

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

**LOK SABHA**

**UNSTARRED QUESTION NO. †1678**

**TO BE ANSWERED ON FRIDAY, THE 11.02.2022**

**Sanctioned Posts of Judges in High Court**

**†1678. SHRI ASHOK KUMAR RAWAT:  
SHRI ARUN KUMAR SAGAR:**

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) the respective number of sanctioned posts of judges in the State High Courts along with the posts lying vacant and time since when the same posts have been lying vacant;
- (b) the reasons for not filling up the vacant posts of judges so far;
- (c) whether the Government proposes to increase the number of sanctioned posts of judges in High Courts in order to reduce the pendency of cases in these Courts, if so, the details thereof and if not, the reasons therefor; and
- (d) whether hearing of cases in the High Courts is getting delayed due to inadequate number of judges in the High Courts, if so, the details thereof?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJJU)**

(a) to (b) : Judges of various High Courts are appointed as per 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 MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Chief Justice of the High Court is

required to initiate the proposal to fill up of vacancy of a High Court Judge six months prior to the occurrence of vacancy. However, this timeline is often not adhered to by the High Courts. A statement showing High Court wise vacancy position as on 07.02.2022 is at **Annexure**.

As on 07.02.2022, against the sanctioned strength of 1098 Judges in the High Courts, 687 Judges are in position, leaving 411 vacancies of Judges to be filled. At present, 172 proposals are at various stages of processing between the Government and the Supreme Court Collegium. Further recommendations from High Court Collegiums are yet to be received in respect of remaining 239 vacancies in High Courts.

While filling up of vacancies in the High Courts is a continuous, integrated and collaborative process requiring consultation and approval from various constitutional authorities, vacancies keep on arising on account of retirement, resignation or elevation of Judges. Government is committed to filling up of vacancy expeditiously in time-bound manner.

(c) to (d) : The sanctioned strength of Judges of High Court has increased from 906 in 2014 to 1098 in 2021. However, it may be mentioned that the pendency of cases in courts is not only due to shortage of judges in High Courts but also due to various other factors like (i) increase in number of state and central legislations, (ii) accumulation of first appeals, (iii) continuation of ordinary civil jurisdiction in some of the High Courts, (iv) appeals against orders of quasi-judicial forums going to High Courts, (v) number of revisions/appeals, (vi) frequent adjournments, (vii) indiscriminate use of writ jurisdiction, (viii) lack of adequate arrangement to monitor, tracking and bunching of cases for hearing, (ix) vacation period of Courts, (x) assigning work of administrative nature to the Judges, etc.

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Statement referred to in reply to parts (a) to (b) of Unstarred Question No. 1678 to be answered in Lok Sabha on 11.02.2022 regarding 'Sanctioned Posts of Judges in High Court' by Shri Ashok Kumar Rawat and Shri Arun Kumar Sagar, Hon'ble Members of Parliament (Lok Sabha).

Sl. No.	Name of the High Court	Vacancy position as on 07.02.2022
1	Allahabad	67
2	Andhra Pradesh	17
3	Bombay	34
4	Calcutta	33
5	Chhattisgarh	09
6	Delhi	30
7	Gauhati	01
8	Gujarat	20
9	Himachal Pradesh	04
10	J & K and Ladakh	04
11	Jharkhand	05
12	Karnataka	17
13	Kerala	08
14	Madhya Pradesh	24
15	Madras	15
16	Manipur	01
17	Meghalaya	01
18	Orissa	09
19	Patna	27
20	Punjab & Haryana	36
21	Rajasthan	22
22	Sikkim	0
23	Telangana	23
24	Tripura	0
25	Uttarakhand	04
<b>Total</b>		<b>411</b>