

ITEM NO.1502

COURT NO.3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 14156/2015

(Arising out of impugned final judgment and order dated 19-02-2015 in WPC No. 9303/2014 passed by the High Court Of Delhi At New Delhi)

DHEERAJ MOR

Petitioner(s)

VERSUS

HONBLE HIGH COURT OF DELHI

Respondent(s)

(IA No. 154040/2019 - CLARIFICATION/DIRECTION)

(HEARD BY HON'BLE ARUN MISHRA, HON'BLE VINEET SARAN AND HON'BLE S. RAVINDRA BHAT, JJ.

WITH

SLP(C) No. 14676/2015 (XI)

(IA No. 3/2015 - APPLICATION FOR DELETION OF RESPONDENTS

IA No. 5/2016 - APPLICATION FOR DIRECTION

IA No. 91709/2017 - CLARIFICATION/DIRECTION

IA No. 1/2015 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 2/2015 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 24219/2015 (XI)

(I.A. FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2015

FOR impleading party ON IA 150649/2018

FOR INTERVENTION/IMPLEADMENT ON IA 150649/2018

FOR APPLICATION FOR ADJOURNMENT ON IA 150651/2018

IA No. 150651/2018 - APPLICATION FOR ADJOURNMENT

IA No. 150649/2018 - INTERVENTION/IMPLEADMENT

IA No. 2/2015 - PERMISSION TO FILE ANNEXURES)

SLP(C) No. 30556/2015 (XI)

(IA No. 49498/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49499/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49496/2019 - INTERVENTION/IMPLEADMENT

IA No. 71940/2019 - INTERVENTION/IMPLEADMENT)

W.P.(C) No. 77/2016 (X)

IA No. 2/2016 - GRANT OF INTERIM RELIEF

IA No. 1/2016 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No. 130/2016 (X)

IA No. 1/2016 - GRANT OF INTERIM RELIEF)

**W.P.(C) No. 405/2016 (X)
 (FOR ON IA 1/2016
 FOR CLARIFICATION/DIRECTION ON IA 100165/2017
 FOR CLARIFICATION/DIRECTION ON IA 91043/2018
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 66373/2019
 IA No. 66373/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 100165/2017 - CLARIFICATION/DIRECTION
 IA No. 121392/2019 - CLARIFICATION/DIRECTION
 IA No. 91043/2018 - CLARIFICATION/DIRECTION)**

W.P.(C) No. 414/2016 (X)

SLP(C) No. 15764/2016 (XI)

IA No. 1/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

**W.P.(C) No. 423/2016 (X)
 IA 1/2016
 FOR CLARIFICATION/DIRECTION ON IA 152239/2018
 IA No. 152239/2018 - CLARIFICATION/DIRECTION)**

S.L.P.(C)...CC No. 15018/2016 (XI)

**FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 1/2016
 FOR INTERVENTION/IMPLEADMENT ON IA 5472/2019
 FOR STAY APPLICATION ON IA 5473/2019
 FOR WITHDRAWAL OF CASE / APPLICATION ON IA 21172/2019
 IA No. 5472/2019 - INTERVENTION/IMPLEADMENT
 IA No. 1/2016 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)
 IA No. 5473/2019 - STAY APPLICATION
 IA No. 21172/2019 - WITHDRAWAL OF CASE / APPLICATION)**

SLP(C) No. 23823/2016 (XI)

**IA No. 1/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS
 IA No. 5832/2019 - INTERVENTION/IMPLEADMENT
 IA No. 5835/2019 - STAY APPLICATION
 IA No. 18000/2019 - WITHDRAWAL OF CASE / APPLICATION)**

SLP(C) No. 24506/2016 (XI)

**IA No. 1/2016 - APP FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS
 IA No. 5813/2019 - INTERVENTION/IMPLEADMENT
 IA No. 5814/2019 - STAY APPLICATION
 IA No. 17983/2019 - WITHDRAWAL OF CASE / APPLICATION)**

S.L.P.(C)...CC No. 15304/2016 (XI)

IA No. 5821/2019 - INTERVENTION/IMPLEADMENT
 IA No. 1/2016 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)
 IA No. 5822/2019 - STAY APPLICATION
 IA No. 21181/2019 - WITHDRAWAL OF CASE / APPLICATION)

W.P.(C) No. 600/2016 (X)
 (FOR ON IA 1/2016)

W.P.(C) No. 598/2016 (X)

IA No. 1/2016 - DISPENSING WITH SERVICE OF NOTICE)

W.P.(C) No. 601/2016 (X)
 (FOR ON IA 1/2016)

W.P.(C) No. 602/2016 (X)
 (FOR ON IA NO. 104138 OF 2018 I.E. APPLICATION FOR DIRECTION
 IA No. 104138/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 733/2016 (X)

W.P.(C) No. 189/2017 (X)

FOR [APPLICATION FOR DIRECTION] ON IA 48734/2017
 FOR CLARIFICATION/DIRECTION ON IA 53101/2018
 IA No. 48734/2017 - APPLICATION FOR DIRECTION
 IA No. 53101/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 222/2017 (X)
 FOR ON IA 1/2017)

W.P.(C) No. 316/2017 (X)
 FOR ON IA 1/2017
 FOR INTERVENTION APPLICATION ON IA 100178/2018
 FOR MODIFICATION ON IA 100179/2018
 FOR STAY APPLICATION ON IA 102743/2018
 IA No. 100179/2018 - MODIFICATION
 IA No. 102743/2018 - STAY APPLICATION)

W.P.(C) No. 334/2017 (X)

IA No. 44985/2017 - CLARIFICATION/DIRECTION)

W.P.(C) No. 371/2017 (X)

IA No. 41797/2017 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 96/2018 (X)
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 19820/2018
 IA No. 19820/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 102/2018 (X)
 FOR CLARIFICATION/DIRECTION ON IA 21205/2018

IA No. 21205/2018 - CLARIFICATION/DIRECTION)

**W.P.(C) No. 103/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 21311/2018
IA No. 21311/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**T.P.(C) No. 272/2018 (XVI-A)
(FOR impleading party ON IA 5479/2019
FOR INTERVENTION/IMPLEADMENT ON IA 5479/2019 FILED BY MS. ARCHANA
PATHAK DAVE
FOR STAY APPLICATION ON IA 5480/2019
FOR WITHDRAWAL OF CASE / APPLICATION ON IA 17975/2019
IA No. 5479/2019 - INTERVENTION/IMPLEADMENT
IA No. 5480/2019 - STAY APPLICATION
IA No. 17975/2019 - WITHDRAWAL OF CASE / APPLICATION)**

**W.P.(C) No. 108/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 21866/2018
IA No. 21866/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 110/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 22055/2018
IA No. 22055/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 106/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 21731/2018
IA No. 21731/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 146/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 26585/2018
IA No. 26585/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 123/2018 (X)
FOR [APPLICATION FOR INTERIM RELIEF / DIRECTION] ON IA 23443/2018
IA No. 23443/2018 - APPLICATION FOR INTERIM RELIEF / DIRECTION)**

**W.P.(C) No. 124/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 23640/2018
IA No. 23640/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 138/2018 (X)
FOR CLARIFICATION/DIRECTION ON IA 25833/2018
IA No. 25833/2018 - CLARIFICATION/DIRECTION)**

**W.P.(C) No. 155/2018 (X)
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 27317/2018
IA No. 27317/2018 - APPROPRIATE ORDERS/DIRECTIONS)**

**W.P.(C) No. 145/2018 (X)
(FOR CLARIFICATION/DIRECTION ON IA 26544/2018
IA No. 26544/2018 - CLARIFICATION/DIRECTION)**

W.P.(C) No. 158/2018 (X)
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 27876/2018
 IA No. 27876/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 174/2018 (X)
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 29069/2018
 IA No. 29069/2018 - APPROPRIATE ORDERS/DIRECTIONS)

SLP(C) No. 8480/2018 (IV-B)

W.P.(C) No. 291/2018 (X)

IA No. 49392/2018 - EX-PARTE AD-INTERIM RELIEF)

W.P.(C) No. 287/2018 (X)
 IA No. 49060/2018 - APPROPRIATE ORDERS/DIRECTIONS)
 W.P.(C) No. 344/2018 (X)

(I.R.
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 55800/2018
 FOR RECALLING THE COURTS ORDER ON IA 27300/2019
 IA No. 55800/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 27300/2019 - RECALLING THE COURTS ORDER)

W.P.(C) No. 352/2018 (X)
 (IA FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 57580/2018
 IA No. 57580/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 387/2018 (X)
 (IA FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 60650/2018
 IA No. 60650/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 392/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 61250/2018
 IA No. 61250/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 396/2018 (X)
 (FOR EX-PARTE AD-INTERIM RELIEF ON IA 61665/2018
 IA No. 61665/2018 - EX-PARTE AD-INTERIM RELIEF)

W.P.(C) No. 530/2018 (X)
 (FOR CLARIFICATION/DIRECTION ON IA 75030/2018
 IA No. 75030/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 519/2018 (X)
 IA No. 73559/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 17219/2019 - MODIFICATION)

W.P.(C) No. 535/2018 (X)
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 75338/2018
 IA No. 75338/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 581/2018 (X)

(FOR EXEMPTION FROM FILING O.T. ON IA 79107/2018
FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 79110/2018
IA No. 79110/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 79107/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 578/2018 (X)
(FOR EXEMPTION FROM FILING O.T. ON IA 78938/2018
IA No. 78938/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 612/2018 (X)
(FOR [APPLICATION FOR INTERIM RELIEF] ON IA 80417/2018
IA No. 80417/2018 - APPLICATION FOR INTERIM RELIEF)

W.P.(C) No. 629/2018 (X)
(FOR GRANT OF INTERIM RELIEF ON IA 81029/2018
IA No. 81029/2018 - GRANT OF INTERIM RELIEF)

W.P.(C) No. 596/2018 (X)
IA No. 79861/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 616/2018 (X)
(FOR CLARIFICATION/DIRECTION ON IA 80546/2018
IA No. 80546/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 632/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81371/2018
IA No. 81371/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 608/2018 (X)
(FOR ADMISSION and IA No.80341/2018-CLARIFICATION/DIRECTION
IA No. 80341/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 628/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 80986/2018
IA No. 80986/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 617/2018 (X)
(FOR CLARIFICATION/DIRECTION ON IA 80558/2018
FOR EXEMPTION FROM FILING O.T. ON IA 80559/2018
IA No. 80558/2018 - CLARIFICATION/DIRECTION
IA No. 80559/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 624/2018 (X)
(FOR [APPLICATION FOR INTERIM DIRECTION] ON IA 80802/2018
IA No. 80802/2018 - APPLICATION FOR INTERIM DIRECTION)

W.P.(C) No. 631/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81250/2018
IA No. 81250/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 635/2018 (X)

(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81538/2018
IA No. 81538/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 636/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81551/2018
IA No. 81551/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 641/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81930/2018
FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 166886/2018
IA No. 166886/2018 - ADDITION / DELETION / MODIFICATION PARTIES
IA No. 81930/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 642/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81939/2018
IA No. 81939/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 639/2018 (X)
(FOR CLARIFICATION/DIRECTION ON IA 81663/2018
IA No. 81663/2018 - CLARIFICATION/DIRECTION)

W.P.(C) No. 640/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 81761/2018
IA No. 81761/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 650/2018 (X)
(FOR DELETING THE NAME OF PETITIONER/RESPONDENT ON IA 121657/2018
IA No. 121657/2018 - DELETING THE NAME OF PETITIONER/RESPONDENT)

W.P.(C) No. 644/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82006/2018
IA No. 82006/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 658/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82227/2018
IA No. 82227/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 659/2018 (X)
(FOR [APPLICATION FOR DIRECTION] ON IA 82263/2018
IA No. 82263/2018 - APPLICATION FOR DIRECTION)

W.P.(C) No. 680/2018 (X)

IA No. 83052/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 671/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82872/2018
IA No. 82872/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 677/2018 (X)
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 82943/2018
FOR EXEMPTION FROM FILING O.T. ON IA 82945/2018)

IA No. 82943/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 82945/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 681/2018 (X)

IA No. 83060/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 686/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 83191/2018
 IA No. 83191/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 703/2018 (X)
 (FOR [APPLICATION FOR INTERIM DIRECTION] ON IA 83835/2018
 IA No. 83835/2018 - APPLICATION FOR INTERIM DIRECTION)

W.P.(C) No. 696/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 83676/2018
 IA No. 83676/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 717/2018 (X)

IA No. 84519/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 728/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 85272/2018
 IA No. 85272/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 726/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 85160/2018
 IA No. 85160/2018 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 727/2018 (X)
 (FOR EXEMPTION FROM FILING O.T. ON IA 85245/2018
 IA No. 85245/2018 - EXEMPTION FROM FILING O.T.)

W.P.(C) No. 1272/2018 (X)
 (FOR GRANT OF INTERIM RELIEF ON IA 148128/2018
 FOR RECALLING THE COURTS ORDER ON IA 27203/2019
 IA No. 148128/2018 - GRANT OF INTERIM RELIEF
 IA No. 27203/2019 - RECALLING THE COURTS ORDER)

W.P.(C) No. 1302/2018 (X)
 (FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 153498/2018
 FOR impleading party ON IA 21519/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 21519/2019
 FOR impleading party ON IA 23768/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 23768/2019
 FOR RECALLING THE COURTS ORDER ON IA 23771/2019
 FOR impleading party ON IA 23847/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 23847/2019
 FOR impleading party ON IA 36595/2019
 FOR INTERVENTION/IMPLEADMENT ON IA 36595/2019)

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 92177/2019
 IA No. 153498/2018 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 92177/2019 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 21519/2019 - INTERVENTION/IMPLEADMENT
 IA No. 36595/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23847/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23768/2019 - INTERVENTION/IMPLEADMENT
 IA No. 23771/2019 - RECALLING THE COURTS ORDER)

W.P.(C) No. 656/2019 (X)

IA No. 77766/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 744/2019 (X)

W.P.(C) No. 999/2019 (X)

W.P.(C) No. 1054/2019 (X)

IA No. 123580/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1053/2019 (X)

(FOR ADMISSION and IA No.123447/2019-APPROPRIATE ORDERS/DIRECTIONS
 IA No. 123447/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1080/2019 (X)

IA No. 126609/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1073/2019 (X)

IA No. 125756/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1089/2019 (X)

IA No. 127699/2019 - CLARIFICATION/DIRECTION)

W.P.(C) No. 1086/2019 (X)

(FOR ADMISSION and IA No.127609/2019-APPROPRIATE ORDERS/DIRECTIONS
 IA No. 127609/2019 - APPROPRIATE ORDERS/DIRECTIONS)

W.P.(C) No. 1150/2019 (X)

IA No. 136915/2019 - APPROPRIATE ORDERS/DIRECTIONS)

CONMT.PET.(C) No. 1023/2019 in W.P.(C) No. 414/2016 (X)
 (FOR ADMISSION)

W.P.(C) No. 1266/2019 (X)

(FOR ADMISSION and IA No.157138/2019-APPROPRIATE ORDERS/DIRECTIONS
 IA No. 157138/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 19-02-2020 These matters were called on for pronouncement of Judgment today.

Counsel for the parties

Mr. Santosh Kumar, Adv.
Mr. Dushyant, Adv.
Mr. Sanket, Adv.
Mr. Deepak Anand, Adv.

Mr. Bharat Singh, Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Prerna Kumari, Adv.
Mr. M. K. Maroria, Adv.
Mr. B. V. Balram Das, Adv.
Mr. Aishwarya Kumar, Adv.

Mr. P. V. Surendranath, Sr. Adv.
Ms. Resmitha R. Chandran, Adv.
Ms. Lekha Sudhakaran, Adv.
Mr. Sawan Kumar Shukla, Adv.
Mr. Biju Joseph, Adv.

Mr. A. Mariarputham, Sr. Adv.
Mr. Anan D. N. Rao, Adv.
Mr. Annam Venkaesh Rao, Adv.
Ms. Ananya Khandelwal, Adv.
Mr. Venkatesh Rao, Adv.
Mr. Rahul Mishra, Adv.
Ms. Sangeeta M.R., Adv.
Ms. Avni Sharma, Adv.

Mr. D. K. Sharma, Adv.
Mr. Rohit Vats, Adv.
Ms. Sunita Sharma, Adv.

Mr. Adarsh Upadhyay, Adv.

Mr. Pravin H. Parekh, Sr. Adv.
Mr. Kshatrshal Raj, Adv.
Ms. Tanya Chaudhary, Adv.
Ms. Pratyusha Priyadarshini, Adv.
Ms. Nitika Pandey, Adv.
Mr. Nikhil Ramdev, Adv.
For M/s. Parekh & Co.

Ms. Priya Hingorani, Sr. Adv.
Mr. Vivek Singh, Adv.

Mr. Shekhar Naphade, Sr. Adv.
Mr. Ashwani Kumar Dubey, Adv.
Mr. Ashwani Kumar Upadhyay, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Pankaj Sharma, Adv.
Mr. Prashant Kumar Umrao, Adv.

Mr. Sandeep Kr. Mishra, Adv.
 Ms. Sheetal Rajput, Adv.
 Mr. Chandra Shekhar Mishra, Adv
 Mr. Ashihsh Chaubey, Adv.
 Ms. S. Lakshmi Iyer, Adv.
 Ms. Aishwarya Dash, Adv.

Mr. D.K. Devesh, Adv.
 Mr. U.P. Singh, Adv.
 Mr. Abhinav Raghuvanshi, Adv.
 Mr. Suprabh Kumar Roshan, Adv.
 Mr. A.B. Singh, Adv.
 Mr. Piyush Upadhyay, Adv.

Mr. Kunal Chatterji, Adv.
 Ms. Maitrayee Banerjee, Adv.
 Mr Pravar Veer Misra, Adv.

Dr. K. P. Kylasanatha Pillay, Sr. Adv.
 Mr. Pradeep C., Adv.
 Mr. A. Venayagam Balan, AOR
 Ms. V. S. Lakshmi, Adv.
 Mr. Zartab Anwar, Adv.

Ms. Anjana Prakash, Sr. Adv.
 Mr. P. Prabhakar, Adv.
 Mr. D. Srinivas, Adv.
 Mr. A. Venkateswara Rao, Adv.

Mr. Aljo K. Joseph, Adv.
 Ms. Shelna K., Adv.
 Mr. Siddhartha Jha, Adv.

Mr. Deepak Goel, Adv.

Mr. Ajit Kr. Sinha, Sr. Adv.
 Ms. S. Janani, Adv.
 Mr. Deepak Goel, Adv.
 Mr. Kamal Kumar Pandey, Adv.
 Mr. Vipin Kumar, Adv.
 Mr. Jitendra Kr. Yadav, Adv.

Mr. Anurag Singh, Adv.

Mr. Kshatrshal Raj, Adv.
 Ms. Tanya Chaudhary, Adv.
 Ms. Nikita Pandey, Adv.
 for M/s. Parekh & Co.

Mr. P. N. Ravindran, Sr. Adv.
 Mr. T.G.N. Nair, Adv.
 Mr. Amit Sharma, Adv.

Mr. Purushaindra Kaurav, Sr. Adv.
Mr. Arjun Garg, Adv..
Mr. S. Mahesh Sahasranaman, Adv.
Mr. Anuradha Mishra, Adv.

Ms. Stuti Krishna, Adv.
Mr. A.V.Rangam, Adv.
Mr. Buddy A. Ranganadhan, Adv.

Mr. Jamshed Bey, Adv.
Mr. Himanshu Mehra, Adv.
Mr. Amit Singh Chauhan, Adv.
Mr. Ekansh Bansal, Adv.
Mrs. Bandna Singh, Adv.
Ms. Vaishali Gupta, Adv.
Ms. Brinda Ajmani, Adv.
Mr. Ajay Kumar Talesara, Adv.

Mr. Ajay Kumar Singh, Adv.
Mr. Yatharth Singh, Adv.

Mr. Raunak Jain, Adv.
Mr. Mr. Ketan Paul, Adv.
Mr. Tushar Bhushan, Adv.
Mr. Amartya Bhushan, Adv.

Mr. Tushar Bakshi, Adv.
Mr. Shovit Singh, adv.
Ms. Harshika Verma, Adv.
Mr. Akshay Chadha, Adv.
Mr. Dhruv Sheron, Adv.

Mr. A. P. Mayee, Adv.
Mr. A. Rajarajan, Adv.
Mr. Sanjeev Kumar Choudhary, Adv.
Ms. Charudatta Mahindrakar, Adv.
Ms. Deepanwita Priyanka, Adv.
Mr. A. Rajarajan, Adv.

Mr. Himanshu Sharma, Adv.
Ms. Aditi Sharma, Adv.
Mr. Seeta Ram Sharma, Adv.
Mr. Ram Niwas Sharma, Adv.
Ms. Archana Pathak Dave, Adv.

Mr. Manoj Goel, Adv.
Mr. A. Kumar, Adv.
Mr. Wajeeh Shafiq, Adv.
Mr. Harish Pandey, Adv.

Mr. Yunus Malik, Adv.
Mr. Anish Maheshwari, Adv.
Ms. Saroj Bala, Adv.

Mr. Aman Malik, Adv.
Mr. Samir Malik, Adv.

Mr. Ashish Kumar, AAG.
Ms. Sangeeta Bharti, Adv.
Mr. Shakti Verma, Adv.
Mr. Rohit K. Singh, Adv.

Mr. Dushyant Kumar, Adv.
Mr. T. V. George, Adv.

Mr. Govind Narayan Kaushik, Adv.
Ms. Neha Dutt Sharma, Adv.
Mr. Nishe Rajen Shonker, Adv.
Mr. V. Sushant, Adv.
Mr. Ram Naresh Yadav, Adv.

Mr. Apoorv Kurup, Adv.
Ms. Upama Bhattacharjee, Adv.

Mr. Vijay Pratap Singh, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Manoj Shrivastava, Adv.
Mr. Rakesh Kumar, Adv.

Mr. Pankaj Kumar Mishra, Adv.
Mr. Sanjay Kumar Dubey, Adv.
Ms. Archana Mishra, Adv.

Mr. Sunil Fernandes, AAG, MP
Ms. Nupur Kumar, Adv.
Mr. Zeeshan Diwan, Adv.
Mr. Prastut Dalvi, Adv.
Mr. Rahul Kaushik, Adv.

Mr. K. Parameshwar, Adv.
Mr. M. V. Mukunda, Adv.

Mr. G. Prakash, Adv.
Mr. Jishnu M. L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Ms. Uttara Babbar, Adv.
Ms. Bhavana Duhoon, Adv.
Mr. Manan Bansal, Adv.

Mr. Amol B. Karande, Adv.
Mr. Ravindra H., Adv.

Mr. Rahul Chitnis, Adv.
Mr. Aaditya A. Pande, Adv.

Mr. Sachin Patil, Adv.

Ms. Nidhi, Adv.

Mr. Vaisal Dathan, Adv.

Mr. Rameshwar Singh Malik, Sr. Adv.

Mr. Jitesh Malik, Adv.

Ms. Beena, Adv.

Mrs. Shipra Chaudhary, Adv.

Mr. Satish Kumar, AOR

Mr. Arjun Garg, Adv.

Mr. Devansh Srivastava, Adv.

Mr. Rati Tandon, Adv.

Mr. Parnam Prabhakar, Adv.

Mr. D. Srinivas, Adv.

Mr. Sanjeev Kumar, Adv.

Mr. Anjana Prakash, Sr. Adv.

Mr. Prabhakar Parnam, Adv.

Ms. Aditi, Adv.

Mr. A. V. Rao, Adv.

Mr. Anurag Dubey, Adv.

Ms. Chhaya Kumari, Adv.

Mr. Bhupendra Kr. Bhardwaj, Adv.

Mr. S. R. Setia, Adv.

Mr. Fuzail Ahmad Ayyubi, Adv.

Mr. Abdul Qadir, Adv.

Ms. Aditi Gupta, Adv.

Mr. Ankur Chhiber, Adv.

Mr. R.C. Kaushik, Adv.

Mr. Yashvardhan, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Saksham Maheshwari, Adv.

Mr. Alok Kumar, Adv.

Mr. Sadashiv, Adv.

Mr. Shantanu Kumar, Adv.

Mr. Shakti Vardhan, Adv.

Mr. Ajay Kr. Talesara, Adv.

Mr. Himanshu Mehra, Adv.

Ms. Vaishali Gupta, Adv.

Mr. Abhishek Atrey, Adv.

Ms. Vidyottma, Adv.

Mr. Arvind Gupta, Adv.
 Mr. Sameer Kumar Tiwary, Adv.
 Mr. Mahesh Chaurasia, Adv.
 Mr. Sujit Kumar, Adv.
 Mr. Sanjeev Kumar Verma, Adv.

Mr. Anil Kumar Sahu, Adv.
 Mr. Rakesh Kumar, Adv.

Mr. Ajay Kumar Singh, Adv.
 Mr. Satyendra Kumar Srivastav, Adv.
 Mr. Vinay Kumar, Adv.
 Mr. Ramesh Tiwari, Adv.

Mr. Ajay Bansal, adv.
 Mr. Sanjay Kr. Visen, Adv.
 Mrs. Veena Bansal, Adv.
 Mr. Gaurav Yadava, Adv.

Mr. Smarhar Singh, AOR
 Mr. Ashutosh Thakur, Adv.
 Mr. Rajesh Kumar, Adv.

Mr. Animesh Kumar, Adv.
 Mr. Sumit Kumar, Adv.
 Mr. Ashutosh Thakur, Adv.
 Mr. M. Kumar, Adv.
 Mr. Nishant Kumar, Adv.
 Mr. Ambuj Dixit, Adv.
 Ms. Ekta Bharti, Adv.
 Mr. Neeraj Shekhar, Adv.

Mr. Yunus Malik, Adv.
 Mr. Anish Maheshwari, Adv.
 Ms. Saroj Bala, Adv.
 Ms. Khushali, Adv.
 Mr. MNA Chaudhary, Adv.
 Mr. Aman Malik, Adv.
 Mr. Samir Malik, Adv.

Mr. G.N.Reddy, Adv.
 Mr. T. Vijay Bhaskar Reddy, Adv.
 Mr. Digvijay Harichandan, Adv.

Mr. Manohar Lal, Adv.
 Mr. Dinesh Verma, Adv.
 Mr. Subhasish Bhowmick, AOR

Ms. Debjani Das P., Adv.
 Mr. Rajiv Kataria, Adv.
 For M/s. Delhi Law Chambers.

Mr. Shekhar G Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Luv Kumar, Adv. for
For M/s. Devasa & Co.

Mr. M.C. Dhingra, Adv.
Mr. Anurag Shukla, Adv.
Mr. Gaurav Dhingra, Adv.
Kandra Indira, Adv.
Mr. Abhishek, Adv.
Ms. Deepthi Raj, Adv.

Mr. Abhilash M.R., Adv.
Mr. Sayooj Mohandas, Adv.
Mr. Nishe Rajen Shonkar, Adv.

Mr. Niraj Gupta, Adv.
Ms. Anshu Gupta, Adv.
Mr. Gaurav Kumar, Adv.
Ms. Rachana Srivastava, AOR

Mr. Sanjay Kumar Dubey, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Jainendra Kumar Ojha, Adv.
Mr. Rakesh Kumar Tewari, Adv.

Mr. Pankaj Kr. Singh, Adv.
Ms. Suchi Singh, Adv.

Mr. Sanjay Kr. Yadav, Adv.
Mr. Ashok Kumar, Adv.
Mr. Devvrat, Adv.

Mr. Rishabh Sancheti, adv.
Ms. Padma Priya, Adv.
Mr. Bhavesh Seth, Adv.
Mr. Suyash Rawat, Adv.
Mr. Anchit Bhandari, Adv. for
Mr. K. Paarivendhan, Adv.

Mr. Amitanand Tiwari, Adv.
Mr. Ashutosh Jha, Adv.
Mr. Ashutosh Gupta, Adv.

Mr. Baij Nath Patel, Adv.
Ms. Sweta, Adv.
Ms. Romila, Adv.

Mr. Sunil K. Jain, Adv.
Ms. Anubha Agarwal, Adv.

Mr. Anuj Prakash, Adv.
 Mr. Panshul Chandra, Adv.
 Ms. Aditi Kumar, Adv.
 Mr. K. Murli Manohar, Adv.

Mr. Akhilesh Tripathy, Adv.
 Ms. Pooja, Adv.
 Mr. Ravi S. Jha, Adv.
 Mr. D.K. Tripathi, Adv.

Mr. Shailesh Madiyal, adv.
 Mr. Kartik Anand, Adv.
 Mr. Sudhanshu Prakash, Adv.

Mr. Prashant Bhushan, AOR
 Mr. Ashutosh Jha, AOR
 Petitioner-in-person
 Gaurav, AOR
 Mr. Amol B. Karande, AOR
 Mr. R. C. Kaushik, AOR
 Mr. Deepak Goel, AOR
 Samir Malik, AOR
 Mr. Ravindra S. Garia, AOR
 Mr. A. Venayagam Balan, AOR
 Mr. Rajiv Ranjan Dwivedi, AOR
 Mr. Deepak Anand, AOR
 Mr. Daya Krishan Sharma, AOR
 Mr. Aljo K. Joseph, AOR
 Mr. Pranab Prakash, AOR
 Mr. Abhishek, AOR
 Mr. Subhasish Bhowmick, AOR
 Mr. Sanjay Kumar Dubey, AOR
 Mr. Neeraj Shekhar, AOR
 Mr. Harish Pandey, AOR
 Mr. Ajay Pal, AOR
 Mr. Shuchi Singh, AOR
 Mr. Arvind Gupta, AOR
 Mr. Nishe Rajen Shonker, AOR
 Mr. Niraj Gupta, AOR
 Mr. Pankaj Kumar Mishra, AOR
 M/S. Devasa & Co., AOR
 M/S. Delhi Law Chambers, AOR
 Mr. A. V. Rangam, AOR
 Mr. Rakesh Kumar-I, AOR
 Mr. Ram Naresh Yadav, AOR
 Mr. Vivek Singh, AOR
 Mr. Ajay Kumar Talesara, AOR
 Mr. Ajay Kumar Singh, AOR
 Ms. Archana Pathak Dave, AOR
 Mr. Amit K. Nain, AOR
 Mr. D. K. Devesh, AOR
 Mr. Satish Kumar, AOR
 Mr. S. R. Setia, AOR

Dr. Surender Singh Hooda, AOR
 Mr. Sanjeev Kumar, AOR
 Mr. Ashwani Kumar Dubey, AOR
 Mr. Devvrat, AOR
 Mr. Kedar Nath Tripathy, AOR
 Mr. Venkateswara Rao Anumolu, AOR
 Mr. Ram Kishor Singh Yadav, AOR

Mr. Aniruddha P. Mayee, AOR
 Mr. Abhishth Kumar, AOR
 Mr. Arjun Garg, AOR
 Mr. Kunal Chatterji, AOR
 Mr. V. N. Raghupathy, AOR
 Ms. Christi Jain, AOR
 M/S. Parekh & Co., AOR
 Mr. Jagjit Singh Chhabra, AOR
 Mr. Ashok Mathur, AOR
 Ms. Uttara Babbar, AOR
 Mr. Annam D. N. Rao, AOR
 Mr. T. G. Narayanan Nair, AOR
 Mr. Ardhendumauli Kumar Prasad, AOR
 Mr. Abhishek Atrey, AOR
 Mr. Rohit K. Singh, AOR
 Mr. Gaurav Agrawal, AOR
 Mr. Sunny Choudhary, AOR
 Ms. Hemantika Wahi, AOR
 Mr. Sunil Kumar Jain, AOR
 Mr. Sanjay Kumar Visen, AOR
 Ms. Rachana Srivastava, AOR
 Mr. Adarsh Upadhyay, AOR
 Mr. B. V. Balaram Das, AOR
 Mr. Arvind Kumar Sharma, AOR
 Mr. K. parameshwar, AOR
 Mr. G. N. Reddy, AOR
 Mr. Guntur Prabhakar, AOR
 Mr. John Mathew, AOR
 Mr. Sanjay Kumar Tyagi, AOR
 Mr. Vivek Singh, AOR
 Mr. A. Venayagam Balan, AOR
 Mr. Mrigank Prabhakar, AOR
 Mr. D. K. Devesh, AOR
 Mr. K. Paari Vendhan, AOR
 Ms. S. Janani, AOR
 Ms. Resmitha R. Chandran, AOR
 Mr. Krishna Kumar Singh, AOR
 Mr. Prashant Bhushan, AOR
 Ms. Archana Pathak Dave, AOR
 Mr. Smarhar Singh, AOR
 Mr. M. C. Dhingra, AOR
 Mr. Deepak Goel, AOR

Hon'ble Mr. Justice Arun Mishra pronounced the reportable Judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Vineet Saran.

Permission to file Special Leave Petition (s) is granted.

Leave granted.

Application(s) for impleadment/intervention are disposed of.

The operative portion of the Judgment is reproduced as under :-

"47. We answer the reference as under :-

(i) The members in the judicial service of the State can be appointed as District Judges by way of promotion or limited competitive examination.

(ii) The Governor of a State is the authority for the purpose of appointment, promotion, posting and transfer, the eligibility is governed by the Rules framed under Articles 234 and 235.

(iii) Under Article 232(2), an Advocate or a pleader with 7 years of practice can be appointed as District Judge by way of direct recruitment in case he is not already in the judicial service of the Union or a State.

(iv) For the purpose of Article 233(2), an Advocate has to be continuing in practice for not less than 7 years as on the cut-off date and at the time of appointment as District Judge. Members of judicial service having 7 years' experience of practice before they have joined the service or having combined experience of 7 years as

lawyer and member of judiciary, are not eligible to apply for direct recruitment as a District Judge.

(v) The rules framed by the High Court prohibiting judicial service officers from staking claim to the post of District Judge against the posts reserved for Advocates by way of direct recruitment, cannot be said to be ultra vires and are in conformity with Articles 14, 16 and 233 of the Constitution of India.

(vi) The decision in *Vijay Kumar Mishra (supra)* providing eligibility, of judicial officer to compete as against the post of District Judge by way of direct recruitment, cannot be said to be laying down the law correctly. The same is hereby overruled.

48. In the case of *Dheeraj Mor and others* cases, time to time interim orders have been passed by this Court, and incumbents in judicial service were permitted to appear in the examination. Though later on, this Court vacated the said interim orders, by that time certain appointments had been made in some of the States and in some of the States results have been withheld by the High Court owing to complication which has arisen due to participation of the ineligible in-service candidates as against the post reserved for the practising advocates. In the cases where such in-service incumbents have been appointed by way of direct recruitment from bar as we find no merit in the petitions and due to dismissal of the

writ petitions filed by the judicial officers, as sequel no fruits can be ripened on the basis of selection without eligibility, they cannot continue as District Judges. They have to be reverted to their original post. In case their right in channel for promotion had already been ripened, and their juniors have been promoted, the High Court has to consider their promotion in accordance with prevailing rules. However, they cannot claim any right on the basis of such an appointment obtained under interim order, which was subject to the outcome of the writ petition and they have to be reverted.

49. The civil appeals, writ petitions, Transfer Petition and contempt petition are, accordingly, disposed of. No order as to costs."

Thereafter, Hon'ble Mr. Justice S. Ravindra Bhat pronounced the reportable separate, but concurring Judgment. The operative portion of the Judgment is reproduced as under :-

"35. The Constitution makers, in the opinion of this court, consciously wished that members of the Bar, should be considered for appointment at all three levels, i.e. as District judges, High Courts and this court. This was because counsel practising in the law courts have a direct link with the people who need their services; their views about the functioning of the courts, is a constant dynamic. Similarly, their views, based on

the experience gained at the Bar, injects the judicial branch with fresh perspectives; uniquely positioned as a professional, an advocate has a tripartite relationship: one with the public, the second with the court, and the third, with her or his client. A counsel, learned in the law, has an obligation, as an officer of the court, to advance the cause of his client, in a fair manner, and assist the court. Being members of the legal profession, advocates are also considered thought leaders. Therefore, the Constitution makers envisaged that at every rung of the judicial system, a component of direct appointment from members of the Bar should be resorted to. For all these reasons, it is held that members of the judicial service of any State cannot claim to be appointed for vacancies in the cadre of District Judge, in the quota earmarked for appointment from amongst eligible Advocates, under Article 233.

36. This court is of the opinion that the decision in *Vijay Kumar Mishra (supra)*, as far as it makes a distinction between consideration, of a candidate's eligibility, at the stage of selection, and eligibility reckonable at the time of appointment, is incorrect. There is clear authority to the proposition that eligibility of any candidate is to be reckoned, not from the date of his or her selection, but in terms of the rules, or the advertisement for the post. In *Ashok Kumar Sharma & Ors. vs. Chander Shekhar & Ors* 1997 (4) SCC 18, a three-judge bench of this court held as follows:

"6....The proposition that where applications are called for prescribing a particular date as

the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement of notification issued/published calling for application constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it.

7. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the person had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis.

8. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority Judgment. This is also the proposition affirmed in *Rekha Chaturvedi (Smt.) v. University of Rajasthan and Ors.* (1993) 1 LLJ 617 (SC). The reasoning in the majority opinion that by allowing the 33 respondents to appear for the interview, the Recruiting Authority was able to get the best talent available and that such course was in furtherance of public interest is, with respect, an impermissible justification. It

is, in our considered opinion, a clear error of law and an error apparent on the face of the record. In our opinion, R.M. Sahai, J.(and the Division Bench of the High Court) was right in holding that the 33 respondents could not have been allowed to appear for the interview."

This reasoning is similar to other decisions, such as U.P. Public Service Commission v Alpana 1994 (2) SCC 723 and Bhupinderpal Singh & Ors. vs. State of Punjab & Ors 2000 (5) SCC 262. Therefore, the observation in Vijay Kumar Mishra (supra) that "the right of such a person to participate in the selection process undertaken by the State for appointment to any post in public service (subject to other rational prescriptions regarding the eligibility for participating in the selection process such as age, educational qualification etc.) and be considered is guaranteed under Art. 14 and 16 of the Constitution" is not correct. With respect, the distinction sought to be made, between "selection" and "appointment" in the context of eligibility, is without foundation. A selection process begins with advertisement, calling for applications from eligible candidates. Eligibility is usually defined with reference to possession of stipulated qualifications, experience, and age, as on the last date (of receipt of applications, or a particular specified date, etc). Anyone fulfilling those eligibility conditions, with reference to such date, would be ineligible. Therefore, the observation that the right to participate in the selection process, without possessing the prescribed eligibility conditions, is guaranteed, is not correct; the right is guaranteed only if the candidate

concerned fulfils the requisite eligibility criteria, on the stipulated date. As pointed out by the three judge bench decision, if the contrary is correct, one acquiring the stipulated qualifications subsequent to the prescribed date cannot be considered. Also, one not fulfilling the conditions cannot be allowed to participate, because, as held in Ashok Kumar Sharma (supra), if it were known, that such ineligible candidates can be considered, those who do not apply, but are better placed than the ineligible candidates who are allowed to participate, would be left out. Moreover, the authority publishing the advertisement/notification represents to the members of the public that it is bound by such representation.

37. As a result of the above discussion, it is held that Vijay Kumar Mishra (supra), to the extent that it is contrary to Ashok Kumar Sharma (supra), as regards participation in the selection process, of candidates who are members of the judicial service, for appointment to the post of District Judge, from amongst the quota earmarked for advocates with seven years' practice, was wrongly decided. To that extent, Vijay Kumar Mishra (supra) is hereby overruled.

38. In the light of the foregoing discussion, it is held that under Article 233, a judicial officer, regardless of her or his previous experience as an Advocate with seven years' practice cannot apply, and compete for appointment to any vacancy in the post of District Judge; her or his chance to occupy that post would be through promotion, in accordance with Rules framed under

*Article 234 and proviso to Article 309 of the
Constitution of India."*

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Two signed reportable Judgments are placed on the file)