

ITEM NO.26

COURT NO.4

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 14156/2015

(Arising out of impugned final judgment and order dated 19-02-2015
in WPC No. 9303/2014 passed by the High Court Of Delhi At New
Delhi) DHEERAJ MOR Petitioner(s)

VERSUS HONBLE HIGH COURT OF DELHI

Respondent(s)

WITH

W.P. (C) No. 414/2016 (X) (FOR
CLARIFICATION/DIRECTION ON IA 91662/2018)

W.P. (C) No. 423/2016 (X) (FOR
CLARIFICATION/DIRECTION ON IA 99554/2018)

Date : 24-07-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

Counsel for the
parties

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Mr. R. C. Kaushik, AOR

Mr. Ravindra S. Garia, AOR

Mr. Hihmanshu Sharma, Adv.

Ms. Archana Pathak Dave, Adv.

(in I.A.D.No. 91139 of 2018

in SLP (C) No. 14676 of 2015)

For Respondent(s)

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

IA 91662/2018, IA 99554/2018, I.A.NO.91043/2018 in W.P.(C) 405/2016
(Taken on Board), I.A.No. 94880/2018 in T.P.(C) No. 272 of 2018
(Taken on Board), I.A.D.No. 91139 of 2018 in SLP (C) No. 14676 of
2015 (Taken on Board)

The petitioners/interveners/applicants in these cases have been permitted to participate in the selection for appointment to the Higher Judicial Services in the respective States, while serving as Civil Judges. It is prayed that the selection process may be taken to its logical conclusion, making it subject to the result of the writ petitions.

In Writ Petition No. 316 of 2017, a Coordinate Bench of this Court passed the following order on 10.05.2018 :-

"The larger question arising from the issue whether the Judicial Officer who has already completed seven years in Bar being recruited for subordinate judicial services would be entitled for appointment as Additional District Judge against the bar vacancy is pending consideration before the Constitution Bench in SLP (C) No. 14156/2016. Thus, this matter would be tagged with that Writ Petition so far as the main matter is concerned.

Now turning to the interim relief in the present matter, we must take note of the fact that there is great paucity of Judicial Officers. Petitioner No. 2 has qualified in the written examination and interview. If the petitioner ultimately fails, he would be entitled to continue as a Judicial Officer in the Subordinate Judicial Service. However, if he succeeds, then petitioner No. 2 would be entitled to be permanently absorbed in the Higher Judicial Services.

In view of the aforesaid position, we are of the view that the High Court may proceed to appoint petitioner No. 2 to the Higher Judicial Services without his resigning from the Subordinate Judicial Service and subject to the result of the Constitution Bench."

Having heard the learned counsel appearing for the applicants/interveners/petitioners and also the learned counsel appearing for the High Courts, we are of the view that a similar approach can be adopted in these cases also.

All the applicants/interveners/petitioners who have been declared successful in the written examination (if their results have not been announced, the same would be announced provisionally) shall be entitled to an order on similar lines.

In view of the above, the interlocutory applications are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR