

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 4215 of 2018

Petitioner :- In Re Vacancy In The Cadres Of Judicial Officers

Respondent :- Chairman U.P. Public Service Commission And 7 Others

Counsel for Petitioner :- In Person, Navin Sinha

Counsel for Respondent :- C.S.C., Ajit Kumar Singh Chauhan, Dr. Y.K. Srivastava, G.K. Singh, M.N. Singh, Pranjali Mehrotra, R.N. Pandey, Vivek Saran

Hon'ble Dilip B. Bhosale, Chief Justice

Hon'ble Govind Mathur, J.

Hon'ble Yashwant Varma, J.

This Court which has taken suo moto cognizance of this petition in public interest raises fundamental issues touching not just the constitutional mandate of speedy justice but access to justice itself. The petition itself is based upon the manifest apathy and inaction on the part of the State Government in attending to the needs of the judicial system of the State, thus, clearly hampering its functioning and efficiency. It also raises the important issue of the obligation of the State to provide an effective and responsive judicial system. The petition raises issues touching the District Judiciary, which is essentially the place of first refuge and bastion of millions of citizens of this State. The issues raised pertain not just to the infrastructural requirements but also in respect of the appointment of adequate number of Judicial Officers and support staff in order to make justice dispensation effective and responsive. The need of the

hour, therefore, is to take urgent steps for augmenting the resources and infrastructure of the judicial system in order to enable the teeming millions to exercise their constitutional rights of access to justice.

We have perused the compilation of charts which has been presented in these proceedings and made part of the record summarizing the various aspects of the problems being faced by the judicial system in the State. Copies of this compilation have been circulated to parties including the learned Additional Advocate General, who appears for the State respondents.

While we do not propose to deal with each issue digested in this compilation in detail, we are constrained to notice the following facts, which would establish the immense gap between the requirements of the judicial system of the State and the facts as obtaining at the ground level:-

A. The District Judiciary of the State is facing vacancies of 1217 officers across its various cadres.

B. 751 courts are yet to be made functional since the minimal infrastructure is yet to be provided by the State Government.

C. Courts created in 2012 are not yet functional since land

and infrastructure has not been made available.

D. The work of under construction courtrooms has been stalled due to lack of funds.

E. The District judiciary is facing an immense shortage of accommodation where officers may reside.

F. The construction of 422 residences is stalled on account of lack of funds.

G. Major projects of the High Court including but not limited to the Jhalwa Project and the Thirty Court Hall building are also held up due to paucity of funds.

Apart from the infrastructural issues and the large number of vacancies which remain unfilled, the Court also notices that although requisite steps have been initiated by the High Court for initiating a recruitment exercise to fill 808 posts across various cadres in the District judiciary, no progress has been made in this respect either by the U.P. Public Service Commission ["Commission"] or the State Government. The proposal of the Court in undertaking the recruitment process itself and thus bypassing the U.P. Public Service Commission has, for reasons unknown, not found favour with the State Government.

Against the requisition sent by the Court for recruitment to 610 posts, the Commission has not even initiated the process of recruitment by issuance of an advertisement. We were orally informed by Shri M.N. Singh appearing for the Commission that it was yet to receive a requisition from the State Government in this respect. We also note the enormous time taken by the State Government and the Commission to complete a recruitment exercise with the Court being left helpless and unable to comply with the time lines stipulated by the Supreme Court.

It is in the above backdrop that parties were heard and on a prima facie evaluation, this Court is convinced that the dismal state of affairs cannot be left to fester and perpetuate. We, accordingly, proceed to issue the following interim directions.

(a) The Chief Secretary of the Government of U.P. shall file his personal affidavit in these proceedings dealing with the various issues, which stand highlighted from the records of these proceedings. He shall in his affidavit deal with the various proposals of the Court, which are pending and stand presently held up for reasons duly noticed in the compilation referred to above. The Chief Secretary shall also in his affidavit disclose the time frame within which the State Government proposes to attend to and resolve the issues which stand highlighted therein.

(b) The Secretary of the Commission shall also file his personal affidavit detailing the reasons for the delay in initiation of the recruitment process noted above. Additionally, the Secretary shall also disclose to this Court the time frame within which the Commission proposes to conclude the entire recruitment exercise.

(c) The Principal Secretary, Law together with the Principal Secretaries in the Department of Finance or P.W.D., as may be instructed and decided by the Chief Secretary shall remain present before this Court on the next date of hearing to assist in the formulation of a time bound program for resolution of all issues which stand noticed hereinabove. We also direct the Secretary of the Commission to attend to these proceedings in person on the next date fixed.

S.O. to 12 September 2018 to be called before the Full Bench at 3.30 p.m.

Order Date :- 27.8.2018
VKS

(Dilip B. Bhosale, CJ)

(Govind Mathur, J)

(Yashwant Varma, J)