

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**  
**STARRED QUESTION NO. 45**

ANSWERED ON 25.07.2024

**VACANT POSTS OF JUDGES IN HIGH COURT OF GUJARAT**

45 # SHRI SHAKTISINH GOHIL :

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

- (a) the number of vacant posts of judges in High Court of Gujarat as on 1st June, 2024;
- (b) the number of references received by Government from the Collegium of Supreme Court in the last three years with regard to judges;
- (c) the number of references, out of these, still pending with Government; and
- (d) by when Government will clear these pending references?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (d): A statement is laid on the Table of the House.

**Statement referred to in reply to parts (a) to (d) of Rajya Sabha Starred Question No. 45# due for answer on 25.07.2024 regarding “Vacant posts of judges in High Court of Gujarat”.**

(a) to (d): As on 01<sup>st</sup> June, 2024 against the sanctioned strength of 52 Judges, 29 Judges were working and there were 23 vacancies in the Gujarat High Court.

2. On the basis of the recommendations of the Supreme Court Collegium (SCC), 29 Supreme Court Judges and 406 High Court Judges were appointed between 01.01.2021 and 22.07.2024. During the same period, 03 Chief Justices of India and 60 Chief Justices of High Courts were appointed. Besides, 235 Additional Judges were made Permanent in various High Courts and 74 Judges were transferred from one High Court to another.

3. The recommendations of the SCC which are under process as on 22.07.2024 are as follows:

<b>Sl. No.</b>	<b>Description</b>	<b>Number(s)</b>
1.	Appointment of Judges in High Courts	<b>68</b>
2.	Appointment of Chief Justices of High Courts	<b>07</b>
3.	Proposal for transfer of Chief Justices of High Courts	<b>01</b>
4.	Proposal for transfer of Judges of High Courts	<b>05</b>

4. The Judges of the Supreme Court and High Courts are appointed under Article 124, 217 and 224 of the Constitution of India and according to 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).

5. As per the MoP, the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court. For appointments to the High Courts, under the MOP, the views of concerned State Government are also obtained. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State

Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

6. Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. While it is of utmost importance that the appointments are made expeditiously, at the same time it is also important to ensure that only the most suitable candidates are appointed as Judges in the High Courts under the collaborative process.

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