

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1230

ANSWERED ON 05/12/2024

VACANCIES IN THE HIGH COURTS

1230. SHRI AKHILESH PRASAD SINGH:

Will the Minister of *Law and Justice* be pleased to state:

- (a) the number of vacancies in various High Courts in the country as on 30th June, 2024 vis-a-vis the sanctioned strength with details, High Court-wise;
- (b) the number of these vacancies which are more than 6 months old, more than 1 year old or more , High Court-wise;
- (c) the reasons for not filling the vacancies for such a long time; and
- (d) the efforts that are being made to ensure filling of vacancies on time?

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): High Court wise vacancies as on 30th June, 2024 is at **Annexure**.

(b) to (d): Vacancies of Judges in High Courts keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the sanctioned strength of Judges. Since May, 2014, the Government has increased the sanctioned strength of High Court Judges from 906 to 1122 (as on date), and 64 Judges have been appointed in the Supreme Court and 999 Judges have been appointed in various High Courts.

Appointment of Judges to High Courts is made under Articles 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). 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. As per the MoP, the High Courts are required to make recommendations at least 06 months before the occurrence of a vacancy. However, this time limit is rarely observed. For appointments to the High Courts, the views of concerned State Government are obtained in accordance with the MoP. 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. Appointment of Judges in the higher judiciary 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. Hence, the time needed for filling up of vacancies of the Judges in the higher Judiciary cannot be indicated. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

**Statement showing Sanctioned strength and Vacancies of Judges in the High Courts
(As on 30.06.2024)**

Sl. No.	High Court(s)	Sanctioned Strength	Vacancies
1	Allahabad	160	74
2	Andhra Pradesh	37	8
3	Bombay	94	28
4	Calcutta	72	27
5	Chhattisgarh	22	7
6	Delhi	60	21
7	Gauhati	30	6
8	Gujarat	52	23
9	Himachal Pradesh	17	5
10	J & K and Ladakh	17	1
11	Jharkhand	25	6
12	Karnataka	62	12
13	Kerala	47	6
14	Madhya Pradesh	53	16
15	Madras	75	11
16	Manipur	5	1
17	Meghalaya	4	0
18	Orissa	33	12
19	Patna	53	19
20	Punjab & Haryana	85	31
21	Rajasthan	50	18
22	Sikkim	3	0
23	Telangana	42	14
24	Tripura	5	0
25	Uttarakhand	11	4
	Total	1114	350