

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

**LOK SABHA
UNSTARRED QUESTION NO. 5546
TO BE ANSWERED ON FRIDAY, THE 27TH MARCH, 2026**

SANCTIONED AND VACANT POSTS OF JUDGES IN THE HIGH COURTS

†5546. **SHRI NILESH DNYANDEV LANKE:
SHRI SASIKANTH SENTHIL:
SHRI GYANESHWAR PATIL:
SHRI BHUMARE SANDIPANRAO ASARAM:
DR. SHIVAJI BANDAPPA KALGE:
SMT. DELKAR KALABEN MOHANBHAI:**

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

- (a) the details of the sanctioned strength and vacant posts of judges in the Supreme Court, High Courts and the subordinate courts across the Country, including the Madras High Court;
- (b) the number of judges and judicial officers currently in position against the sanctioned strength in Madhya Pradesh, Maharashtra and Dadra and Nagar Haveli;
- (c) the details of the impact of these vacancies on the pendency of cases;
- (d) the details of the steps being taken in coordination with the High Courts to fill these vacancies expeditiously; and
- (e) the details of the status of the Constitution of the 'All India Judicial Service' for 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): Appointment of Judges to the Supreme Court and High Courts is made under Articles 124, 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). The information relating to sanctioned strength, working strength and vacancies in the Supreme Court and the High Courts is at *Annexure*.

Filling up of the vacancy 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. 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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts. As on 23.03.2026, against the sanctioned strength of 1122 Judges, 803 Judges are working and 319 posts of Judges are vacant in various High Courts. Against these vacancies, 130 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium.

Through this continuous, integrated and collaborative process between the executive and the judiciary, 157 Judges were appointed in various High Courts during 2025.

Further, filling up of vacant positions of the 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 the 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. 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.

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 stakeholders, viz., bar, investigation agencies, witness and litigants, the availability of physical infrastructure, supporting court staff, etc. besides the shortage of judges. The disposal of cases is within the exclusive domain of the judiciary.

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 03rd and 04th 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 05th 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 16th 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 30th 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.

Sanctioned Strength, working strength and vacancy of Judges in the Supreme Court and High Courts as on 20.03.2026.

		Sanctioned Strength	Working Strength	Vacancies
A.	Supreme Court	34	33	1
B.	High Court			
1	Allahabad	160	109	51
2	Andhra Pradesh	37	34	3
3	Bombay	94	79	15
4	Calcutta	72	42	30
5	Chhattisgarh	22	15	7
6	Delhi	60	44	16
7	Gauhati	30	24	6
8	Gujarat	52	35	17
9	Himachal Pradesh	17	12	5
10	J & K and Ladakh	25	14	11
11	Jharkhand	25	13	12
12	Karnataka	62	45	17
13	Kerala	47	39	8
14	Madhya Pradesh	53	41	12
15	Madras	75	52	23
16	Manipur	5	3	2
17	Meghalaya	4	4	0
18	Orissa	33	19	14
19	Patna	53	37	16
20	Punjab & Haryana	85	58	27
21	Rajasthan	50	39	11
22	Sikkim	3	3	0
23	Telangana	42	28	14
24	Tripura	5	4	1
25	Uttarakhand	11	10	1
	Total	1122	803	319