

ITEM NO.6 Court No.2 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1479/2020

REGALAGADDA VENKATESH

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ANR.

Respondent(s)

(FOR ADMISSION and IA No.136504/2020-APPROPRIATE ORDERS/DIRECTIONS)

Date : 30-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
(VACATION BENCH)

For Petitioner(s) Mr. N.K. Mody, Sr. Adv.
Mr. Chirag Sharma, Adv.
Mr./Ms. Yelamanjula Balaji, Adv.
Mr. M. P. Shorawala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

In this writ petition, the writ petitioner, an advocate enrolled, has challenged the notification bearing No.9/2020-RC dated 03.12.2020 inviting applications for appointment to the post of Civil Judge (Junior Division) in the Andhra Pradesh State Judicial Service. The last date for submission of applications is 31.12.2020. The petitioner questions the eligibility requirement of 3 years' practice as an Advocate. In support of his contention, the petitioner has relied on the judgment of this Court in All India Judges' Association and Others vs. Union of India and Others, (2002) 4 SCC 247 wherein this Court held in para 32 as follows:

"32. In All India Judges' Assn. case, this Court has observed that in order to enter the judicial

service, an applicant must be an Advocate of at least three years' standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the judicial service. A bright young law graduate after 3 years of practice finds the judicial service not attractive enough. It has been recommended by the Shetty Commission after taking into consideration the views expressed before it by various authorities, that the need for an applicant to have been an Advocate for at least 3 years should be done away with. After taking all the circumstances into consideration, we accept this recommendation of the Shetty Commission and the argument of the learned amicus curiae that it should be no longer mandatory for an applicant desirous of entering the judicial service to be an Advocate of at least three years' standing. We, accordingly, in the light of experience gained after the judgment in All India Judges' case direct to the High Courts and to the State Governments to amend their rules so as to enable a fresh law graduate who may not even have put in even three years of practice, to be eligible to compete and enter the judicial service. We, however, recommend that a fresh recruit into the judicial service should be imparted training of not less than one year, preferably two years."

The petitioner has, in the writ petition, also challenged Rule 5(2)(a)(i) of Andhra Pradesh State Judicial Service Rules, 2007 notified/amended by the Respondent No.1 on 28.07.2017. There is no such urgency to entertain this Writ Petition in the Vacation.

Notice be issued to the respondents in the meanwhile. Let the Writ Petition be listed for hearing on Tuesday, the 5th January, 2021.

Dasti service, in addition, is permitted.

(SANJAY KUMAR-II)
AR-CUM-PS

(R. NATARAJAN)
AR-CUM-PS

(NISHA TRIPATHI)
BRANCH OFFICER