

ITEM NO.301

COURT NO.1

SECTION PIL-W

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

SMW(C)No(s).000001/2017

IN RE CENTRAL SELECTION MECHANISM FOR SUBORDINATE JUDICIARY

(THE INSTANT MATTER IS TO BE LISTED ON 10.07.2017 AT 3.00 P.M VIDE COURT'S ORDER DATED 09.05.2017)

Date : 10-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Parties

For UOI

Mr.Ranjit Kumar, SG  
Mr.R.Balasubramaniam, Adv.  
Mr.Prabhas Bajaj, Adv.  
Ms.Aarti Sharma, Adv.  
Ms.Swarupama Chaturvedi, Adv.  
Ms.Beenu Tamta, Adv.  
Ms.Rashmi Malhotra, Adv.  
Mr.Mukesh Kumar Maroria, AOR  
Mr.Shreekant N. Terdal, AOR

For State of  
Jharkhand

Mr.Ajit Kumar Sinha, Sr.Adv.  
Mr.Gopal Prasad, Adv.  
Ms.Reeta Kumari Gupta, Adv.

For State of H.P.

Mr.D.K.Thakur, AAG  
Mr.V.K.Sharma, Adv.

For State of  
Haryana

Mr.Anil Grover, AAG  
Ms.Noopur Singhal, Adv.  
Mr.Sanjay Kr.Visen, Adv.

Mr.Gopal Singh, Adv.  
Mr.Manish Kumar, Adv.  
Mr.Shreyas Jain, Adv.  
Mr.Rituraj Biswas, Adv.

Mr.Tapesh Kumar Singh, Adv.  
Mohd.Waquas, Adv.  
Mr.Kumar Anurag Singh, Adv.

For State of Mah. Mr.Nishant Ramakantrao Katneshwarkar, AOR

For State of Orissa Mr.Som Raj Choudhury, AOR

Ms.Aruna Mathur, Adv.  
Mr.Avneesh Arputham, Adv.  
Ms.Anuradha Arputham, Adv.  
For M/s Arputham Aruna And Co., AOR

For State of T.N. Mr.M. Yogesh Kanna, Adv.  
Ms.Nithya Srinivasan, Adv.  
Ms.Mahalakshmi, Adv.  
Mr.Parthasarathy, Adv.

For State of J&K Mr.M.Shoeb Alam, Adv.  
Ms.Fauzia Shakil, Adv.  
Mr.Ujjwal Singh, Adv.  
Mr.Mojahid Karim Khan, Adv.

For State of Nagaland Mr.Edward Belho, AAG  
Mrs.K.Enatoli Sema, Adv.  
Mr.Amit Kumar Singh, Adv.  
Mr.K.Luikang Michael, Adv.  
Ms.Elix Gangmei, Adv.  
Mr.Z.H.Isaac Haiding, Adv.

For UT of Andaman & Nicobar Admn. Mr.K.V.Jagdishvaran, Adv.  
Mrs.G.Indira, Adv.  
Mr.J.Hillson Angam, Adv.

For State of Manipur Mr.Sapam Biswajit, Adv.  
Mr.Naresh Kumar Gaur, Adv.  
Mr.Ashok Kr.Singh, Adv.

For State of Tripura Mr.Gopal Singh, Adv.  
Mr.Rituraj Biswas, Adv.

For State of Bihar Mr.Gopal Singh, Adv.  
Mr.Manish Kumar, Adv.  
Mr.Shreyas Jain, Adv.

For Govt. of Puducherry Mr.V.G.Pargasam, Adv.  
Mr.S.Prabu Ramasubramanian, Adv.

For State of Karnataka Mr.V.N.Raghupathy, Adv.

For High Court of Meghalaya Mr.Sanjai Kumar Pathak, Adv.  
Mr.Satya Veer Singh, Adv.

For High Court of Rajasthan Mr.Arunav Patnaik, Adv.  
Ms.Kanika Singh, Adv.

For State of Goa      Mr.Jai A.Dehadrai, Adv.  
                                 Mr.S.S.Rebello, Adv.  
                                 Ms.Manisha Ambwani, Adv.  
                                 Ms.Shivangini Gupta, Adv.

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

1.            The instant exercise has been initiated in furtherance of a communication dated 28.04.2017, received from the Department of Justice, Government of India. In continuation of the above communication, the Union of India, as also, all the State Governments (including Union Territories) were duly served. This position stands noticed in the motion bench order dated 09.05.2017. In compliance of the direction given in the motion bench order dated 09.05.2017, 21 different High Courts have submitted their comments. Three of the above High Courts, including the High Courts of Guwahati, Jammu and Kashmir and Punjab and Haryana have sought further time. The High Courts of Andhra Pradesh, Uttarakhand, Kerala and Gujarat have expressed some reservations. So as to effectively conclude the matter one way or the other, the Registrar Generals of the High Courts, who have expressed reservations, may submit details thereof, and such of the High Courts who have sought further time may also finalise their views, and place the same for the consideration of this Court. The above exercise may be carried out, before the next date of hearing.

2.            Before parting with this order, we consider it essential to record, that the exercise being carried out by this Court, would not affect the rules and regulations, as are presently in vogue in

different States, with regard to appointments. The selection process will also be carried out substantially in consonance with the prevalent rules and in case the regional subject has been provided for under the prevailing rules, an examination may be conducted therefor as well. Even the reservation policy, as it obtains in the different States, shall be maintained.

3. The instant exercise is only for centralising the selection process, so as to make the recruitment a regular recurring feature, which would result in filling up judicial vacancies at the earliest, through a time bound mechanism. Since the process of selection is proposed to be centralised, it would, if implemented, allow a candidate to apply for more than one States, through a singular selection process.

4. Mr.Arvind Datar, learned senior counsel, is appointed as an amicus curiae, to assist this Court. The Registry is directed to furnish the entire paperbook to the learned amicus curiae, within one week from today. Likewise, a similar set be also furnished to Mr.Ranjit Kumar, learned Solicitor General.

5. Post for consideration on 28.07.2017, at 3.00 P.M., unless otherwise notified.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RENUKA SADANA)  
ASST.REGISTRAR