

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 3790

ANSWERED ON 03.04.2025

VACANCIES IN VARIOUS COURTS

3790. SHRI SANJAY KUMAR JHA:

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

- (a) current status of judicial vacancies in Indian Courts, specifically in the High Courts and Trial Courts and outline the measures being taken to fill these vacancies on a permanent basis;
- (b) in light of the recent Supreme Court ruling allowing the appointment of ad-hoc judges in High Courts, whether Government will explain the manner in which this measure will address the growing backlog of cases and whether it plans to prioritize the permanent filling of vacant judicial positions; and
- (c) the measures Government is planning to ensure that vacancies are filled permanently?

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 (c): As on 28.03.2025, against the sanctioned strength of 1122 Judges, 767 Judges are working and 355 posts of Judges are vacant in various High Courts. Against these vacancies, 150 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium. The recommendations against 205 vacancies are yet to be received from the High Court Collegiums. The details of the vacancies of Judges in various High Courts are at Annexure-I.

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. 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 are also required 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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

Article 224A of the Constitution provides for appointment of retired Judges at sittings of High Courts. The Supreme Court vide judgment dated 20.04.2021 in W.P. (C) No. 1236 of 2019 had stipulated guidelines for such appointments. A Supreme Court Bench vide its order dated 30.01.2025 has partially amended the aforesaid judgment dated 20.04.2021 and has inter-alia directed that each High Court may take recourse to Article 224A of the Constitution of India for appointment of ad-hoc Judges, between 2 and 5 in number but not exceeding 10% of the sanctioned strength of the High Court.

As per the Supreme Court order dated 30.01.2025, the ad-hoc Judges will sit in a Bench presided over by a sitting Judge of the High Court and will decide pending criminal appeals. The procedure for appointment of ad-hoc Judges, as given in the Memorandum of Procedure (MoP) for appointment of High Court Judges would be applicable.

Filling up of vacant positions of the judicial officers in District and Subordinate courts is the responsibility of the High Courts and State Governments concerned. As per the Constitutional framework, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government in consultation with the High Court frames the rules and regulations regarding the appointment and recruitment of Judicial Officers. The Hon'ble Supreme Court vide order passed in January 2007 in the Malik Mazhar Sultan case, has

inter-alia, stipulated certain timelines, which are to be followed by the States and the respective High Courts for recruitment of judges in District and Subordinate Courts.

The details regarding the sanctioned strength, working strength and vacancy position of the judicial officers in District and Subordinate court, State/UT-wise, including the State of Jharkhand are at **Annexure-II**.

ANNEXURE-I**(As on 28.03.2025)**

Sl. No.	Name of High Court	Sanctioned Strength	Working Strength	Vacancies
1.	Allahabad	160	79	81
2.	Andhra Pradesh	37	30	7
3.	Bombay	94	66	28
4.	Calcutta	72	45	27
5.	Chhattisgarh	22	16	6
6.	Delhi	60	39	21
7.	Gauhati	30	25	5
8.	Gujarat	52	32	20
9.	Himachal Pradesh	17	12	5
10.	J&K and Ladakh	25	15	10
11.	Jharkhand	25	15	10
12.	Karnataka	62	50	12
13.	Kerala	47	44	3
14.	Madhya Pradesh	53	34	19
15.	Madras	75	65	10
16.	Manipur	5	3	2
17.	Meghalaya	4	4	0
18.	Orissa	33	19	14
19.	Patna	53	37	16
20.	Punjab & Haryana	85	53	32
21.	Rajasthan	50	38	12
22.	Sikkim	3	3	0
23.	Telangana	42	30	12
24.	Tripura	5	4	1
25.	Uttarakhand	11	9	2
Total		1122	767	355

ANNEXURE-II**Sanctioned strength, working strength and vacancies of Judicial Officers in District and Subordinate court as on 28.03.2025**

Sl No.	State/UT	Total Sanctioned Strength	Total Working Strength	Total Vacancy
1	Andhra Pradesh	639	564	75
2	Arunachal Pradesh	44	33	11
3	Assam	485	461	24
4	Bihar	2019	1536	483
5	Chandigarh	30	30	0
6	Chhattisgarh	663	465	198
7	D & N Haveli and Daman & Diu	7	6	1
8	Delhi	897	803	94
9	Goa	50	40	10
10	Gujarat	1720	1185	535
11	Haryana	781	551	230
12	Himachal Pradesh	179	160	19
13	Jammu and Kashmir	322	278	44
14	Jharkhand	705	506	199
15	Karnataka	1395	1151	244
16	Kerala	612	536	76
17	Ladakh	17	10	7
18	Lakshadweep	4	4	0
19	Madhya Pradesh	2028	1687	341
20	Maharashtra	2190	1940	250
21	Manipur	62	49	13
22	Meghalaya	99	57	42
23	Mizoram	74	45	29
24	Nagaland	34	24	10
25	Odisha	1041	838	203
26	Puducherry	36	26	10
27	Punjab	804	723	81
28	Rajasthan	1654	1308	346
29	Sikkim	35	23	12
30	Tamil Nadu	1369	1023	346
31	Telangana	560	445	115
32	Tripura	133	109	24
33	Uttar Pradesh	3700	2698	1002
34	Uttarakhand	298	270	28
35	West Bengal	1105	875	230
36	Andaman and Nicobar			
TOTAL		25791	20459	5332

Source: - MIS portal of Department of Justice.

*Combined vacancy of UT Andaman & Nicobar Island and State of WB as shown against State of West Bengal.