

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1386
ANSWERED ON 31/07/2025

**DELAY IN ACCEPTING RECOMMENDATIONS FOR HIGH COURT
APPOINTMENTS**

1386. SHRI DEREK O' BRIEN :

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

- (a) the number of recommendations for High Court appointments made by the Supreme Court collegium that are currently pending before Government, along with the dates on which they were received;
- (b) the number of cases where the candidates have withdrawn their consent for judicial elevation over the past five years, the dates on which their names were sent by the collegium and the dates on which they withdrew consent; and
- (c) the reasons for the inordinate delay and inaction in clearing some recommendations from the same batch of names sent by the collegium?

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): As on 28.07.2025, against the sanctioned strength of 1122 Judges, 760 Judges are working and 362 posts of Judges are vacant in various High Courts. Against these vacancies, 158 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium. The recommendations against 204 vacancies are yet to be received from the High Court Collegiums. From 01.01.2020 till 18.07.2025, 35 Judges have

been appointed to the Supreme Court and 554 Judges have been appointed to various High Courts. Further, 349 names have been remitted to the High Courts during the same period.

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. 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.
