Govt. behind delay in posting of HC judges: SC

Sometimes, it takes more than a year to complete the process, the court observed.

The government is inordinately delaying the appointment of judges to High Courts, the Supreme Court observed in a judgment delivered on Friday.

At a time when judicial vacancies in the 24 High Courts remain at an all-time high, the Supreme Court passed scathing remarks in a 31-page judgment on how the government keeps names forwarded by the judiciary pending for an "unduly long time." There are a total of 403 judicial vacancies in the High Courts.

HCs too blamed

Equally at fault are the High Courts for the present quandary, the verdict by a Bench of Justices A.K. Sikri and Ashok Bhushan said. Instead of sending the fresh names to the government for vetting a month prior to an anticipated judicial vacancy, the names are sent late or not sent at all.

In case the fresh names are sent to the government, the files are kept pending at the Executive level for long before they are sent to the Supreme Court Collegium for approval along with the government's inputs on the names proposed."Even after the clearance of the names by the Collegium, these remain pending at the level of the Executive. All this results in inordinate delay. Sometimes, it takes more than one year to complete the process from the date of forwarding the names till appointment," the Bench observed. As a result, the careers and tenures of future High Court judges recommended by the Supreme Court Collegium are invariably cut short because of the delay, the court said.

The court was hearing a challenge to the appointment of two retired district judges as Additional Judges of the Rajasthan High Court. Their names were recommended by the Rajasthan Chief Justice in February 2016, while they were still in judicial service. However, the appointment process took over a year to complete in May 2017, and they had already retired by that time.

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