



In need of a practical plan: on judicial appointments

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Highlights

- Recruitment to the lower judiciary has been under public scrutiny due to its failure to fill almost a quarter (23%) of vacancies that persist.
- The recruitment process of district judges is now the subject matter of a public interest litigation filed in the Supreme Court.
- The matter has now come to a standstill given opposition by States to a centralised selection mechanism for judges.
- This is not the first time that the Supreme Court has tried to streamline the examination process for the lower judiciary.
- In *Malik Mazhar v. U.P. Public Service Commission* (2008), it highlighted the importance of a prescribed time-schedule for judicial service examinations and laid down stage-wise time lines for lower judicial appointments

However, such a benchmark has three problems.

- First, the rationale behind arriving at this timeline is unclear.
- Second, it is an inaccurate benchmark to measure performance as it does not consider different sanctioned strengths and State resources in conducting such exams.
- Third, strict adherence to such timelines affects aspirants.

Way forward

- While the idea of a definite timeline is undisputedly a good one, it should be flexible to suit the administrative and resource capacities of different States.
- The Malik Mazhar guidelines could have easily ensured this by prescribing a standard which could be subject to State modifications rather than making them fixed.
- Currently, States can deviate from this timeline only by making an application to the Supreme Court. This curbs their flexibility. Further, and more importantly, the court needs to adopt a more data-driven, methodological basis for such a timeline.

Source: [The Hindu](#)