RAJ KUMAR BINDLISH

*v.*

STATE OF HARYANA AND ORS.

FEBRUARY 29, 1996

[K. RAMASWAMY, S. SAGHIR AHMAD AND G.B. PATTANAIK, JJ.]

*Constitution of India, 1950 : Article 233.*

*Additional District and Sessions Judges—Appointment of—Procedure for—Haryana Higher Judicial Service—Selection of members of Bar as Additional District and Sessions Judges—Selection of son-in-law of one of the sitting Judges—Judge not participating in selection—Writ challenging appointment—Held in view of the definite procedure adopted for selection appointment in question could not be set at naught—Since long period has elapsed after appointment unsettling the selection already made held not proper—Even otherwise no tangible illegality found in appointment—Writ challenging appointment dismissed.*

*Judicial discipline—Judge—Need for maintaining strict standards of conduct and rectitude emphasised.*

*C. Ravichandran Iyer* **v.** *Justice A.M. Bhattacharjee & Ors.,* **[1995] 5 SCC 457, referred to.**

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 68 of 1990.

(Under Article 32 of the Constitution of India.)

Ravindra Bana for the Petitioners.

I.S. Goyal and Ms. Indu Malhotra for the State.

Mahabir Singh, Sunil Gupta and P.N. Puri for the Respondent Nos. 2 & 5.

The following Order of the Court was delivered :

Heard counsel on both sides.

A This writ petition under Article 32 of the Constitution relates to the selection of three direct recruit members of the Bar as Additional District and Sessions Judges under the Haryana Higher Judicial Service. Mohinder Singh suller, S.K. Sardana and Nawab Singh were selected by the Full Court of the High Court sitting as selection committee; they were appointed as Additional District and Session Judges by the Governor of B Haryana on the recommendation made by the High Court of Punjab and Haryana. Out of 65 candidates who appeared for the interview conducted between April 20, 1989 and April 21, 1989, the above three condidates came to be selected by the High Court. We are informed and it is not in dispute that the entire High Court sat as a selection committee, interviewed the C candidates and recommended three candidates for appointment as Additional District and Sessions Judges under Article 233 of the Constitution. Son-in-law of one of the sitting Judges was selected. The learned Judge did not participate in the selection process. Under Article 233 of the Constitution, the appointment of Additional District & Sessions Judge is made by D the Governor of the State in consultation with the High Court exercising the jurisdiction in relation to the said State. Therefore, it is settled practice in all the States that the respective High Court exercises the jurisdiction and power in selecting the members of the Bar for appointment as Additional District and Sessions Judges and accordingly recommendations are made to the Governor, who on due compliance appoints them as such.

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It is contended by the learned counsel for this petitioner that in view of the law laid down by this Court in *C. Ravichandran Iyer* v. *Justice A.M. Bhattacharjee & Ors.*, [1995] 5 SCC 457 in paragraphs 21 to 23 it is now settled law that a Judge of a High Court is required to keep the strict F standards of conduct and recritude. We approve of it and feel that it needs no restructuring. The candidates who seek selection to higher judicial services are normally feeder source from service candidates for appointment as Judges of High Court from the service. High Court are required to adopt that procedure which would be condusive to achieve the said objects. It is contended for the petitioner that the High Court had not G adopted any principle in selecting the condidates. Therefore, a procedure which is conducive to achieve the above subject requires to be adopted in selecting the members of the Bar for appointment as Additional District and Sessions Judges. In the counter-affidavit filed by the Registrar of the High Court, it is stated that after the complaint from eighteen advocates H was received by the Registrar of the High Court, a sub-Committee was

constituted to look into the desirability to adopt a definite procedure to select candidates. Pursuant thereto a request was made to all the other High Courts to know the procedure they have adopted and are following. The sub-committee after securing the information had gone into the question and recommended procedure to be followed in that behalf. The Full Court had considered its recommendation and resolved that in future the procedure suggested by the sub-committee would be followed in recruitment of the members of the Bar as Additional District and Sessions Judges. The selection in question could not be set at naught on that ground. In view of the above procedure adopted by the High Court, we do not think that there would be any difficulty in future in making selection of the members of the Bar and recommending for appointment under Article 233 as Additional District and Sessions Judges. In view of the fact that selection was made and the respondents were appointed way back in 1989 and are continuing in office ever since, we think it is not a proper case to unsettle their selection already made. Even otherwise, we do not find any tangible illegality in the selection and recommendation in respect of the above three respondents and acceptance by the Governor in appointing them as Additional District and Sessions Judges.

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The writ petition is accordingly dismissed.

T.N.A. Petition dismissed.