

ITEM NO.18

COURT NO.1

SECTION III-A

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(s).1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY & ORS.
Respondent(s)

([Civil Appeal with reference to the High Courts of Punjab and Haryana, Madhya Pradesh and Madras and I.A NOs.51919,51992 and 52071/23 are listed]

IA No. 52071/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 51992/2023 - INTERVENTION/IMPLEADMENT

IA No. 51919/2023 - INTERVENTION/IMPLEADMENT)

Date : 06-11-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE MANOJ MISRA

Mr. Vijay Hansaria, Sr. Adv. (Amicus Curiae)

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For Respondent(s)

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P&H HC Mr. Ashok Mathur, AOR

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Mr. Talha Abdul Rahman, AOR
Mr. Devashish Bharuka, AOR

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

State of Madhya Pradesh

1 We have heard Mr Arjun Garg, counsel appearing on behalf of the High Court of Madhya Pradesh and Mr Manoj Kumar Shrivastava, Registrar General of the High Court of Madhya Pradesh:

(i) On 22 August 2023, 21 vacancies were advertised for direct recruitment of District Judges in the 25% quota. The date of the preliminary examination has recently been notified on 3 December 2023. This indicates that over two months elapsed from the date of the advertisement before the date of preliminary examination was notified.

Henceforth, the High Court must lay down a comprehensive time schedule in the advertisement specifying the date of the preliminary examination and consequential stages. We direct that, within a period of one week, the High Court shall prepare and publish a time schedule for:

- (a) Completing the assessment of the preliminary examination answer sheets and declaration of results;
- (b) The dates for the written examination, for the assessment of answer sheets and for the declaration of results; (c) The dates for conducting interviews; and
- (d) Notifying the Select List for appointment.

(ii) As regards the appointment of District Judges in the 10% quota on the basis of the limited competitive examination, there were four vacancies for which a written examination was held

on 23 July 2023. One candidate has been notified to be successful. The notification for appointment shall

be issued within fifteen days from the date of this order;

- (iii) In the promotion quota, selection for 80 posts was initiated on 1 October 2022. The Court has been informed that the process has been delayed because of the finalization of ACRs for the current year. The *amicus curiae* has made a suggestion that in order to obviate such delays, the requirement that the ACRs of last five years should be considered to mean the five years prior to the date of the advertisement.

We direct that the selection process which was initiated be concluded on or before 7 December 2023;

- (iv) The process for filling up the vacancies for Civil Judge (Senior Division) shall be completed on or before 7 December 2023;
- (v) The High Court has indicated that an advertisement for announcing the recruitment of Civil Judge (Junior Division) candidates shall be issued within two weeks. The High Court shall also specify a comprehensive time schedule for completing the process, including for the preliminary examination, the written examination and the interview; and
- (vi) On the aspect of infrastructure, it has been agreed that Mr Arjun Garg, counsel appearing on behalf of the High Court of Madhya Pradesh shall meet the Registrar General of the High Court and the Chief Secretary of the State of Madhya Pradesh to facilitate due and proper steps being taken on the infrastructural issues pertaining to the District Judiciary, including the allotment of suitable land as may be identified by the High Court by the concerned Collectors/District Magistrates. Mr Arjun Garg has agreed to do so and to submit a report to this Court on or before 7 December 2023. The report shall be taken up when the proceedings are

listed after that date.

High Court of Punjab and Haryana

State of Punjab

2 We have heard Mr Ashok Kumar Mathur, counsel appearing on behalf of the High Court of Punjab and Haryana and Mr Ramesh Chandra Dimri, Registrar General of the High Court of Punjab and Haryana:

- (i) For the 25% direct recruitment quota for District Judges, the Recruitment and Promotion Committee has resolved on 2 November 2023 to issue an advertisement within a period of one week. The last date for applications would be 22 December 2023. The Committee is requested to fix a time schedule for completing the process as expeditiously as possible and, in any event, by 31 March 2024;
- (ii) For the limited competitive examination for filling up the 10% quota in the cadre of District Judges, there are nine vacancies. The Registrar General has assured the Court that the process shall be initiated immediately together with the direct recruitment process. We direct that the process be completed by 31 March 2024;
- (iii) For filling up the 65% promotional quota in the cadre of District Judges where there are 20 vacancies, the Registrar General states that at the meeting of the Recruitment and Promotion Committee on 2 November 2023, it has been resolved to hold the written examination on 6 January 2024. The process shall be completed by 31 March 2024;
- (iv) For recruitment of candidates for the posts of Civil Judge (Junior Division),

the process has been completed by recommending 114 candidates for recruitment on 11 October 2023. The State Government shall issue a formal notification on or before 7 December 2023; and

- (v) On the aspect of infrastructure, it has been agreed that Mr Ashok Kumar Mathur, counsel appearing on behalf of the High Court of Punjab and Haryana shall meet the Registrar General of the High Court and the Chief Secretary of the State of Punjab to facilitate due and proper steps being taken on the infrastructural issues pertaining to the District Judiciary, including the allotment of suitable land as may be identified by the High Court by the concerned Collectors/District Magistrates. Mr Ashok Kumar Mathur has agreed to do so and to submit a report to this Court on or before 7 December 2023. The report shall be taken up when the proceedings are listed after that date.

State of Haryana

3 We have heard Mr Lokesh Sinhal, Senior Additional Advocate General for the State of Haryana and Mr Ramesh Chandra Dimri, Registrar General of the High Court of Punjab and Haryana:

- (i) A meeting of the Recruitment and Promotion Committee of the High Court is scheduled to take place on 7 November 2023. This Court shall be apprised of the decisions which are taken. We would request the High Court to expedite the process and to lay down a time schedule for its conclusion;
- (ii) As regards appointments to the 65% promotional quota for District Judges, the Court is apprised of the fact that petitions are pending before the High Court of Punjab and Haryana, both at the behest of selected candidates and those candidates who have not been selected. The petitions are listed for hearing on 8 November 2023. This Court may be apprised of the position of the cases on the next date of listing;

- (iii) The process of filling up five vacancies in the cadre of District Judge against the 10% limited competitive examination shall be concluded together with the direct recruitment process; and
- (iv) For the recruitment of Civil Judge (Junior Division), this Court had passed an earlier order dated 26 September 2023 in IA No 53466 of 2022 directing that the recruitment process shall be conducted by the Selection Committee consisting of the representatives of the High Court, State Government and the Public Service Commission. The State Government was directed to take necessary steps within two weeks. The Court has been apprised of the fact that there was an exchange of views with the High Court in regard to the pattern of the examination. The Court is assured by counsel appearing on behalf of the State Government that the notification for the amendment of the Rules along the lines suggested by the High Court will be issued by 7 November 2023. The High Court shall proceed immediately thereafter, upon receipt of the notification, by framing a time schedule for completing the process.

State of Tamil Nadu

4 As regards the State of Tamil Nadu, list the proceedings on 8 November 2023.

IA Nos 51919, 51992 and 52071 of 2023

5 The applications shall also be listed on 8 November 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR