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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

CASE COMMENT: ALL INDIA JUDGES ASSOCIATION AND ORS. V. UNION OF INDIA AND ORS.

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CITATION

Writ Petition (C) No. 1022 of 1989; (2025) INSC 735

BENCH

B.R. Gavai (CJI), A.G. Masih (J), K.V. Chandran (J)

ABSTRACT

This case comment analyses the landmark judgment delivered by the Supreme Court in May 2025, in the case of All India Judges Association and Ors. v. Union of India and Ors. It addresses the long-standing issues regarding judicial services recruitment, particularly the critical aspects of eligibility criteria, merit, competence, and promotion. The court reversed its previous position, reinstating the mandatory bar practice for minimum three years to be eligible for the entry in judicial services. The ruling sustained practical experience over the bookish knowledge as a crucial pre-requisite for judicial career. It also systematically restructured the promotion and reservation quotas by reserving 75% for promotion and a 10% quota for Limited Departmental Competitive Examination (LDCE). The direct recruitment quota was reduced from 25% to 15%, reflecting a paradigm shift towards valuing skill set and experience over mere academic qualifications. The judgment reflects a pivotal step to maintain and enhance the quality and integrity of judicial appointments. While some celebrated it for promoting merit, it created a room for a huge debate between young law graduates and judiciary aspirants as a potential barrier for new entrants. Though the ruling safeguards ongoing judicial recruitments from its effects, it has been considered as a hurdle in the aspirations of young law professionals. However, the court's decision stands as a testament to the ongoing efforts for balancing the need of equitable access and opportunities with the paramount need for a competent and professional judiciary. In essence, the ruling aims to

ensure that those who sit on the bench possess both legal knowledge and the wisdom that comes from practical experience.

Keywords: Judicial services, Bar practice, LDCE, Supreme Court, Quota.

INTRODUCTION

In the landmark judgment delivered by the Supreme Court of India in May 2025, the long-standing concerns of quota allocations, promotions, and eligibility norms for judicial officers have been addressed. The court revisited the critical aspects of judicial services rules in this case. It marked a significant evolution in the judicial policy, particularly regarding the Limited Departmental Competitive Examination (LDCE), minimum practice requirements for aspirants, and structured incentives for meritorious service. This case arose from several applications filed over the years, seeking modifications in recruitment and promotional norms for the subordinate judiciary. It was a part of a continuing mandamus initiated in 1989 by the All-India Judges Association (AIJA), including the previous key judgments, i.e., first AIJA case (1991), second AIJA case (1993), third AIJA case (2002), fourth AIJA case (2010), and fifth AIJA case (2022). Each of these cases shaped the reforms in judicial services, with the 2025 ruling serving as a comprehensive re-evaluation of those directives. The judgment was delivered on May 20th, 2025, by the Constitutional bench of three judges, including the present Chief Justice B.R. Gavai. The ruling created massive controversy among young law graduates and legal professionals, with some praising the judgment as a vital step in qualitative recruitment for judicial services and others considering it a limitation for aspirants, especially females.

HISTORICAL BACKGROUND AND FACTS

In pursuance of the first AIJA case, the government of India constituted the First National Judicial Pay Commission under the chairmanship of Justice K.J. Shetty, also known as the Shetty Commission, by a resolution dated March 21, 1996. In the second AIJA case, the Supreme Court of India observed that an applicant must be an advocate with at least three years of bar practice to be eligible for the judicial services examination, and for that, the relevant rules were amended. As a result, judicial services failed to attract the best potential over time. It was found that a young

law graduate, after practicing for three years, didn't find the judicial service appealing. Therefore, after considering certain facts and representations made by various authorities, the Shetty Commission recommended the removal of the requirement of three years of bar practice for the eligibility of judicial services. It also recommended recruitment to the higher judicial services (District Judge), 75% by promotion and 25% quota by direct recruitment from advocates. Later, in the third AIJA case, the Supreme Court adopted the recommendations of the commission and directed state governments and High Courts to amend the three-year practice rule. It was also said in the ruling that every fresh recruit must undergo training for at least a year and preferably for two years.

Furthermore, there was a division set within the 75% promotion, adopting a 50% merit-cum-seniority with a suitability test and 25% strictly by merit through a Limited Departmental Competitive Examination (LDCE) for civil judge (senior division) with at least five years of qualifying service. Over time, it was found that there was a large number of unfilled vacancies in 25% of the LDCE category. Considering it inappropriate for the judicial services, the supreme court in the fourth AIJA case reduced the quota to 10%.¹ The fifth AIJA case was a follow-up case to the earlier cases to address ongoing issues regarding qualification and structure for judicial entry and promotions. The challenge was particularly posed by the rise of minimum qualifying experience for promotion examinations and the requirement of setting uniform pay and benefits for judicial officers across the country. It also aimed to address the concern of sound infrastructure and the role of court managers in the subordinate courts. The Supreme Court then took the Suo Motu action in this case and delivered a landmark judgment in the history of judicial services reforms.

ISSUES

The issues in the said case were –

- Should the Limited Departmental Competitive Examination (LDCE) quota for District Judges be restored from 10% to 25%, as previously held?

¹ “All India Judges Association vs Union of India 2025: Supreme Court Case” (*Testbook*) <https://testbook.com/recent-judgements/all-india-judges-association-vs-union-of-india>

- Whether the minimum experience required for appearing in LDCE should be reduced, and if so, by how many years?
- Whether a special quota should be reserved for meritorious Civil Judges (Junior Division) to qualify?
- If such a quota is justified, what should be the percentage and minimum experience as a Civil Judge (Junior Division) to qualify?
- Should the LDCE quota be calculated based on overall cadre strength or annual vacancies?
- Should a suitability test be introduced for promotion to the District Judge level under the existing 65% merit-cum-seniority system?
- Should the three-year minimum requirement of Bar practice for the Civil Judge (Junior Division) examination, which had been removed in the 2002 judgment, be restored?
- If the practice requirement is reinstated, should the period be counted from the date of provisional enrolment/registration as an advocate or from the date of passing the All-India Bar Examination?²

RULES

While examining the framework of judicial service recruitment and promotion, the Supreme Court relied upon Articles 233 & 234 of the Constitution. The said articles empower the governor, in consultation with the high courts, to frame and implement service rules of the subordinate judiciary. The court also referred to its previous pronouncements in the earlier AIJA cases that have progressively shaped the policies of bar practice requirements, quota allocations, and promotion criteria. The ruling included the LDCE quota, merit-cum seniority system, and the conditions for direct recruitment from the bar. It also reaffirmed the mandatory three years of practice rule for appearing in the Civil Judge (Junior Division) examination, to be applied across all the states uniformly. Furthermore, the Supreme Court maintained the balanced service rule of 65% merit-cum-seniority promotions and 25% of the direct recruitment quota.

² Kulkarni A, Kulkarni A and Bites L, “Legal Bites” (*Legal Bites*, May 21, 2025) <https://www.legalbites.in/landmark-judgements/case-summary-all-india-judges-association-ors-v-union-of-india-ors-2025-3-years-bar-practice-mandatory-for-civil-judge-exam-1143992>

JUDGMENT

In its landmark judgement delivered on May 20, 2025, the Supreme Court reinstated the requirement of mandatory minimum bar practice of three years. It included practices as an advocate or a law clerk to be eligible for the Civil Judge (Junior Division) examination. The court highlighted those mere academic qualifications are insufficient for such a highly prestigious duty. It also emphasised that “neither knowledge based on law books nor pre-service training can substitute for first-hand experiences of court proceedings.” Most importantly, the court held that this rule must apply prospectively, and the recruitments already underway will remain unaffected. Furthermore, the period of experience must be tracked from the date of provisional enrolment with the Bar Council and not from the date of passing the All-India Bar Examination (AIBE). To safeguard the authenticity of claimed experiences, the Supreme Court ruled that a mandatory certificate of practice be issued either by a principal judicial officer or by a senior advocate with at least ten years of bar practice experience. Alongside, it redirected the quota structure for promotions, where 65% of merit-cum-seniority quota with suitability tests held by the High courts to maintain the standards, and 25% of direct recruitment from the bar was preserved. The court also introduced the new quota of 10% in the senior division to be filled by LDCE, where the experience requirements were reduced. The candidates will have to either serve as a Civil Judge (Senior Division) for three years or have the cumulative judicial services, including the tenure of a Civil Judge (Junior Division), to be eligible for the LDCE.

ANALYSIS

This landmark judgement demonstrates an attempt to maintain a balance between judicial competence and the values of accessibility in the profession. In 2002, the court had eliminated the requirement of prior bar practice. The step was to encourage young law graduates for judicial services. However, it was later reported by the High Courts that the decorum of the court is often violated by candidates who have no real experience of court proceedings but just theoretical knowledge. There were also multiple complaints by the litigants and advocates, where the inability of fresh recruiters to handle the court and the lack of maturity were often recorded. This made the court restore its 1993 judgment of mandatory minimum bar practice of three years. The court underscored that only the provisional enrolments permit actual practice if the AIBE examination

has been passed within two years of graduation. Thus, the counting of experience must be from enrolment and not the qualification of the AIBE examination. It was ruled to prevent chaos and sustain uniformity in the recruitment process.

The restoration of the LDCE quota to 25% aimed to increase the excellence and competition among Civil Judge (Senior Division) and to fulfil any vacant position by LDCE through regular promotion. This ruling was sustained as a preventive measure of administrative disruption. Initially, the court pegged the quota from 25% to 10% in its 2002 judgment due to inadequate uptake and unfilled vacancies. This created a bottleneck for deserving candidates, and the court had to restore it to 25%. With regard to the reduction of experience requirements in LDCE for Civil Judge (Senior Division), the court observed that the existing rule of five years of experience as Civil Judge (Junior Division) rendered the LDCE pointless, as many officers became eligible for promotion at the same time. To maintain a balance between experience and timely opportunity, the Supreme Court had to reduce it to three years of experience in the senior division and seven years in the junior division or cumulative judicial services.

The introduction of a new 10% quota in the senior division to be filled by the LDCE mechanism acknowledged the stagnation and lack of motivation at lower positions. This decision mandated the eligibility of at least three years of service in the junior division to create a merit-cum-seniority system. Alongside, the court highlighted that this merit system must not be mechanical and there shall be suitability tests evaluating legal aptitude, judgment quality, transparency, and objective criteria subject to rules framed by the High Courts, for 65% of the promotion quota. The step emphasized the priority of maintaining high standards in judicial services. The court also addressed a long-standing issue of the basis of the LDCE quota.³ It was ruled that the quota shall be based on cadre strength and not yearly vacancies to promote uniformity across states. At the same time, the court's reliance upon Articles 233 and 234 to justify uniformity of rules across states reflected a constitutional concern for coherence and equality of standards in judicial recruitment. Overall, the entire judgment highlights the focus of the Supreme Court on the qualitative improvement in the subordinate judiciary, which has long been criticised for inefficiency and lack of professional

³ Kulkarni et al (n 2)

maturity. The insistence of the court upon actual courtroom exposure of the bookish knowledge reflects a pragmatic understanding of the skills that are required for efficient adjudication.

AFTERMATH OF THE JUDGMENT

Soon after the ruling, there were widespread sparks and controversy among the aspirants for judicial services. The Supreme Court has instructed High Courts and State governments to amend their recruitment rules to reinstate the compulsory rule of bar practice for a minimum of three years to be eligible for the Civil Judge (Junior Division) examination and to introduce certain tests to check the suitability of candidates before promotion. The decision has impacted countless aspirants, particularly those who have already appeared for the examination but were not selected for the post. They will also have to fulfil the requirement of three years of bar practice before appearing for the examination. Alongside, first-generation aspirants, especially women, have been seriously discouraged from appearing for judicial services due to a lack of guidance, financial support, and societal pressure to marry at the right age. The judgment, on the one hand, is applauded for its promise to maintain healthy competence in the judiciary.

On the other hand, it has created a huge gap between accessibility and inclusivity. The long-delayed entry in the services may obstruct the deserving candidates due to social, economic, and cultural barriers. The sparked debate among legal institutions, bar associations, and fresh law graduates has led to the filing of a review petition in July 2025 under Article 137, challenging the implementation timeline and alleging that it imposed unreasonable restrictions under Article 19(1)(g). Additionally, multiple High Courts have reported logistical challenges in the implementation of suitability tests due to a lack of proper guidelines. Many states had to keep the recruitment processes on hold for further directions from the Supreme Court. Bar Councils have also proposed the official recognition of law clerkships and alternative legal experiences to mitigate the adverse effects on young judiciary aspirants. To ensure nationwide fair inclusivity and consistent application of these reforms, central oversight mechanisms must be introduced through policy discussions.⁴

⁴ *All India Judges Association v Union of India* (Indian Kanoon, May 20, 2025) <https://indiankanoon.org/doc/17802623/>

CONCLUSION

The judgment in the said case is a pivotal step in the reformative journey of judicial services. It not only strikes a compelling stance on competence and professional maturity but also attempts to enhance the merit-based promotion through quota restructuring and suitable assessments. However, following the review petition for challenging this decision, the controversy persists regarding its practical implications. While this ruling aims to elevate the quality and preparation of entrants into judicial services, it also hinders the access and inclusivity of first-generation lawyers, women, and aspirants from marginalized communities or backgrounds. Therefore, the success of this ruling hinges on the equitable implementation, fairness of its traditional safeguards, and integrity of the High Courts in executing these reforms to hold the equitable justice and accessibility above all.

