

ITEM NO.802

COURT NO.1

SECTION PIL-W/XVII

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

SUO MOTU WRIT PETITION (CIVIL) No.2/2018

RE: FILLING UP OF VACANCIES

Date : 22-10-2018 This matter was taken up today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s)

For Respondent(s)

The Court made the following
O R D E R

The communication exchanged with the Registry of different High Courts of the country (24 in number) indicates that there are a total of 22036 posts in the cadre of Higher Judicial Service (cadre of District Judges/Additional District Judges/Class-I Grade/Grade-I) as well as in the cadre of Civil Judge Senior Division/Civil Judge Junior Division (also referred to as as Grade-II/Grade-III - Class-II/Class-III in some states). This constitutes the total workforce of the District and Subordinate Judiciary in the country.

5133 posts out of the total of 22036 posts as on date are vacant. The information collected by the Registry of this Court from the Registries of different High Courts indicates that recruitment process/processes to fill up 4180 posts are presently underway and the said recruitment processes are poised at different stages in different States. The information collected also indicates that total of 1324 posts out of the 5133 vacancies are yet to be subjected to any recruitment process.

There is an obvious mis-match of the figures mentioned above which is being also looked into by the Registry of this Court.

The existence of vacancies to the extent indicated is wholly unacceptable. The Registry of this Court is, therefore, directed to register a suo motu writ petition.

The High Courts of the country and all State Governments are directed, in exercise of the power of this Court under Article 142 of the Constitution of India, to convey the following information to the Registry of this Court:

1. The dates on which the recruitment process/processes for the two categories of posts i.e. "Higher Judicial Service" and "Lower Judicial Service" had been initiated and is/are expected to be completed and appointments made;
2. Whether the time taken or likely to be taken is beyond the Schedule formulated by this Court in *Malik Mazhar Sultan (3) & Anr. Vs. U.P. Public Service Commission & Ors.*¹ If the time taken has exceeded the Schedule fixed by this Court the reasons therefor be furnished by the Registries of such High Courts/concerned authorities of the State where the recruitment is done through the Public Service Commission(s) which are in default;
3. Whether the time expected to be taken to complete the on-going process/processes can be shortened and the process/processes completed before the time-schedule spelt out in *Malik Mazhar Sultan (supra)* which time-schedule this Court would understand to be indicating the outer time-limit and not the minimum period for completion.;
4. Number of vacancies that have occurred both in the Civil Judge cadre and the Higher Judicial Service cadre since the date of issuance of notification advertising the

1. (2008) 17 SCC 703

vacancies till the date on which the process/processes is/are expected to be complete;

5. Whether the infrastructure and man-power available in the different States is adequate if all the posts that are borne in the cadre are to be filled up;

The above information will be made available to the Secretary General of this Court on or before 31st October, 2018.

The matter will be listed along with Malik Mazhar Sultan (3) (supra) (Civil Appeal No.1867 of 2006) on 1st November, 2018.

For the States of Uttar Pradesh, Maharashtra, West Bengal, Chhattisgarh, Delhi and the North-Eastern States we request Shri Shyam Divan, learned Senior Counsel to assist the Court as Amicus Curiae.

For the States of Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka and Kerala we request Shri K.V. Vishwanathan, learned Senior Court to assist the Court as Amicus Curiae.

For the States of Madhya Pradesh, Madras, Odisha, Patna and Punjab and Haryana we request Shri Vijay

Hansaria, learned Senior Counsel, who is also the Amicus Curiae in Malik Mazhar Sultan (supra) to assist the Court as Amicus Curiae in this case also.

For the States of Rajasthan, Sikkim, Telangana, Andhra Pradesh, Tripura and Uttarakhand we request Shri Gaurav Agrawal, learned counsel to assist the Court as Amicus Curiae.

List the matter on 1st November, 2018.

[VINOD LAKHINA]
AR-cum-PS

[ASHA SONI]
ASSISTANT REGISTRAR