IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION [CIVIL] NO.1049/2018

RAHUL SINGH **Petitioner(s)**

VERSUS

HON'BLE HIGH COURT OF MADHYA PRADESH & ANR. **Respondent(s)**

O R D E R

1. The present writ petition has been filed by the writ petitioner, under Article 32 of the Constitution of India, 1950, seeking a direction to the respondent to appoint the writ petitioner on the post of Addl. District & Sessions Judge, as per his selection in the Madhya Pradesh Higher Judiciary Service (Entry Level) (Direct Recruitment from Bar) Exam - 2017, along with all consequential benefits including seniority and other service benefits.

2. It was further prayed to strike down Memo No. 322/Higher Judiciary Service (D.J.) Examination, 2017, Jabalpur, dated 31.01.2018, and Memo No. 385/Registrar (Examination), Jabalpur, dated 21.05.2018, vide which, the writ petitioner was denied appointment to the said post on the ground that he does not possess continuous practice of 7 years on 13.04.2017 i.e. the last date for submitting the application.

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ASHA SUNDRIYAL
Date: 2024.10.27
17:11:43 IST
Reason:

3. In the present case, the writ petitioner has a cumulative experience of about 10 years and 1 month as an advocate, as well as 1 year and 3 months of experience as a Judicial Officer. The writ petitioner has also cleared all the three stages of the Madhya Pradesh Higher Judicial Services. Despite this, the respondent(s) have failed to issue an appointment letter for the want of 7 years of continuous practice.

4. We have heard the learned Senior counsel appearing for the writ petitioner and the learned counsel appearing for the respondent.

5. The short question that arises for our consideration is as to whether the continuous service of seven years will have to be reckoned along with the tenure of service rendered as a Judicial Officer.

6. The said issue is no longer *res integra*. A decision of the Constitution Bench of this Court in *Rejanish K.V. v. K. Deepa* - (2026) 4 SCC 513, clarifies that the services rendered as a judicial officer will also have to be included while calculating the period of continuous service. The relevant paragraph of the said judgment is as under:

> **"174. In the result, we answer the questions as under:**
>
> **174.1. Judicial officers who have already**

completed seven years in Bar before they were recruited in the Subordinate Judicial Service would be entitled for being appointed as a District Judge/Additional District Judge in the selection process for the post of District Judges in the direct recruitment process;

174.2. The eligibility for appointment as a District Judge/Additional District Judge is to be seen at the time of application;

174.3. Though there is no eligibility prescribed under Article 233(2) for a person already in judicial service of the Union or of the State for being appointed as District Judge, in order to provide a level playing field, we direct that a candidate applying as an in-service candidate should have seven years' combined experience as a judicial officer and an advocate;

174.4. A person who has been or who is in judicial service and has a combined experience of seven years or more as an advocate or a judicial officer would be eligible for being considered and appointed as a District Judge/Additional District Judge under Article 233 of the

Constitution;

174.5. In order to ensure level playing field, we further direct that the minimum age for being considered and appointed as a District Judge/Additional District Judge for both advocates and judicial officers would be 35 years of age as on the date of application.

174.6. It is held that the view taken in the judgments of this Court right from *Satya Narain Singh* [*Satya Narain Singh* v. *High Court of Allahabad*, (1985) 1 SCC 225] till *Dheeraj Mor* [*Dheeraj Mor* v. *High Court of Delhi*, (2020) 7 SCC 401] , which take a view contrary to what has been held hereinabove do not lay down the correct proposition of law."

7. Furthermore, the writ petitioner before us has been working in the capacity of Additional District and Sessions Judge since April, 2019, though, by virtue of an order of this Court dated 22.04.2019.

8. It is not in dispute that the writ petitioner has been selected on merits.

9. In such view of the matter, the interim order passed by this Court, vide order dated 22.04.2019, is made absolute, and the Writ Petition stands

allowed, by directing the respondent(s) to continue the service of the writ petitioner.

10. Needless to state that all benefits shall be granted to the writ petitioner, which he is otherwise entitled to, pursuant to the original selection.

11. Pending application(s), if any, shall stand disposed of.

…….J.
[M.M. SUNDRESH]

…….J.
[PRASANNA B. VARALE]

NEW DELHI;
OCTOBER 13, 2026.

ITEM NO.28 COURT NO.3 SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 1049/2018

RAHUL SINGH Petitioner(s)

VERSUS

HON BLE HIGH COURT OF MADHYA PRADESH & ANR. Respondent(s)

[ONLY IA NO. 92176/2026 IS LISTED UNDER THIS ITEM]
IA No. 92176/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 13-10-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Amit Verma- 3350 , AOR

For Respondent(s) Mr. Arjun Garg- 1807, AOR
Ms. Arushi Kulshrestha, Adv.
Mr. Saaransh Shukla, Adv.
Ms. Muskan Bensla, Adv.
Ms. Mrinmoyee Das, Adv.

Mr. Amit Sharma, A.A.G.
Mr. Harmeet Singh Ruprah- 2308, AOR
Mr. Surjeet Singh Ga, Adv.
Mr. Karan Singh, Adv.

Mr. Shailendra Pratap Singh, Adv.
Mr. Nilendra Pratap Singh, Adv.
Mrs. Prity Kumari, Adv.
Mr. Somesh Chandra Jha, AOR

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

The Writ Petition stands allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL) (POONAM VAID)
DEPUTY REGISTRAR ASSISTANT REGISTRAR
[Signed order is placed on the file]