

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

**RAJYA SABHA  
STARRED QUESTION NO. 47  
ANSWERED ON 04/12/2025**

**VACANCIES IN HIGH COURTS AND SUBORDINATE JUDICIARY**

**47. SHRI SANJAY SETH:**

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

- (a) the details of sanctioned and vacant posts of judges in the High Courts and subordinate judiciary across the country;
- (b) the sanctioned versus working strength of judges and judicial officers in Uttar Pradesh;
- (c) the impact of these vacancies on the pendency of cases;
- (d) the steps being taken, in coordination with the High Courts, to fill these vacancies expeditiously; and
- (e) the status of 'All India Judicial Service' in the matter of filling up the vacancies?

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

**STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) IN RESPECT OF RAJYA SABHA STARRED QUESTION NO. 47 FOR REPLY ON 04/12/2025 REGARDING 'VACANCIES IN HIGH COURTS AND SUBORDINATE JUDICIARY'**

(a) & (b): The information in respect of sanctioned and working strength of High Courts is at *Annexure-I*. As per information available on MIS portal of the Department of Justice, as on 27.11.2025, the sanctioned strength and vacancy in the District and Subordinate Court is 25886 and 4855 respectively. Further, the sanctioned and working strength of Judicial Officers in the State of Uttar Pradesh is 3700 and 2645 respectively.

(c) & (d): Pendency of cases in courts arise due to several factors which inter alia, include complexity of the facts involved, nature of evidence, co-operation of stake-holders viz. Bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and proper application of rules and procedures. Furthermore, pendency of cases and vacancy position of judges in High Courts are not necessarily directly related. Other factors that lead to delay in disposal of cases include lack of prescribed timeframe by respective courts for disposal of various kinds of cases, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing.

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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts. Since May 2014 till 27.11.2025, 1156 Judges have been appointed in various High Courts.

Filling up of vacant positions of 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 in the respective State Judicial Service. 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.

(e): Article 312 of the Constitution provides for the establishment of an All India Judicial Service (AIJS), which shall not include any post inferior to that of a District Judge.

A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 and it was decided that the issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal. There was divergence of opinion among the State Governments and among the High Courts on the constitution of an All India Judicial Service.

The matter regarding creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges/judicial officers at all levels was also included in the agenda for the Chief Justices' Conference,

which was held on 03<sup>rd</sup> and 04<sup>th</sup> April, 2015, wherein it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously. The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was also included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of High Courts held on 05<sup>th</sup> April, 2015. However, no progress was made in the matter.

The proposal of setting up of an All India Judicial Service was again discussed on points of eligibility, age, selection criteria, qualification, reservations etc. in a meeting chaired by then Minister of Law and Justice on 16<sup>th</sup> January 2017 in the presence of Minister of State for Law and Justice, Attorney General for India, Solicitor General of India, Secretaries of Department of Justice, Department of Legal Affairs and Legislative Department. Setting up AIJS was also deliberated in a meeting of the Parliamentary Consultative Committee in March, 2017 and the Parliamentary Committee on the Welfare of SCs/STs on 22.02.2021.

It was proposed to include the issue of All India Judicial Service in the agenda for Joint Conference of Chief Ministers and Chief Justices of High Courts held on 30<sup>th</sup> April, 2022. However, the same could not be included in the agenda of the conference. In view of the existing divergence of opinion amongst the major stakeholders, at present, there is no consensus on the proposal for setting up an All India Judicial Service.

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**Annexure-I**

**Statement showing Sanctioned strength, Working strength and Vacancies of Judges in the High Courts as on 27.11.2025.**

	<b>High Courts</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacant Posts</b>
1	Allahabad	160	110	50
2	Andhra Pradesh	37	33	4
3	Bombay	94	82	12
4	Calcutta	72	44	28
5	Chhattisgarh	22	16	6
6	Delhi	60	44	16
7	Gauhati	30	25	5
8	Gujarat	52	36	16
9	Himachal Pradesh	17	13	4
10	J & K and Ladakh	25	15	10
11	Jharkhand	25	15	10
12	Karnataka	62	49	13
13	Kerala	47	41	6
14	Madhya Pradesh	53	43	10
15	Madras	75	55	20
16	Manipur	5	3	2
17	Meghalaya	4	4	0
18	Orissa	33	20	13
19	Patna	53	35	18
20	Punjab & Haryana	85	59	26
21	Rajasthan	50	39	11
22	Sikkim	3	3	0
23	Telangana	42	28	14
24	Tripura	5	4	1
25	Uttarakhand	11	9	2
	<b>Total</b>	<b>1122</b>	<b>825</b>	<b>297</b>