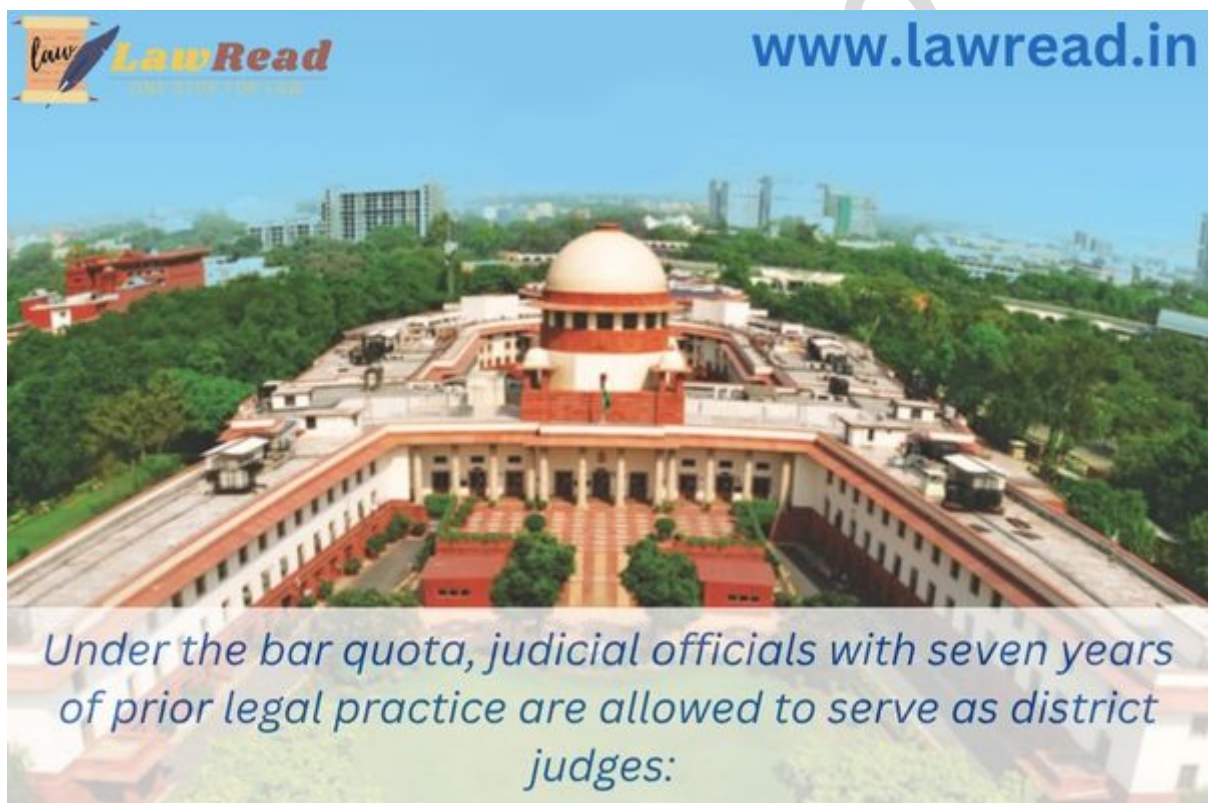


News

Under the bar quota, judicial officials with seven years of prior legal practice are allowed to serve as district judges:



The Supreme Court

It had been requested that it be declared that judicial officials who had served for seven years at the Bar before being appointed would be eligible to be appointed as district judges through direct recruitment.

A judicial officer who has seven years of legal experience before entering the judicial service is eligible to be appointed as a district judge under the Bar quota, the Supreme Court said on Thursday.

A bench consisting of **Justices MM Sundresh, Aravind Kumar**, Satish Chandra Sharma, and K Vinod Chandran, as well as Chief Justice of India (CJI) **BR Gavai**, rendered the decision.

The Court reversed its 2020 decision in the Dheeraj Mor case, in which a three-judge panel had disqualified judges from applying under the bar quota.

The Court mandated that state governments create regulations for the direct hiring of judicial officers or in-service applicants for district judge positions after consulting with the High Courts.

The Court further decided that a judicial officer who has served as a judge and a lawyer for seven years combined would be qualified for direct recruitment to the district judiciary.

Justice K Vinod Chandran and Satish Chandra Sharma

After hearing a review appeal against a previous ruling that upheld High Court regulations prohibiting judicial officers from staking their claim against the positions designated for direct recruitment from the bar, a three-judge bench referred the case to a Constitution Bench on August 12.

In addition to the review petitions, numerous writ petitions and special leave petitions were filed, requesting a declaration that, in accordance with Article 233(2) of the Constitution, judicial officers who have served for seven years at the bar before joining the bar would be eligible to be appointed as district judges through direct recruitment.

According to the law, an individual who is not currently employed by the Union or a State may only be appointed as a District Judge upon recommendation from the High Court and after gaining at least seven years of experience as an advocate or pleader.

The Court is considering the following four questions:

(i) Would a judicial officer who has served seven years at the bar and has been hired for lower-level judicial functions be eligible to be appointed as an Additional District Judge in lieu of a bar vacancy?

(ii) Does the eligibility for a District Judge position need to be verified at the time of application, at the time of appointment, or both?

(iii) Does Article 233(2) of the Indian Constitution specify any requirements for a person already serving in the Union or State judicial system to be appointed as a District Judge?

(iv) Would someone who has served as a civil judge for seven years, an advocate and civil judge for seven years combined, or more than seven years be qualified to be appointed as a district judge under Article 233 of the Indian Constitution?