

ITEM NO.32

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  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.1867/2006

MALIK MAZHAR SULTAN & ANR.

Appellant(s)

VERSUS

U.P. PUBLIC SERVICE COMMISSION THROUGH  
ITS SECRETARY & ORS.

Respondent(s)

(With appln.(s) for appropriate orders/directions, clarification/  
direction and extension of time)

WITH S.M.W.(C) No.1/2017 (PIL-W)  
S.M.W.(C) No.2/2018 (PIL-W)

Date : 08-11-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT

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

Re: State of Karnataka (High Court of Karnataka)

I. District Judge/Higher Judicial Service

We have heard Shri K.V. Viswanathan, learned Amicus Curiae and Mr. Rajendra Badamkar, Registrar General of the Karnataka High Court, who is present in-person.

The chart prepared by learned Amicus Curiae has been duly considered.

From the materials placed on record, it transpires that against the advertisement dated 1<sup>st</sup> January, 2019, 9 candidates were recommended out of which 4 have been appointed on 24<sup>th</sup> October, 2019. The remaining 5 candidates cannot be appointed on account of being in-service candidates and their eligibility issue being pending before this Court in S.L.P.(C) No.14156 of 2015 [*Dheeraj Mor vs. Hon'ble High Court of Delhi*].

So far as the promotion by LCE is concerned, 4 eligible candidates have been selected and the process of appointment, we are told, will be completed by the end of December, 2019. For the remaining 14 vacancies, as on date there are no eligible candidates who have completed 5 years of service.

So far as regular promotion is concerned, out of 20 vacancies 5 have been filled up and for the remaining 15 vacancies, as on date there are no eligible candidates who have completed 5 years of qualifying service. The Registrar General who is present in-person has submitted that by the end of January, 2020, 88 Civil Judge would have completed 5 years of service and, therefore, would become eligible for being considered for promotion to the cadre of District Judge either under LCE or by way of regular promotion. The Chief Justice of the High Court is requested to ensure that the Annual Confidential Report (ACR) and all other service records of these 88 officers are made ready so that process of consideration of the suitable candidates from these 88, who would become eligible in January, 2020 for promotion, can be initiated and completed as early as possible and, in any case, within the time schedule stipulated by this Court in *Malik Mazhar Sultan* case.



**II. Civil Judge (Senior Division)**

So far as the cadre of 6 Civil Judge (Senior Division) is concerned, it appears that there are 101 vacancies. The learned Registrar General of the High Court has submitted that the promotional process is under way and he expects the same to be completed by the end of January, 2020. The Chief Justice of the High Court is requested to ensure completion of the said process on or before the said date.

**III. Civil Judge (Junior Division)**

So far as the cadre of Civil Judge (Junior Division) is concerned, written examination for filling up of 56 vacancies is scheduled to be held on 9<sup>th</sup> and 10<sup>th</sup> November, 2019. Thereafter, the process of appointment be taken forward and completed within the time schedule laid down by this court in *Malik Mazhar Sultan* case.

So far as the support staff and infrastructure is concerned, we have perused the note submitted by the learned Amicus Curiae in consultation with the Registrar General of the High Court. We direct the State Government to take the same on record and provide the man power and complete the infrastructural projects within the time frame as has been indicated in the note of the learned Amicus Curiae. The State Government will initiate the process and take necessary action in this regard at the earliest.

Re: State of Kerala (High Court of Kerala)

**I. District Judge/Higher Judicial Service**

So far as the cadre of District Judge is concerned, there are 10 vacancies, 5 of which are to be filled by direct

recruitment. We are told that the process of the direct recruitment has been initiated. The same be completed as per the schedule laid down by this Court in *Malik Mazhar Sultan case*.

Insofar as the remaining 5 vacancies are concerned, the same are to be filled up by regular promotion. A decision has been taken to treat the same in the quota of regular promotion as no candidates are available who would have qualified the LCE. We are told that preparation of panel of officers against these 5 vacancies is under way and is likely to be completed by the end of December, 2019. The Chief Justice is requested to look into the matter and ensure that the process is completed within the time frame fixed.

## II. Munsiff

Insofar as 2 vacancies in the cadre of Sub-Judge is concerned, we have been assured by Mr. Venu Karunakaran, Registrar (Vigilance) of the Kerala High Court, who is present in the Court, that the said process is under way and will be completed by the end of January, 2020. Ordered accordingly.

## III. Munsiff Magistrate

So far as the cadre of Munsiff Magistrate is concerned, we are told that out of 65 vacancies, 31 officers have been appointed and are undergoing training in the Kerala Judicial Academy. Remaining 34 vacancies have been notified and the main written examination has been held and presently evaluation of the answer scripts is going on. Shri K.V. Viswanathan, learned Amicus Curiae and the Registrar General (Vigilance) of the High Court has assured that the said process will be completed by the end of 31<sup>st</sup> December, 2019. The Chief Justice of the High Court is requested to ensure completion of the said selection process on or before

31<sup>st</sup> December, 2019, which will be followed by appointments, subject to police verification within next 30 days i.e. by the end of January 2020.

The prayer made in the interlocutory application i.e. I.A. No.162576/2019, filed on behalf of the State of Kerala, is rejected.

So far as the support staff and infrastructure is concerned, we have perused the note/report dated 5<sup>th</sup> November, 2019, submitted by the learned Amicus Curiae. We direct the State Government to take the same on record and provide the man power and complete the infrastructural projects within the time frame as has been indicated in the note of the learned Amicus Curiae. The State Government will initiate the process and take necessary action in this regard at the earliest.

(Chetan Kumar)  
A.R. - cum - P.S.

(Anand Prakash)  
Court Master