

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE**

**RAJYA SABHA  
STARRED QUESTION NO. 204  
ANSWERED ON 07/08/2025**

**PROVINCIAL JUDICIAL SERVICE OFFICERS IN HIGH COURTS**

**204 # SHRI SANJAY SINGH:**

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

- (a) whether the Memorandum of Procedure (MOP) prepared by the Central Government and the Supreme Court for appointment of Judges of the High Courts provides any procedure and standards for the selection and appointment of officers of the Provincial Judicial Service as Judges of the High Court; and
- (b) the measures taken to ensure adequate representation of judicial officers appointed through different sources while recommending such officers for promotion as High Court Judges as there are different sources for the recruitment into the State Judicial Services?

**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) & (b): A statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO PARTS (a) & (b) IN RESPECT OF RAJYA SABHA STARRED QUESTION NO. 204 FOR ANSWER ON 07<sup>TH</sup> AUGUST, 2025 REGARDING ‘PROVINCIAL JUDICIAL SERVICE OFFICERS IN HIGH COURTS’**

(a) & (b): The Judges of the High Courts are appointed under Article 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 Judgement of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges Case). Article 217(2) provides that “*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; or*

*(b) has for at least ten years been an advocate of a High Court or of two or more such Courts in succession”.*

The Supreme Court in its Judgement dated 06.10.1993, in Supreme Court Advocates on Record Vs. Union of India (Second Judges Case) inter-alia, observed that merit selection is the dominant method for judicial selections and the candidates to be selected must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance.

Pursuant to the Resolution passed in the Conference of Chief Justices in 1999 and the Supreme Court order dated 29<sup>th</sup> April, 2002 in WP (C) No. 410 of 2001, 66<sup>2</sup>/<sub>3</sub>% of vacancies are filled from amongst members of the Bar and 33<sup>1</sup>/<sub>3</sub>% from the Judicial Service in appointment of Judges in High Courts. This guideline is being followed by all High Courts.

As per the MoP, 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. While recommending officers of the Judicial Service, the seniority of the officers is considered by the High Court Collegium subject to their suitability based on merit and integrity. The High Court Collegium inter alia, takes into consideration the Annual Confidential Reports, vigilance status, disposal record, evaluation of their Judgments by the Judgment Evaluation Committee, general reputation etc. before recommending their appointment as High Court Judges. The recommendations of the High Court Collegium, the State Government and the Government of India are forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of High Courts, whose names have been recommended by the SCC.

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