

ITEM NO.15

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(s). 1867/2006

MALIK MAZHAR SULTAN AND ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS

Respondent(s)

(With appln.(s) for impleadment (I.A.NO.137) and reg.State of Karnataka, U.P., Bihar, Rajasthan, Calcutta, Delhi, Bombay, Punjab & Haryana and office report)

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

(With appln.(s) for vacation of *status quo* and appln.(s) for impleadment as party respondent Office Report)

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

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

Date : 14/07/2015 This appeal/petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE AMITAVA ROY

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Mr. Anil Kumar,Adv.

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

Mr.Rahul Chitnis, Adv.
Mr.Nishant R.katneswarkar, Adv.

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

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

Pursuant to the directions issued by us, the Registrar General(s)/Registrar(s)/Officer on Special Duty of the Delhi, Calcutta, Bombay, Patna, Punjab & Haryana and Karnataka High Courts were present.

We direct them to be present before the Court on 21st July, 2015 at 3.00 p.m.

In re : Delhi High Court :

From the affidavit filed by the Registrar General of the High Court of Delhi, what can be deduced is that insofar as the selection and appointment of the District Judges (Direct Recruits), recruitment process for recruitment of 14 vacancies was initiated some time in the month of December, 2013. However, the process is not yet complete.

Shri A.D.N. Rao, learned counsel appearing for the High Court, on instructions, would submit that the entire process will be completed within a month's time from today.

We place on record the statement of the learned counsel.

Insofar as the Limited Competitive Examination is concerned, the learned counsel has stated in his affidavit that

for 27 posts only 4 candidates had appeared in the examination. According to him, steps would be taken by the Court to fill up the remaining posts as early as possible.

Insofar as the promotional quota is concerned, the details are not furnished in the affidavit. However, learned counsel would submit that necessary steps would be taken up to fill up even those 10 vacancies in the promotional quota as early as possible.

Insofar as the Civil Judges (Jr. Division) is concerned, the sanctioned strength is 482. However, the working strength now is only 248. That means, there are nearly about 234 vacancies. It is stated that the recruitment process has commenced way back in the month of February, 2014 to fill up 80 posts. The reason for non-filling up the remaining vacancies is that the High Court does not have the proper infrastructure. We are amazed by the statement of the Registrar General in his affidavit. However, the affidavit does not indicate that though the posts were advertised some time in the month of February, 2014 to fill up the 80 posts of Civil Judges (Jr. Division), what further steps have been taken to complete the process. It is stated in the affidavit that in the Written Examination (Mains) only 15 candidates were found eligible but the dates for interviews are yet to be fixed.

In our opinion, prompt steps have to be taken by the High Court to advertise the posts, complete the Written Examination and also the interview as prescribed by this Court in *Malik Mazhar Sultan*, reported in (2008) 17 SCC 703.

We hope and trust that the High Court will strictly comply with the time schedule fixed by this Court in the aforesaid Judgment.

Insofar as the Civil Judges (Sr. Division) are concerned, Shri Rao, on instructions would state that the sanctioned strength of Civil Judges (Sr. Division) in the District Courts is 96 and the working strength is now only 46. He also states, on instructions, that necessary steps will be taken to fill up the vacancies as early as possible, keeping in view the time schedule fixed by this Court in *Malik Mazhar Sultan* (supra).

We hope and trust that necessary steps will be taken by the High Court to fill up all the existing vacancies.

List the matter on 21st July, 2015 at 3.00 p.m.

(G.V.Ramana)
AR-cum-PS

(Vinod Kulvi)
Asstt.Registrar