTRICT AND SESSIONS JUDGES

4. Direct Selection-25%

Existing vacancies -11

Since the cadre strength has been revised by the Government as per G.O(Ms)No.107/2015/Home dated 29-05-2015 to 130, the number of vacancies for the Directly Recruited District Judges is now 32 ie; 25% of the cadre strength. At present, there are only 21 Directly Recruited District Judges functioning in the State Judiciary. Hence, 11 more candidates are to be recruited directly from the Bar. Accordingly, Notifications are issued to fill up these vacancies including 03 past NCA vacancies.

Accordingly, the High Court has issued the following four Notifications

- (a) Notification No.REC4-63013/2015 dated 30-09-2015
(Recruitment No.06/2015)

No candidate Available vacancy(NCA)-SIUC Nadar-01

- (b) Notification No.REC4-63014/2015 dated 30-09-2015
(Recruitment No.07/2015)

NCA Vacancy-Scheduled Tribe -01



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Registrar General
High Court of Kerala
Kochi-692 031

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- (c) Notification No.REC4-63015/2015 dated 30-09-2015
(Recruitment No.08/2015)

NCA Vacancy-Scheduled Caste converts to Christianity -01

- (d) Notification No.REC4-63016/2015 dated 30-09-2015
(Recruitment No.09/2015)
General vacancies - 08

4(a). Limited Competition-10%

There are no officers in the cadre of Sub Judges/ Chief Judicial Magistrates (Civil Judges – Senior Division) having 5 years of qualified service for promotion to the cadre of District Judges through limited Competitive Examination. This is because, the officers in the cadre of Sub Judges/Chief Judicial Magistrates (Civil Judges–Senior Division) are getting regular promotion on or even before the completion of five years in the cadre.

4(b). By Promotion-65%

Existing vacancies:06

The Sub Judges/Chief Judicial Magistrates are appointed as District Judges by way of appointment by transfer, on the basis of eligibility test by evaluation of Judgements rendered by the officers, and their ACRs .The proposal for appointment of one Chief Judicial Magistrate as District Judge, whose evaluation of Judgements and ACRs are completed, will be considered in the Full Court Meeting of the High Court which is going to be convened on 21-11-2015. Also,the High Court has already called for the Judgements rendered by 12 Sub Judges/Chief Judicial Magistrates for evaluation as per its communication dated 01-10-2015 for preparing the



Ashok Menon
ASHOK MENON
Registrar General

: 4 :

panel for appointment as District Judges. The High Court is in receipt of the Judgements and steps are being taken for the evaluation process of their judgements.

5. SUB JUDGES/CHIEF JUDICIAL MAGISTRATES
(CIVIL JUDGES-SENIOR DIVISION)

Existing Vacancy - 01.

As per communication dated 11-11-2015, the High Court has already called for the judgements rendered by 20 Munsiff-Magistrates for evaluation for the preparation of a panel for promotion as Sub Judges/Chief Judicial Magistrates. On receipt of the same urgent steps will be taken to complete the formalities.

6. MUNSIFF-MAGISTRATES (CIVIL JUDGES - JUNIOR DIVISION)

Whenever vacancies arose and there was non-availability of permanent Judicial officers, the High Court had filled up those vacancies by the appointment of Temporary Munsiff - Magistrates under Rule 9 Sub Rule (1) of the Kerala Judicial Service Rules, 1991 on the condition that they shall be replaced as soon as possible by an approved candidate qualified to hold the post under the Rule. Thus, as on date a total of 56 temporary Munsiff-Magistrates are functioning in the subordinate judiciary.

7. While issuing the notification for the selection of Munsiff - Magistrates in the year 2013, the following vacancies that might arise upto 31.12.2014, were taken into account by the High Court.



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 ASHAHMEN
 JUDGE GENERAL
 HIGH COURT OF KERALA

: 5 :

Existing vacancies of Munsiff-Magistrates	:22
Existing vacancies of Sub Judges/CJMs	:03
Existing vacancies of District Judges	:06
Existing number of temporary Munsiff-Magistrates	:24
Newly sanctioned Magistrate Courts	:27
Gram Nyayalayas	:30
Retirements till 31-12-2014	:23
Newly sanctioned Family Courts	:08
Retired District Judges functioning as Judges of Family Courts	:15
Total	156
Less	
Munsiff-Magistrate Trainees	
(on going Training at the Kerala Judicial Academy)	:09
List pending with the Government for appointment as Munsiff-Magistrates(2012 Selection)	:58
Direct District Judge selection(to be notified)	:15
No Candidate Vacancies to be filled due to 2009 selection	:02
No Candidate Vacancies to be filled due to 2012 selection	:05
	89
Balance	:67
10 % of the vacancies	:6.7
Total General vacancies notified	:74
Total vacancies General+ NCA notified	74+7 = 81

Accordingly, the High Court has notified the following vacancies

1.No Candidate Available vacancies(NCA vacancies)

Notification No.REC4-5382/2013(Recruitment No.1/13) dated 21.03.2013.

Number of vacancies- 2(SIUC Nadar-1, Scheduled Tribe-1)

(3rd re-notification relating to the select list prepared pursuant to notification No.B1-54379/2009-B4 dated 24.08.2009)



Ashok Menon
ASHOK MENON
 Registrar General
 High Court of Kerala
 Kochi-682 011

: 6 :

2.NCA vacancies

Notification No.REC4-5383/2013 dated 21/03/2013 (Recruitment No.2/13)

Number of vacancies-5 (Hindu Nadar-1,Scheduled Tribe-1. Latin Catholics &Anglo Indian-1, Muslim-2)

(1st re-notification relating to the select list pursuant to Notification No.REC4-97821/2011 dated 31.01.2012)

3.Open vacancies

Notification No.REC4-5384/2013 dated 21.03.2013(Recruitment No.3/13)

Number of vacancies-74

8. A select list of 66 candidates(61 Open and 05 NCA candidates) was forwarded to the Government and the Government as per G.O. (MS)No.218/2014/Home dated 31-10-2014, G.O (MS) No.219/2014/Home dated 01-11-2014 and G.O (MS) No.217/2014/Home dated 31-10-2014 (combined as Annexure - A), have appointed 66 candidates as Munsiff - Magistrate Trainees. Consequent to this selection 2013, the statutory one year pre-induction training for these candidates has commenced at the Kerala Judicial Academy, Ernakulam on 15-12-2014.The training will conclude on 14-12-2015.

9. Initially the High Court, as per the Minutes of the Administrative Committee dated 11-11-2014 (Annexure -B) had resolved to call only 40 candidates for the Pre-induction training taking into account the then existing vacancies. However, on intimation from the Government with



Ashok Menon
 ASHOK MENON
 Registrar General
 High Court of Kerala
 Kochi-682 031

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regard to the commencement of the Gram Nyayalayas as per their letter No.88800/C3/2012/Home dated 22-11-2014 (Annexure - C), the High Court as per the Minutes of the Administrative Committee dated 02-12-2014(Annexure D)has resolved to call the remaining 26 candidates also for the training. Thus the pre-induction training for all the 66 candidates selected commenced on the said date.

10. Presently, as stated, there are only 57 vacancies existing in the cadre of Munsiff - Magistrates. Among them, 38 vacancies alone were existing as on 31-12-2014(due non commencement of the Gramnyayalayas) and the following 19 vacancies have arisen during 2015 as stated below,

Promotion vacancies arose in the cadre owing to the promotion of Munsiff-Magistrates as Sub Judges on 06-02-2015	-	02
Retirement vacancy in the cadre of Munsiff-Magistrate on 30-04-2015	-	01
Promotion vacancies arose in the cadre owing to the promotion of Munsiff-Magistrates as Sub Judges on 14-07-2015	-	16
Total		19

11. It is humbly submitted that there is nothing amiss in anticipating the establishment of Gramanyalayayas while calculating the notified vacancies for 2013 selection in view of the fact that no court can start functioning without a presiding officer (Judicial officer) . This is the reason why the High Court has decided to call all the 61 Munsiff-Magistrate Trainees from the Select list of General Selection 2013 for pre-induction training. All the 66 Munsiff - Magistrate Trainees



Ashok Menon

ASHOK MENON
Magistrate General

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(61 General + 5 NCA) who have abandoned their active practice at the bar or relieved from the government service as the case may be, are now undergoing pre-induction training with the expectation of getting posted as Munsiff-Magistrate.

12. Training allowance provided to each of them is 27,700/- per month. The pre-induction training will be completed by the end of 2015. If the establishment of 30 Gramanyalayas does not materialise within this period, 30 Munsiff - Magistrate Trainees cannot be given appointment as Munsiff - Magistrate. It is worth mentioning that, the denial of appointment to these 30 candidates on completion of training would result in huge wastage of public money spent from the state exchequer by way of training allowance.

13. Since there was more than sufficient number of candidates, undergoing training, to fill up all the vacancies existing as on the date of filing the earlier affidavit i.e. on 07/08/2015 no selection process for the vacancies which arose in the year 2015 was initiated.

14. Out of the above mentioned vacancies, 2 are to be notified as NCA vacancies pertaining to the selection year 2012, since 03 candidates alone had qualified for the 5 NCA vacancies of that year. The number of NCA vacancies for the selection year 2013 can be determined only after giving posting to the candidates who are selected and undergoing training. If all the 66 candidates are appointed, the total number of NCA vacancies for 2013 selection year will be 13. But if only those vacancies



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JUSTICE MENON

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which were actually available by the end of December 2014, ie 38 vacancies alone are filled, the NCA vacancies will only be 4. Only after determining the NCA vacancies for the previous selection year, the number of General vacancies available to be notified for the next selection can be determined.

15. It is respectfully submitted that the High Court is ready to comply with any directions that may be issued by this Hon'ble Court in the matter.



Ashok Menon
 DEPONENT
 ASHOK MENON
 Registrar General
 High Court of Kerala
 Kochi-682 031

I, the above-named deponent do hereby verify that all the facts stated in paras 1 to 15 of the Affidavit are true and correct to the best of my knowledge, information and belief that no part thereof is false and no material is concealed therefrom.

Dated this the 18th day of November ,2015.



Ashok Menon
 ASHOK MENON
 Registrar General
 High Court of Kerala
 Kochi-682 031

Solemnly affirmed and signed before me by the deponent who is personally known to me.

Dated this the 18th day of November 2015.

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 18/11

ITEM NO.113

COURT NO.1

SECTION XI

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

Civil Appeal No. 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(With appln. for extension of time (I.A. Nos. 140 & 144) and direction (I.A. Nos. 141 & 142) and for permission to file correct Annexure in I.A. No. 130 (I.A. No. 143) and regarding High Courts of Jharkhand, Madhya Pradesh, Tamil Nadu, Uttarakhand & Guhati and office report)

WITH

W.P.(C) No. 403/2014

(With application for impleadment as party respondent and vacation of status quo and office report)

W.P.(C) No. 85/2015

(With appln. for directions and office report)

Date : 27/10/2015 This appeal/petition were called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN MISHRA

Mr. Vijay Hansaria, Sr. Adv. (A.C.)

Ms. Sneha Kalita, Adv.

Mr. Awnish Pandey, Adv.

For Appellant(s)

Mr. Ejaz Maqbool, Adv.

Ms. T. Anamika, Adv.

For Applicant(s)

Mr. Y Rajagopala Rao, Adv.

For Applicant(s)

Mr. Satya Mitra, Adv.

Applicant(s)

Mr. Basavaprabhu S. Patil, Sr. Adv.

Mr. Y. Rajagopala Rao, Adv.

Mr. Hitendra Nath Rath, Adv.

Mr. Y. Vismail Rao, Adv.

Mr. D. Mahesh Babu, Adv.

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 Ms. Pinky Anand, ASG
 Ms. Binu Tamta, Adv.
 Mr. Abhinav Mukherjee, Adv.
 Mr. Rajiv Singh, Adv.
 Mr. S. Wasim A Qadri, Adv.
 Mr. Gunwant Dara, Adv.
 Ms. Sadhna Sandhu, Adv.
 Mr. Zaid Ali, Adv.
 Ms. Snidha Mehra, Adv.
 Ms. Sushma Suri, Adv.
 Mr. B.V. Balram Das, Adv.
 Mr. D.S. Mahra, Adv.

Mr. Debasis Misra, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. Amit Kumar, Adv.

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 Ms. Alka Jha, Adv.

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 Mr. Amrendra Kr. Choubey, Adv.

Mr. Anil Kumar, Adv.

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 Mr. Rituraj Biswas, Adv.

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 Ms. Neelam Jain, Adv.
 Mr. Sudipto Sircar, Adv.
 Ms. Vaishali R., Adv.
 Ms. Ankita Chadha, Adv.
 Mr. Annam Venkatesh, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. Arun K. Sinha, Adv. (NP)

Mr. Ashok K. Srivastava, Adv.

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 Mr. Z.H. Isaac Haiding, Adv.
 Mr. Ashok Kumar Singh, Adv.

Mr. Ashok Mathur, Adv.

Mr. Ashok Panigrahi, Adv.

Mr. Ashwani Kumar, Adv.

Mr. Avijit Bhattacharjee, Adv.

Nagaland Mr. Balaji Srinivasan, Adv.

Tamil Nadu Mr. Subramonium Prasad, AAG
Mr. B. Balaji, Adv.
Ms. R. Shase, Adv.

Mr. Bharat Sangal, Adv.

Mr. C.S.N. Mohan Rao, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Mr. E.C. Vidya Sagar, Adv.

Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.
Ms. Rashmi Srivastava, Adv.

Mr. G. Prakash, Adv.

Mr. G.S. Chatterjee, Adv.

Punjab Mr. Jagjit Singh Chhabra, Adv.

Uttarakhand Mr. Jatinder Kumar Bhatia, Adv.
P.S.C.

Mr. B.S. Banthia, Adv.

Haryana Mr. Alok Sangwan, Addl. Adv. Gen.
Dr. Monika Gussain, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Kaushal Yadav, Adv.

Mr. Khwairakpam Nobin Singh, Adv.

Mr. K.K. Mohan, Adv.

Mr. Lakshmi Raman Singh, Adv.
Mr. Merusagar Samantaray, Adv.
Mr. Milind Kumar, Adv.
Mr. M.R. Shamshad, Adv.
Mr. Ashok Kumar Juneja, Adv.
Mr. Chand Qureshi, Adv.
Mr. Mushtaq Ahmad, Adv.
Mr. Naresh K. Sharma, Adv.
Mr. Naresh Kumar, Adv.
Mr. Nishe Rajen Shonker, Adv.
Mr. P.I. Jose, Adv.
Mr. Pradeep Misra, Adv.
Mr. Prakash Kumar Singh, Adv.
Mr. T.L.V. Ramachari, Adv.
Mr. R.V.L. Raghavan, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. P.V. Yogeswaran, Adv.
Mr. Radha Shyam Jena, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Rana Ranjit Singh, Adv.
Mr. Ranjan Dwivedi, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. S.C. Ghosh, Adv.
Mr. S. Bhowmick, Adv.
Mr. R. Nedumaran, Adv.
Mr. R. Sathish, Adv.
Mr. Sanjay R. Hegde, Adv.
Mr. S.C. Patel, Adv.

	Mrs. D. Bharathi Reddy, Adv.
	Mr. Shail Kumar Dwivedi, Adv.
	Mr. Shankar Divate, Adv.
UPPSC	Mr. Shrish Kumar Misra, Adv. Mr. Piyush Dwivedi, Adv.
	Mr. Siddhartha Chowdhury, Adv.
	Mrs Sarla Chandra, Adv.
Rajasthan High Court	Mr. Sunil Kumar Jain, Adv. Mr. Kaushik Choudhury, Adv. Mr. Akarsh Garg, Adv.
	Mr. Sunil Kumar Verma, Adv.
	Mr. Tara Chandra Sharma, Adv.
High Court of Bombay	Mr. A.P. Mayee, Adv. Mr. A. Selvinraja, Adv.
Maharashtra	Mr. Rahul Chitnis, adv. Mr. Nishant R. Katneswarkar, Adv. Ms. Asha G. Nair, Adv. (NP)
	Mr. T. Mahipal, Adv.
	Mr. T.V. George, Adv.
High Court of Andhra Pradesh	Mr. T.V. Ratnam, Adv.
Puducherry	Mr. V.G. Pragasam, Adv.
Bihar P.S.C.	Mr. Navin Prakash, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Mr. Yusuf Khan, Adv. Ms. Anuradha Arputham, Adv. for M/s Arputham Aruna & Co., Adv.
Karnataka H.Court	Mr. Basavaprabhu S. Patil, Sr. Adv. Mr. V.N. Raghupathy, Adv. Mr. Chinmoy Despande, Adv.

	Mr. Basavaprabhu S. Patil, Sr. Adv. Mr. Y. Raja Gopala Rao, Adv.
	Ms. Asha Gopalan Nair, Adv.
Punjab & Haryana High Court	Ms. Asha Jain Madan, Adv. Mr. Mukesh Jain, Adv.
	Ms. A. Subhashini, Adv.
	Ms. Bina Gupta, Adv.
	M/s Corporate Law Group, Adv.
Andaman & Nicobar	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, Adv.
Madhya Pradesh High Court	Mr. C.D. Singh, Adv. Ms. Sakshi Kakkar, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal Wahi, Adv. Ms. Vinakshi Kadan, Adv.
	Ms. Kamini Jaiswal, Adv.
For Kerala	Ms. Liz Mathew, Adv. Mr. M.F. Philip, Adv.
	Ms. Naresh Bakshi, Adv.
Patna High Court	M/s. Parekh & Co., Adv.
For Uttarakhand	Ms. Rachana Srivastava, Adv. Mr. Ashutosh Kr. Sharma, Adv.
Rajasthan	Mr. S.S. Shamsbery, Adv. Mr. Amit Sharma, Adv. Mr. S. Spandana Reddy, Adv. Ms. Ruchi Kohli, Adv.
	Ms. S. Janani, Adv.
	Ms. Sumita Hazarika, Adv.
	Mr. Vinay Kr. Garg, Adv. Ms. Mayuri Raghuvanshi, Adv.

	Mr. M.P. Shorawala, Adv.
U.P.	Mr. Abhith Kumar, Adv.
For West Bengal	Mr. Soumitra G. Chaudhuri, Adv. Mr. Parijat Sinha, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, Adv. Mr. Krishna Kumar Singh, Adv.
Himachal Pradesh	Mr. Suryanaryana Singh, Sr.Addl. Adv. Gen. Ms. Pragati Neekhra, Adv.
Calcutta H.Court	Mr. Kunal Chatterji, Adv.
For Bihar	Mr. Rudreshwar Singh, Adv. Mr. Gautam Singh, Adv. Mr. Samir Ali Khan, Adv. Mr. S. Ugra Shankar Prasad, Adv. Mr. Vishnu Sharma, Adv.
H.Court of Kerala	Mr. V. Giri, Sr. Adv. Mr. T.G.N. Nair, Adv. Mr. K.N. Madhusoodhanan, Adv. Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, Adv. Ms. Mithu Jain, Adv. Ms. E Enatoli Sema, Adv. Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IN RE : STATE OF WEST BENGAL

Pursuant to the directions issued by us the concerned officer(s) are present before us.

Shri Vijay Hansaria, learned Amicus Curiae has placed before us a status report wherein he has

stated that the High Court as well as the State has substantially complied with the orders and directions issued by this Court. Therefore, in our opinion, no further orders are required to be passed.

Learned counsel appearing for the State would submit that the select list will be communicated to them by the Public Service Commission only on 18.12.2015. Therefore, he requests us to grant them another three months' time to issue letters of appointment to the selected candidates. The request of learned counsel for the State appears to be reasonable and, is accordingly granted.

The presence of the concerned officer(s) is dispensed with.

IN RE : STATE OF JHARKHAND

Pursuant to to the directions by us, the Registrar General of the High Court is present before us.

Learned Amicus Curiae would inform us that

there are nine vacancies for the District Judges quota and the same should be filled up by limited competitive examination which according to the Amicus Curiae has not been done by the State and the High Court.

Learned counsel appearing for the High Court submits that they would complete the process for filling up of nine vacancies as early as possible, at any rate within six months' time from today. Placing on record the statement so made by the learned counsel, in our opinion, no further orders are required to be passed insofar as the State of Jharkhand is concerned.

The presence of the Registrar General of the High Court is dispensed with.

IN RE: STATE OF MADHYA PRADESH

Pursuant to the directions by us, Shri Pankaj Gaur, Registrar (Judicial) of the High Court is present before us.

The learned Amicus Curiae would inform us

that no affidavit has been filed before this Court in compliance of our earlier orders and directions.

Shri C.D. Singh, learned counsel would submit that the affidavit is ready and would be handed over to learned Amicus Curiae.

Learned Amicus Curiae would look into the affidavit and submit the status report by the next date of hearing.

We direct the Registrar (Judicial) of the High Court to be present before this Court on 26.11.2015.

IN RE: TAMIL NADU AND PUDUCHERRY

Pursuant to our directions, Shri P.Kalaiyaran, Registrar General of High Court of Madras is present before us.

We are informed that the Substantial compliance is made by the High Court. Therefore, no further order is required to be passed.

The presence of the concerned Officer(s) is dispensed with.

IN RE: UTTARAKHAND

The substantial compliance is made by the High Court. Therefore, no further order is required to be passed.

The presence of the Officer(s) is dispensed with.

IN RE: ASSAM

Learned Amicus Curiae in his report has stated that in certain Districts of Assam, the State Government has not provided infrastructure facilities. If that is so, we direct the State Government to provide appropriate infrastructure facilities in the judicial Districts of Karbi Anglong, Dima Hasao, Bksa and Chirang.

IN RE: NAGALAND

Substantial compliance is made by the High Court. Therefore, no further orders are required to

be passed.

IN RE: MIZORAM

Learned Amicus Curiae has stated in his report that in the category of Civil Judge (Junior Division) there are 29 vacancies out of the sanctioned strength of 34. He is of the further view that the High court is not in a position to fill up those vacancies in view of the non-finalization of the Mizoram Judicial Service (Amendment) Rules.

In our view, the State Government, Mizoram Public Service Commission and the High Court should make all endeavour to finalize the aforesaid Rules as early as possible, at any rate within three months' time from today.

The presence of the concerned officer(s) is dispensed with.

IN RE: ARUNACHAL PRADESH

Substantial compliance is made by the High

Courts. Therefore, no further order is required to be passed.

I.A. NO.140 OF 2015

The request of the High Court of Gujarat for extension of time is granted.

We extend the time to complete the recruitment/selection process of Judges at the District/Subordinate Level within three months' time from today.

Accordingly, I.A. No.140 of 2015 is disposed of.

I.A.NO.141 OF 2015

After hearing learned Amicus Curiae and learned counsel for the High Court of Kerala, we are of the firm view that the prayer in the application cannot be granted.

Accordingly, I.A. No.141 of 2015 is dismissed.

I.A. NO.142 OF 2015

After hearing learned Amicus Curiae and learned counsel for the State of Telangana, we now direct the State of Telangana to issue necessary posting orders of Civil Judges (Senior Division) as District Judges as early as possible, at any rate within one month's time from today.

I.A. NO. 143 OF 2015

Prayer made in the application is as under:

"Grant permission to file correct annexure(s) by replacing the annexure(s) 'B' to 'I' filed along with I.A. No.130 of 2013 for filling up the vacancies in each cadre of the Himachal Pradesh Judicial Service and to make amendments/incorporate the same in the H.P. Judicial Service Rules, 2004 accordingly."

The afore-said prayer is reasonable and is granted accordingly.

I.A. NO.144 OF 2015

Prayer made in the application is as under:

"Extend the time by 30 days i.e. upto 30th January, 2016 for completion of the recruitment of process of the District Judges by direct recruitment".

The afore-said prayer is reasonable and is granted accordingly.

We direct the High Court of Chhatisgarh, Jammu and Kashmir, Orissa and Kerala to file appropriate status report/affidavit before this Court on or before 20.11.2015 after furnishing a copy of the same to learned Amicus Curiae.

We further direct the Registrar Generals of the High Court of Chhatisgarh, Jammu and Kashmir, Orissa and Kerala to remain present before this Court at 26.11.2015 at 02:00 p.m.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar



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ITEM NO.6

COURT NO.1

SECTION XI

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

I.A.Nos.1 & 2 of 2016 in I.A.No.147/2016
and

I.A.No(s)147 & 149 of 2016 in Civil Appeal No(s). 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(For Impleadment and intervention and permission to file impleadments and recalling the order dated 27.10.2015 passed in I.A.No.141 of 2015 and allowing the I.A.No.147 of 2015 and office report)

WITH W.P.(C) No. 85/2015

(With appln.(s) for directions and Office Report)

Date : 19/04/2016 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE UDAY UMESH LALIT

Mr. Vijay Hansaria, Sr.Adv. (A.C.)

Mr. Avnish Pandey, Adv.

Ms. Sneha Kalita, Adv.

For Appellant(s)

Mr. Ejaz Maqbool, Adv.

(W.P. 85/2015)

Mr. M. P. Shorawala, Adv.

For Respondent(s)/
Applicant(s)

Mr. V. Giri, Sr.Adv.

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Mr. K.N. Madhusoodhanan, Adv.

Mr. Mohammed Sadique T.A., Adv.

Mr. L. Nagaswara Rao, Sr. Adv.

Mr. Rai Abraham, Adv.

Mr. Gautam Shivashankar, Adv.

Ms. Seema Jain, Adv.

Ms. Chandrani Prasad, Adv.

Mr. Himinder Lal, Adv.

Mr. Basant R., Sr. Adv.
Mr. Karthik Ashok, Adv.
Mr. M.F. Philip, Adv.
Ms. Liz Mathew, Adv.

Mr. Basava Prabu Patel, Sr. Adv.
Mr. M.S. Vinshu Sankar, Adv.

Mr. Suryanarayana Singh, Sr. AAG.
Ms. Pragati Neekhra, Adv.

Mr. K. Venkataramani, Sr. Adv.
Mr. Muthwel Palani, Adv.
Mr. B. Balaji, Adv.

Mr. Ranjit Kumar, SG.
Mr. Abhinav Mukherjee, Adv.
Mr. S. Wasim A. Quadri, Adv.
Ms. Sadhna Sandhu, Adv.
Ms. Gunwant Dara, Adv.
Mr. Zaid Ali, Adv.
Mr. B.K. Prasad, Adv.
Mr. D. S. Mahra, Adv.

Ms. Pinky Anand, ASG.
Ms. Snidha Mehra, Adv.
Mr. Akash Jindal, Adv.
Mr. B.V.B. Das, Adv.

Mr. S.S. Shamsbery, AAG.
Mr. Amit Sharma, Adv.
Mr. Prateek Yadav, Adv.
Mr. Ishu Prayas, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Alok Sangwan, AAG.
Dr. Monika Gusain, Adv.

Mr. R.K. Ojha, Adv.
Mr. Anil K. Jha, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Mithu Jain, Adv.
Ms. Astha Sharma, Adv.

Mr. Mohit Kr. Gupta, Adv.
Mr. Surabh Sanchita, Adv.
Mr. Nishant R. Katneshwarkar, Adv.

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Mr. V.S. Lakshami, Adv.
Mr.A. Venayagam Balan, Adv.

Mr. Abhith Kumar, Adv.
Ms. Archana Singh, Adv.

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Parijat Sinha, Adv.

Mr. A. Marira Putham, Adv.
Ms. Aruna Mathur, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Yusuf Khan, Adv.
For M/s Arputham Aruna & Co.

Mr. V. G. Pragasam, Adv.
Mr. Prabu Ramasubramanian, Adv.

Mr. Sapam Biswajit Meitei, Adv.
Ms. Lingthoingambi Thongam, Adv.
Ms. B. Khushbansi, Adv.
Mr. Vijayananda Sharma, Adv.
Mr. Ashok Kumar Singh, Adv.

Mr. Raja Chatterjee, Adv.
Mr. Adeel Ahmed, Adv.
Mr. Satish Kumar, Adv.

Mr. Raja Chatterjee, Adv.
Mr. Adeel Ahmed, Adv.
Mr. Satish Kumar, Adv.

Mr. Apoorv Kurup, Adv.
Mr. Avinash Rathi, Adv.

Mr. Krishnanand Pandeya, Adv.
Mr. Amrendra Kr. Choubey, Adv.

Ms. Monika, Adv.
Mr. Ashutosh Kumar Sharma, Adv.
Ms. Rachana Srivastava, Adv.

Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
For M/s Corporate Law Group.

Mr. Vishnu Sharma, Adv.
Ms. Anupam Sharma, Adv.
Mr. R.K. Thakur, Adv.

Ms. K. Enatoli Sema, Adv.

Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.
Mr. Aditya Raina, Adv.

Mr. C. D. Singh, Adv.
Ms. Sakshi Kakkar, Adv.
Ms. Saumya Kalra, Adv.

Mr. P. I. Jose, Adv.
Mr. Kunal Manav, Adv.

Mr. Pragyan Sharma, Adv.
Mr. Shikhar Garg, Adv.
Mr. T.L.V. Ramachari, Adv.
Mr. Hitesh Raghavn, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

Mr. Sibho Sankar Mishra, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Samir Ali Khan, Adv.

Mr. Satya Mitra, Adv.

Mr. Lakshmi Raman Singh, Adv.

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Mr. Ashok K. Srivastava, Adv.

Mr. Arun K. Sinha, Adv.

Ms. Asha Jain Madan, Adv.

Mr. Ashok Mathur, Adv.

Mr. Avijit Bhattacharjee, Adv.

Ms. Bina Gupta, Adv.

Mr. Bharat Sangal, Adv.

Ms. Binu Tamta, Adv.

Mr. G. Prakash,Adv.
Ms. Hemantika Wahi,Adv.
Mr. K. K. Mohan,Adv.
Ms. Kamini Jaiswal,Adv.
Mr. Naresh K. Sharma,Adv.
Ms. Naresh Bakshi,Adv.
Mr. Pradeep Misra,Adv.
Mr. R. Sathish,Adv.
Mr. S. C. Patel,Adv.
Mr. Sunil Kumar Jain,Adv.
Mrs Sarla Chandra,Adv.
Mr. Shrish Kumar Misra,Adv.
Mr. Tara Chandra Sharma,Adv.
Mr. T. V. Ratnam,Adv.
Mr. Ugra Shankar Prasad,Adv.
Mrs. D. Bharathi Reddy,Adv.
Mr. B. S. Banthia,Adv.
Mr. Khwairakpam Nobin Singh,Adv.
Mr. Radha Shyam Jena,Adv.
Ms. Asha Gopalan Nair,Adv.
Mr. Y. Raja Gopala Rao,Adv.
Mr. Shail Kumar Dwivedi,Adv.
Mr. Rana Ranjit Singh,Adv.
Mr. Abhijit Sengupta,Adv.
Mr. R. Nedumaran,Adv.
Mr. Kamal Mohan Gupta,Adv.

Mr. Naresh Kumar, Adv.
Mr. V. N. Raghupathy, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Ashwani Kumar, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Kamendra Mishra, Adv.
M/s. Parekh & Co.
Mr. T. Mahipal, Adv.
Ms. Sumita Hazarika, Adv.
Mr. Aniruddha P. Mayee, Adv.
Mr. T. V. George, Adv.
Mr. Prakash Kumar Singh, Adv.
Mr. Sunil Kumar Verma, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. Milind Kumar, Adv.
Mr. Ajay Pal, Adv.
Mr. Annam D. N. Rao, Adv.
Mr. Merusagar Samantaray, Adv.
Mr. M. R. Shamshad, Adv.
Mr. Kaushal Yadav, Adv.
Mr. Ashok Panigrahi, Adv.
Mr. Ranjan Dwivedi, Adv.
Mr. E. C. Vidya Sagar, Adv.
Mr. Shankar Divate, Adv.
Mr. Mushtaq Ahmad, Adv.

Mr. C. S. N. Mohan Rao,Adv.
Mr. Amit Kumar,Adv.
Mr. Dharmendra Kumar Sinha,Adv.
Mr. Anil Kumar,Adv.
Mr. Nishe Rajen Shonker,Adv.
Mr. Anip Sachthey,Adv.
Mr. Shekhar Prit Jha,Adv.
Mr. Siddhartha Chowdhury,Adv.
Ms. S. Janani,Adv.
Mr. Athira G. Nair, Adv.
Ms. Usha Nandini. V,Adv.
Ms. T. Kanaka Durga,Adv.
Mr. Dharam Bir Raj Vohra,Adv.
Mr. G. S. Chatterjee,Adv.
Mr. Sanjay R. Hegde,Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard.

I.As.No.147 of 2015 and 150 of 2016 :

After arguing the matter at some length, Mr. V. Giri, learned senior counsel appearing for the applicant, seeks leave to withdraw these applications (I.As. No.147 and 150) which are hereby dismissed as withdrawn.

I.A. NO.149 of 2016 :

Mr. L.N. Rao, learned senior counsel appearing for the applicant, seeks leave to withdraw this application (I.A.No.149) which is hereby dismissed as withdrawn.

I.As. NO.1 and 2 of 2016 in I.A.No.147 of 2016 :

Learned counsel for the applicants seek leave to withdraw these applications (I.As.No.1 and 2) which are hereby dismissed as withdrawn.

Post the matter for considering the question of filling up of vacancies in the States of Chhattisgarh, Odisha and Jammu and Kashmir on Thursday, the 14th July, 2016. The three High Courts, mentioned above, may file a status report supported by an affidavit of the Registrar General within six weeks, with an advance copy to Mr. Vijay Hansaria, learned amicus. Registrar General of the three High Courts shall also remain present in-person along with relevant records on the next date of hearing.

Writ Petition (Civil) No.85 of 2015 :

Detagged and to be listed separately.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER



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ANNEXURE - P18**Kerala Judicial Service Examinations (Regular vacancies)**

- Kerala Judicial Service Rules 1991 was amended to extend validity for Merit list from 2 years to 3 years from the date of approval of the same by the Governor (SRO 660/2006 notification dated 31.08.2006).
- Hon'ble Supreme Court issued guidelines for the recruitment of Judicial Officers (04.01.2007) in Civil Appeal 1867/2006 (Malik Mazhar Sultan Case).
- Proposal for the amendments to Kerala Judicial Service Rules 1991 approved by the Full Court on 21.11.2015. The amendment came into force on 14.01.2019. The amendment included reducing of the validity period of merit list from 3 years to 1 year.
- From 2016 onwards, only the vacancies that arise in the notification issuing year alone are notified.

Sl. No.	Kerala Judicial Service Examination & date of notification (for regular vacancies)	Vacancies arising up to	No. of vacancies notified	Number of candidates in Merit list	No. of candidates selected	Vacancies that became NCA	Merit list approved by Governor on	Notification appointing Munsiff Magistrate trainees dated
Validity of Merit list - 3 years from the date of approval by Governor or fresh list								
1	2007 15.02.2007	31.05.2010	85	212	82	3	13.06.2008	25.07.2008 17.06.2009

2	2009 24.08.2009	31.12.2011	23	15	15	8	NA	18.12.2010
3	2011 28.1.2011	31.12.2012	35	4	4	2	27.02.2012	11.04.2012
4	2012 31.01.2012	31.12.2013	60	84	55	5	NA	01.03.2013
5	* 2013 21.03.2013	31.12.2014	74 (probable)	69	61	12+1 PWD vacancy carry forwarded	NA	09.10.2014
6	2016 18.02.2016	31.12.2016	** 35 (Effective vacancies - 22)	78	21	1	08.12.2017	28.12.2017

7	2017 07.11.2017	31.12.2017	*** 33+1 carry forwarded PWDvacancy (Persons With Disability) [Effective vacancies - 33]	74	29	3+1 PWD vacancy carryforwarded	NA	29.01.2019
Validity of Merit list - 1 year from the date of approval by Governor or fresh list								
8	2019 01.02.2019	31.12.2019	37 (includes 1 carry forwarded PWA)	71	32+1PWD	4		07.05.2020
9	2020 30.06.2020	31.12.2020	47	-	-	-		

* In 2015 the Hon'ble Supreme Court rejected I.As.141 and 147 of 2015 in Civil Appeal No. 1867/2006 whereby the High Court sought permission to fill up the vacancies those arose in the years 2015 & 2016 from the 2013 selection process

** (35 vacancies were notified with rider that vacancies may be reduced in case of NCA vacancies of 2013 selection. Later the NCA vacancies fixed as 13 Nos.)

*** Later one vacancy was reduced on account of reinstating of a Judicial Officer who was on suspension.



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