

CHIEF JUSTICE'S COURT

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

COURT NO.1**SUPREME COURT OF INDIA****RECORD OF PROCEEDINGS****I.A. NO. 230675/2025 IN W.P. (C) NO. 1022/1989****ALL INDIA JUDGES ASSOCIATION & ORS****Appellant(s)****VERSUS****UNION OF INDIA & ORS.****Respondent(s)**-----
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1 **10:30 AM**

2 **CHIEF JUSTICE B.R. GAVAI:** In the beginning, we have framed the issue. The instant
3 Interlocutory Application seeks to revisit the principle governing the determination of
4 seniority within the cadre of Higher Judicial Services of all the states. We have addressed the
5 history of various judgements of *inter se* conflict between the Direct Recruits, the Promotees
6 and after the 1992 judgement, the 2002 judgement about the LDCE [UNCLEAR]. We have
7 referred to a quote from the first All India Judges Association. "Judges do not have an easy
8 job. They repeatedly do what the rest of us seek to avoid, make decisions."

9 Conclusions, before proceeding any further, we consider it to oppose, to record the caveat that
10 the guidelines imposed herein are not tended to adjudicate or resolve any *inter se* seniority
11 dispute amongst the regular Promotees, the LDCE and the Direct Recruits. What we seek to
12 lay down are general and mandatory guidelines, which shall henceforth be incorporated into
13 the respective statutory services governing the determination of *inter se* seniority amongst
14 Officers appointed from different sources to the Higher Judicial Services. Likewise, the
15 directions issued herein shall not be construed as an avenue to reopen or unsettle *inter se*
16 seniorities that have already been determined between the Officers appointed from the
17 different sources of recruitment. It is further clarified that in such directions, as well as in the
18 judgement in toto, are being issued considering the issue as on date, and may require
19 reconsideration upon observing the ultimate impact and effect of the decisions rendered by
20 the Constitution Bench in **Rejanish K.V.** and the sixth **All India Judges' Association**.
21 Besides from being mindful of the fact that the *inter se* position amongst the regular
22 Promotees, the LDCEs and Direct Recruits is likely to undergo a substantial change in due
23 course in light of the opposing decisions, such alternate circumstances may associate a review,
24 modification or recall of the present direction.

25 In this when we deem it appropriate to invoke all powers under Article 142 of the Constitution,
26 to record the following conclusions and issue the *inter se* direction. The pursued
27 discontentment and heartburn without something more in the form of a legal claim, illegal
28 desire, or at least a legitimate expectation, cannot result in creating an artificial classification
29 of members within the cadre. That the statistical data is discarded and does not provide the
30 substantial basis to find such discontentment and heartburn of regular Promotees in the HJS
31 to be justified. That there is no common malady of disproportionate representation of Direct
32 Recruits in the HJS such that it is diminishing the prospects of financial upgradation for
33 designation as Principal District Judge to the Promotees, which affect the country as a whole
34 or make it imperative for this Court to resolve it by giving a preference to the regular
35 Promotees and LDCEs.

Transcribed by TERES

1 That the data put forth in many States indicate a prevalence or equivalence of regular
2 Promotees in HJS and key positions which is natural since their ratio is three fourth of the
3 total force in the cadre. Thereon, the entry into a common cadre from different sources and
4 assignment of seniority as per the annual roster, the incumbents lose their birthmark of the
5 source from which they are recruited. That fixation in the selection grades and super time scale
6 within the HJS is based on the merit cum seniority within the cadre and cannot depend upon
7 the length of service or performance in the lower rungs of the judiciary. The latter loses its
8 significance after RPs and LDCEs by its virtue are incorporated into the HJS. Reliance on it
9 does not solve the object of efficient administration of justice and is counterproductive.

10 That the length of performance as a Civil Judge also does not constitute an intelligible
11 differentia to classify incumbents with the common cadre of a District Judge and the
12 classification made in **Triloki Nath Khosa** by a Constitution Bench of this court on the basis
13 of educational qualification, ranks on a different footing.

14 The individual career aspirations are a normal incidence of service accentuated only by better
15 performance. They are not connected to the objective of an independent and strengthened
16 judiciary and cannot guide the shape of the rules of seniority.

17 That sufficient accelerated opportunities are provided for members of the judicial service
18 entering into lower ranks for career advancement as provided by the Constitution Bench in
19 **Rejanish K.V.**, enabling the recurring of their service for direct recruitment to HJS, and by
20 the sixth **AIJA**, facilitating fast track promotions to Civil Judge Senior Division and the HJS
21 through reduction in the minimum period of service.

22 That the seniority of officers within the HJS shall be determined through an annual four-point
23 roster filled in by all officers appointed in the particular year in the repeating sequence of two
24 RPs, one LDC, and one DR. If only the recruitment process is completed within the year after
25 which it was initiated and no other appointment from any of the three sources have already
26 taken place in respect of the recruitment initiated for that subsequent year, shall the officer
27 belatedly, so appointed be entitled to seniority as per the roster of the new year or the roster
28 of the year in which recruitment was initiated.

29 That if the recruitment process is not initiated for vacancies arising in a given year, in the same
30 year, the candidates filling such vacancies and subsequent recruitment shall be granted
31 seniority within the annual roster of the year in which the recruitment process is finally
32 concluded and appointment is made. After the recruitment of Direct Recruits and LDCE is
33 complete for a particular year, the positions falling in their quota that prevent unfit

1 recruitment due to lack of suitable candidates, shall be filled through RPs, subject to such RPs
2 being placed only on subsequent RP positions in the annual roster, and the vacancies in the
3 subsequent year shall be computed so as to apply the proportion of 50:25:25 to the entire
4 cadre.

5 That the statutory rules governing the HJS, the respective State in consultation with the High
6 Courts shall prescribe the exact modality of the annual roster and how the directions of this
7 judgement shall be implemented. The respective State, Union Territory, administration are
8 hereby also directed to undertake appropriate amendment to their respective statutory rules
9 in consultation with the High Court to bring them in consonance with the guidelines let down
10 in this judgement within a period of three months. The questions framed by us is thus
11 answered in the above [UNCLEAR] stand disposed of. I.A. number so and so and so and so
12 also stand disposed of."

13 I am grateful to all of you for your valuable assistance. I am grateful to all my learned brothers,
14 particularly one of us who has taken pains to write it down. So to honour his wish to...

15 **VIBHA DATTA MAKHIJA:** We are grateful for the judgement [UNCLEAR] and good
16 guidance. We held our briefs but Your Lordships, the result is a very balanced process which
17 we will see and especially...

18 **CHIEF JUSTICE B.R. GAVAI:** I don't know what will happen in a couple of years. So that's
19 why we observed that...

20 **P.S. PATWALIA:** Very grateful, very grateful, very grateful.

21 **VIBHA DATTA MAKHIJA:** Thank you.

22

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24 <<<<END OF DAY'S PROCEEDINGS>>>

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