

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE  
**RAJYA SABHA**  
**UNSTARRED QUESTION No. 122**  
ANSWERED ON THURSDAY, THE 20.07.2023

**Appointment of Judges through competitive examination**

122. Dr. Ameer Yajnik:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) State-wise details of advocates who have been appointed as Judges of the High Court or the Supreme Court during the last five years along with their selection criteria;
- (b) whether it is a fact that there is no competitive examination for the selection of High Court Judges like that of the lower court judges, if so, whether Government is planning to consult the Apex Court for conducting competitive examination, if not, the reasons therefor; and
- (c) the details of High Court or Supreme Court Judges who have been promoted from District Court?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE  
(SHRI ARJUN RAM MEGHWAL)**

- (a) to (c): Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India and as per the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case).

As per the selection criteria which has been enshrined under Article 124(3) of the Constitution of India, a person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and (a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or (b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or (c) is, in the opinion of the President, a distinguished jurist. Also, as per

Article 217(2) of the Constitution of India a person shall not be qualified for appointment as a Judge of a High Court unless he is a citizen of India and (a) has for at least ten years held a judicial office in the territory of India; (b) has for at least ten years been an advocate of a High Court or of two or more such Courts in succession.

There is no proposal to introduce a competitive examination for selection of High Court Judges as the procedure as per the Constitutional provisions is being followed.

The number of Advocates and District Judges appointed as Judges in the Supreme Court and High Courts during the last five years is attached herewith as **Annexure**.

\*\*\*\*\*

## Annexure

### Statement showing the number of Advocates and District Judges in the Supreme Court and High Courts appointed during the last five years (From 01.01.2019 till 17.07.2023)

	Supreme Court/High Court	Bar	Service	Total
<b>A.</b>	<b>Supreme Court</b>	<b>33</b>	<b>-</b>	<b>33</b>
<b>B.</b>	<b>High Court</b>			
1	Allahabad	29	24	53
2	Andhra Pradesh	14	13	27
3	Bombay	22	22	44
4	Calcutta	09	22	31
5	Chhattisgarh	03	04	07
6	Delhi	13	13	26
7	Gauhati	06	08	14
8	Gujarat	12	12	24
9	Himachal Pradesh	03	02	05
10	J & K and Ladakh	05	06	11
11	Jharkhand	02	05	07
12	Karnataka	21	15	36
13	Kerala	11	09	20
14	Madhya Pradesh	07	16	23
15	Madras	14	17	31
16	Manipur	01	01	02
17	Meghalaya	01	-	01
18	Orissa	09	04	13
19	Patna	12	09	21
20	Punjab & Haryana	24	15	39
21	Rajasthan	10	18	28
22	Sikkim	-	-	-
23	Telangana	09	18	27
24	Tripura	-	01	01
25	Uttarakhand	02	02	04
	<b>Total</b>	<b>239</b>	<b>256</b>	<b>495</b>