

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.1867 OF 2006

MALIK MAZHAR SULTAN AND ANR.

Appellant (s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., clarification of court's order dated 03/04/2006 and office report)

[For Directions]

With Civil Appeal No.1868 of 2006

(With office report)

Civil Appeal No.1869 of 2006

(With office report)

Civil Appeal No.1870 of 2006

(With office report)

Civil Appeal No.1871 of 2006

(With office report)

Civil Appeal No.1872 of 2006

(With office report)

Date: 27/11/2006 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

In CA 1867/2006:

Mr. Ejaz Maqbool,Adv.

Mr. Vikash Singh,Adv.

Ms. Taruna Singh,Adv.

Mr. Abhijeet Sinha,Adv.

In CA 1872/2006:

Mr. Shail Kumar Dwivedi,Adv.

Mr. G.V. Rao,Adv.

In CA 1868-71/2006:

Mr. C.D. Singh,Adv.

Mr. Merusagar Samantaray,Adv.

For Respondent(s) Mr. Lakshmi Raman Singh,Adv.

Mr. Debasis Misra,Adv.

Mr. Dharmendra Kumar Sinha,Adv.

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Mr. Arvind Kumar Tiwary,Adv.

Mr. Ranjan Dwivedi,Adv.

For Allahabad High

Mr. Ashok K. Srivastava,Adv.

Court:

Mr. Saurabh Trivedi,Adv.

Mr. K.K. Mohan,Adv.

For M.P. High Court: Mr. C.D. Singh,Adv.
Mr. Merusagar Samantaray,Adv.

For Uttar Pradesh: Dr. R.G. Padia,Sr.Adv.
Mr. Pradeep Misra,Adv.
Mr. T. Mahipal,Adv.

Mr. Kamlendra Mishra,Adv.

Mr. Prakash Kumar Singh,Adv.

Mr. S. Chandra Shekhar,Adv.

For High Court of Mr. Janaranjan Das,Adv.

Orissa: Mr. Swetaketu Mishra,Adv.

For Bombay High Court: Mr. Aniruddha P. Mayee,Adv.
Mr. Sanjeev Kumar Choudhary,Adv.
Mr. Sanjay Visen,Adv.

For Gujarat: Ms. Hemantika Wahi,Adv.
Ms. Pinky Behera,Adv.

For Tripura: Mr. Gopal Singh,Adv.
Mr. Rituraj Biswas,Adv.

For Bihar: Mr. Gopal Singh,Adv.
Mr. Nishakant Pandey,Adv.
Ms. Vimla Sinha,Adv.
Mr. Anukul Raj,Adv.

For West Bengal: Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sharma,Adv.

For Himachal Pradesh: Mr. J.S. Attri,AAG.

Mr. Vivek Singh,Adv.

For Arunachal Pradesh: Mr. Anil Shrivastav,Adv.
Ms. Smita Shankar,Adv.

For Assam: Ms. Momta Oniom,Adv.
for M/s. Corporate Law Group,Adv.

For Gauhati High Court: Mr. Vijay Hansaria,Sr.Adv.
Mr. P.I. Jose,Adv.
Mr. Anupam Mishra,Adv.
Ms. Sneha Kalita,Adv.
Ms. Deepti,Adv.
Ms. Ritu Bharadwaj,Adv.

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For Tamil Nadu and Pondicherry: Mr. V.G. Pragasam,Adv.
Mr. S. Vallinayagam,Adv.

For Mizoram: Mr. K.N. Madhusoodhanan,Adv.
Mr. R. Sathish,Adv.

For Goa: Ms. A. Subhashini,Adv.

For Manipur: Mr. Kh. Nobin Singh,Adv.
Mr. S. Biswajit Meitei,Adv.
Mr. Prashant Chaudhary,Adv.

For Jammu & Kashmir: Mr. Anis Suhrawardy,Adv.

For Chhattisgarh: Mr. Rajesh Srivastava,Adv.

Ms. Suparna Srivastava,Ad.

Ms. Pooja Matlani,Adv.

For Rajasthan High

Mr. Sunil K. Jain,Adv.

Court:

Mr. S. Borthakur,Adv.

For Punjab:

Ms. Avneet Toor,Adv.

Mr. Sanjay Jain,Adv.

for Mr. Arun Kumar Sinha,Adv.

For Rajasthan:

Mr. Aruneshwar Gupta,AAG.

Mr. Naveen Kumar Singh,Adv.

Mr. Mukul Sood,Adv.

Mr. Shashwat Gupta,Adv.

Ms. Shikha Tandon,Adv.

Mr. J.K. Bhatia,Adv.

Mr. R.S. Jena,Adv.

Mr. Siddharth Panda,Adv.

For Sikkim and

Mr. A. Mariarputham,Adv.

Delhi High Court: Ms. Aruna Mathur,Adv.

for Arputham, Aruna & Co.,Advs.

For Meghalaya:

Mr. Ranjan Mukherjee,Adv.

For Uttaranchal:

Ms. Rachana Srivastava,AAG.

For Karnataka:

Mr. Sanjay R. Hegde,Adv.

Mr. Anil K. Mishra,Adv.

Mr. Vikrant Yadav,Adv.

For Kerala:

Mr. G. Prakash,Adv.

Ms. Beena Prakash,Adv.

For Nagaland: Mr. U. Hazarika, Adv.
Mr. Satya Mitra, Adv.
Ms. Sumita Hazarika, Adv.

For Madhya Pradesh: Mr. B.S. Banthia, Adv.
Mr. Naveen Sharma, Adv.

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For N.C.T. of Delhi: Mr. R. Mohan, ASG.
Mr. Amarjit Singh, ASG.
Mr. S.W.A. Qadri, Adv.
Mr. R.C. Kathia, Adv.
Mr. D.S. Mahra, Adv.

For Maharashtra: Mr. S.S. Shinde, Adv.
Mr. V.N. Raghupathy, Adv.

For M/o Law & Justice: Mr. S.W.A. Qadri, Adv.
Mr. P. Parmeswaran, Adv.

For State of Haryana: Mr. Ajay Siwach, AAG.
Mr. Manjit Singh, AAG.
Mr. Harikesh Singh, Adv.
Mr. N. Rajaraman, Adv.
Mr. T.V. George, Adv.

For Punjab & Haryana
High Court: Ms. Nidhi Gupta, Adv.
Mr. Vinod Shukla, Adv.
Mr. Deepak Goel, Adv.
Ms. S. Janani, Adv.

For Sikkim High Court: Mr. Vishnu Sharma, Adv.

For Andhra Pradesh:

Ms. D. Bharathi Reddy, Adv.

Mr. P. Vinay Kumar, Adv.

Ms. Sneha Bhaskaran, Adv.

Mr. P.H. Parekh, Adv.

Mr. Ajay K. Jha, Adv.

Mr. Deeksha Rai, Adv.

For Calcutta High

Mr. Neeraj Gupta, Adv.

Court:

Mr. Raja Chatterjee, Adv.

Ms. Elian Muhury, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay in dispensation of justice, particularly in courts subordinate to the High Courts, has been one of the main concern of the justice delivery system in the country. One of the cases repeatedly pointed out is delay in filling up of the vacancies. In All India Judges Association vs. Union of India (2002 (4) S.C.C. 247) decided on 21st March, 2002, it was observed that if sufficient number of judges are not appointed, justice would not be available to the people and, therefore, it was directed that the existing vacancies in the subordinate courts at all levels should be filled, if possible, latest by 31st March, 2003, in all the States. Again, the delay in filling up of vacancies was highlighted by the judgement in the

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present case pronounced on 3rd April, 2006. It has been observed that it is absolutely necessary to evolve a mechanism to speedily determine and fill vacancies of judges at all levels. It has further been observed that adherence to strict time schedule to ensure timely filling up vacancies is necessary. Large number of vacancies still exist in various subordinate courts.

We have, before us, the responses of most of the State Governments, Union Territories and the High Courts. On the basis of those responses, Mr. Vijay Hansaria, learned senior counsel, who is assisting this Court as an amicus curiae, has filed written submission on the proposed directions to be issued which written submission has annexed the proposed time schedule for filling up of the vacancies in the cadre of the District Judge as also the cadre of Civil Judge (Senior Division) and Civil Judge (Junior Division). Before we issue final directions in the matter, we deem it appropriate to consider the views of the State Governments, Union Territories and the High Courts on the proposal of the learned amicus curiae. The written submission with all its annexures giving out the proposed time schedule shall be sent forthwith to all the High Courts, State Governments and the Union Territories. The response/suggestion, if any, shall be filed in this Court latest by 15th December, 2006.

Copies of the responses received shall be supplied to Mr. Vijay Hansaria, learned amicus curiae, by the Registry.

List this matter for hearing and issue of final directions in the first week of January, 2007.

A.R.-cum-P.S.

Assistant Registrar