

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

**LOK SABHA
UNSTARRED QUESTION NO. 3641**

TO BE ANSWERED ON FRIDAY, THE 21.03.2025

Recommendation of Madras High Court

3641. Km. Sudha R:

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

- (a) whether number of candidates recommended by the Madras High Court collegium, approved and forwarded to the Union Government by the Supreme Court collegium, have been kept pending without appointment since 2014;
- (b) if so, the reasons for holding up the appointment of each candidate despite the completion of all constitutional requirements by the Madras high court and the Supreme Court;
- (c) the details of candidates kept pending by the Union Government after high courts concerned and the Supreme Court collegium cleared them and forwarded them for appointment since 2014, High Court-wise;
- (d) the details of vacancies against the sanctioned strength of judges in each High Court; and
- (e) the details of lists of the candidates pending with the Union Government for appointment as judges, High Court-wise?

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) :Appointment of Judges to High Courts is made 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).

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. 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 hardly adhered to by the High Courts. 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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts. 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. Hence, the time needed for filling up of vacancies of the Judges in the High Courts cannot be indicated.

As on 17.03.2025, against the sanctioned strength of 75 in Madras High Court, 65 Judges are working. 03 proposals for appointment as Judges of the Madras High Court are under process.

As on 17.03.2025, against the sanctioned strength of 1122 Judges in the High Courts, 766 Judges are working. Recommendations against 188 vacancies are yet to be received from the High Court Collegiums. The High Court wise vacancy position is at Annexure.

ANNEXURE

Sanctioned strength, working strength and vacancies of Judges in High Courts (As on 17.03.2025) :

A	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	46	26
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	16	9
12	Karnataka	62	50	12
13	Kerala	47	44	3
14	Madhya Pradesh	53	34	19
15	Madras	75	65	10
16	Manipur	5	4	1
17	Meghalaya	4	4	0
18	Orissa	33	18	15
19	Patna	53	37	16
20	Punjab & Haryana	85	53	32
21	Rajasthan	50	34	16
22	Sikkim	3	3	0
23	Telangana	42	30	12
24	Tripura	5	5	0
25	Uttarakhand	11	9	2
	Total	1122	766	356