

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
RECORD OF PROCEEDINGS

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)

Ms. Kavya Jhawar, Adv.

Ms. Sneha Kalita, AOR

For Appellant(s)

Mr. Ejaz Maqbool, AOR

For Respondent(s)

MP HC

Mr. Arjun Garg, AOR

P&H HC

Mr. Ashok Mathur, AOR

Haryana

Mr. Lokesh Sinhal, Sr AAG

Dr. Monika Gusain, AOR

MP

Mr. Saurabh Mishra, AAG

Ms. Mrinal Gopal Elker, AOR

Mr. Mukesh Verma, Adv.

Mr. Amit Anand Tiwari, AAG

Mr. Sabarish Subramanian, AOR

Ms. Devyani Gupta, adv.

Mr. Vishnu Unnikrishnan, Adv.

Mr. Danish Saifi, Adv.

Ms. Tanvi Anand, Adv.

Mr. Pratyush Srivastava, Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. M.K. Maroria, AOR
Mr. Shreekant Neelappa Terdal, AOR
Mr. Siddhartha Sinha, Adv.
Mr. N.C. Zeliang, Adv.
Ms. Megha Saxena, Adv.
Mr. Aditya Kashyap, adv.

Mr. Lakshmi Raman Singh, AOR

Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Kumar Mihir, AOR

Mr. R. Sathish, AOR

Ms. Asha Jain Madan, AOR

Ms. Hemantika Wahi, AOR

Mr. T. V. Ratnam, AOR

Mr. M. Yogesh Kanna, AOR

Mr. Raj Bahadur Yadav, AOR

Mr. Jagjit Singh Chhabra, AOR

Mr. Ajay Pal, AOR

Mr. Abhijit Sengupta, AOR

Mr. T. Mahipal, AOR

Mr. Santosh Kumar - I, AOR

Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Akshay Subhash Jagtap, Adv.
Mr. Swapnil Anil Walde, Adv.

Mr. K. K. Mohan, AOR

Mr. T. V. George, AOR

Mrs. Bina Gupta, AOR

Mr. Sunil Kumar Jain, AOR

Mr. Anandh Kannan N., AOR

Mr. Siddharth, AOR

Mr. R. Nedumaran, AOR
Ms. Sumita Hazarika, AOR
Mr. B. Balaji, AOR
Mr. Ashwani Kumar, AOR
Mr. Karan Bharihoke, AOR
Ms. Tulika Mukherjee, AOR
Mr. Shailesh Madiyal, AOR
Mr. Pashupathi Nath Razdan, AOR
Mr. M. R. Shamshad, AOR
Mr. Shibashish Misra, AOR
Ms. Asha Gopalan Nair, AOR
Mr. Naresh K. Sharma, AOR
Mr. Vinod Sharma, AOR
Mr. G. N. Reddy, AOR
Mr. Raghvendra Kumar, AOR
Mr. P. I. Jose, AOR
Mrs. Naresh Bakshi, AOR
Mr. Anuvrat Sharma, AOR
Mr. Naresh Kumar, AOR
Mr. K. Parameshwar, AOR
Ms. Kanti, Adv.
Mr. Chinmay Kalgaonkar, Adv.
Mr. Sahil Tagotra, AOR
Mr. Gaurav Agrawal, AOR
Mr. Aaditya Aniruddha Pande, AOR
Mr. Arun K. Sinha, AOR
Mr. V. N. Raghupathy, AOR

Mr. Siddhartha Chowdhury, AOR

Mr. G. Prakash, AOR

M/S. Plr Chambers And Co., AOR

Ms. Deepanwita Priyanka, AOR

Mr. Maibam Nabaghanashyam Singh, AOR

Mr. Santosh Krishnan, AOR

Mr. Milind Kumar, AOR

Mr. Gopal Singh, AOR

Mr. Ranjan Mukherjee, AOR

Mr. Kaushal Yadav, AOR

Mr. Vipin Nair, AOR

Mr. Sumeer Sodhi, AOR

Mr. Krishnanand Pandeya, AOR

Ms. K. Enatoli Sema, AOR

Mr. T. G. Narayanan Nair, AOR

Mr. Shail Kumar Dwivedi, AOR

Mr. Anil K. Jha, AOR

Ms. Astha Sharma, AOR

Mr. Nishe Rajen Shonker, AOR

Mr. Rana Ranjit Singh, AOR

M/S. Parekh & Co., AOR

Ms. Uttara Babbar, AOR

Mr. Malak Manish Bhatt, AOR

Mr. Kunal Chatterji, AOR

Mr. Merusagar Samantaray, AOR

M/S. Corporate Law Group, AOR

Ms. Ruchi Kohli, AOR

Ms. Preetika Dwivedi, AOR
Mr. Atul Sharma, AOR
Ms. Rachana Gandhi, Adv.
Mr. Rajiv Kumar Choudhry , AOR
Mr. Krishnayan Sen, AOR
Mr. Anil Shrivastav, AOR
Ms. Kamini Jaiswal, AOR
Mr. Radha Shyam Jena, AOR
Mr. Parijat Sinha, AOR
Mr. Narendra Kumar, AOR
Ms. A. Subhashini, AOR
Mr. Kamal Mohan Gupta, AOR
Mr. Prakash Kumar Singh, AOR
Mr. Satish Pandey, AOR
Mr. Samir Ali Khan, AOR
Mrs. D. Bharathi Reddy, AOR
Mr. Shuvodeep Roy, AOR
Mr. Sunil Kumar Verma, AOR
Ms. Binu Tamta, AOR
M/S. Arputham Aruna And Co, AOR
Mr. Aravindh S., AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Suwendu Suvasis Dash, AOR
Mr. Ashok Kumar Singh, AOR
Ms. G. Indira, AOR
Mr. Jatinder Kumar Bhatia, AOR
Mr. Vishnu Sharma, AOR

Mr. Nirnimesh Dube, AOR

Mr. Kamendra Mishra, AOR

Mr. Y. Raja Gopala Rao, AOR

Mr. Pradeep Misra, AOR

Ms. S. Janani, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Braj Kishore Mishra, AOR

Mr. Ardhendumauli Kumar Prasad, AOR

Mr. Sumeer Sodhi, AOR

Mr. Somesh Chandra Jha, AOR

Mr. Surender Kumar Gupta, AOR

Mr. Dilip Annasaheb Taur, AOR

Mr. Ranjan Kumar, AOR

Mr. Sanjeev Malhotra, AOR

Ms. Sakshi Kakkar, AOR

Mr. Gaichangpou Gangmei, AOR

Mr. Omprakash Ajitsingh Parihar, AOR

Mr. Ajay Kumar Singh, AOR

Sayaree Basu Mallik, AOR

Ms. Purnima Krishna, AOR

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**