

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 594
ANSWERED ON-23/07/2026

DELAY IN APPOINTMENT OF JUDGES

594. DR. SASMIT PATRA:

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

- (a) the number of vacancies of judges in each High Court, together with the period for which such vacancies have remained unfilled;
- (b) the number of recommendations received from the Supreme Court Collegium during the last five years for appointment, transfer or repatriation of judges and the average time taken by Government at each stage of processing such recommendations; and
- (c) whether Government has examined the feasibility of appointing retired or sitting judges of the Supreme Court as Chief Justices or judges of High Courts to address persistent judicial vacancies and strengthen judicial administration and if so, the details thereof?

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): 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 Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case).

Filling up of vacancies in the higher Judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. As per the Memorandum of Procedure (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. The incumbency position is at *Annexure*.

**Sanctioned strength, working strength and vacancy of Judges in High Courts as
on 01.07.2026**

Sl. No.	High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	108	52
2	Andhra Pradesh	37	29	8
3	Bombay	94	75	19
4	Calcutta	72	41	31
5	Chhattisgarh	22	13	9
6	Delhi	60	44	16
7	Gauhati	30	24	6
8	Gujarat	52	34	18
9	Himachal Pradesh	17	12	5
10	J & K and Ladakh	25	12	13
11	Jharkhand	25	13	12
12	Karnataka	62	48	14
13	Kerala	47	36	11
14	Madhya Pradesh	53	37	16
15	Madras	75	51	24
16	Manipur	5	3	2
17	Meghalaya	4	4	0
18	Orissa	33	18	15
19	Patna	53	44	9
20	Punjab & Haryana	85	55	30
21	Rajasthan	50	39	11
22	Sikkim	3	2	1
23	Telangana	42	27	15
24	Tripura	5	4	1
25	Uttarakhand	11	8	3
	Total	1122	781	341