

An application has been filed by the State of Haryana in the proceedings in Malik Mazhar Sultan versus U. P. Public Service Commission seeking two directions the recruitment of judicial officers in the Judicial Branch of the Haryana Civil Service be conducted in accordance with the provisions of Part C of the Punjab Civil Service Judicial Branch Rules 19512 and the order of this Court dated 12 February, 2009 filed by the High Court of Punjab and Haryana be modified.

By its order dated 4 January, 2007, this Court underscored that an independent and efficient judicial system is part of the basic structure of the Constitution and that if a sufficient number of Judges is not appointed and the dispensation of justice to citizens would be seriously affected. The Court noted that the judicial system faces problems arising out of delays in the dispensation of justice for which one of the major causes is an insufficient number of judges.

When compared to the large number of cases pending or in relation to the judge population ratio. In this backdrop, the Court issued directions, noting that it had become necessary to take steps to ensure that vacancies in judicial institutions are filled on a timely basis and before we issue general directions and the time schedule to be adhered to for filling vacancies that may arise in subordinate courts and district courts, it is necessary to note that selections are required.

Reference can be made to the decision taken in a Conference held between the Chief Justices and Chief Ministers minutes whereof show that in some of the States selection of subordinate judicial officers at all levels of Civil Judges is already being made by the High Courts some States, where selection is still being made by the Public Service Commission, were agreeable to entrust the selection to the High Courts whereas Chief Ministers, Ministers of Himachal Pradesh, West Bengal, Punjab.

Further decision taken was that in other States where selection of subordinate judicial officers is not being done by the High Courts, such selection be entrusted to the High Courts by amending relevant Rules. In this connection, with the affidavit filed on behalf of the Calcutta High Court, a copy of the letter dated 15th September, 2006, addressed by the Registrar General of the said Court to the Secretary, Judicial Department, Government of West Bengal, has also been annexed.

That letter refers to the aforesaid decision taken in the Conference of Chief Ministers and Chief Justices held on 11th March, 2006 requesting the State Government for effecting suitable amendment in the recruitment rules in terms of the decision in the Conference above referred. At this stage, however, these are not the issues for our consideration. As already indicated, the selection is to be conducted by authorities empowered to do so as per the existing Rules in the above observations.