

## **Judicial Recruitment Jurisprudence in India: An Analysis of Malik Mazhar Sultan case.**

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### **Abstract**

*The judiciary in India is not only the guardian of constitutional principles but also the primary institution through which citizens experience justice in their every day lives. Within this structure, subordinate courts carry the heaviest burden, as they are the first and often the last point of contact for most litigants. These courts are therefore crucial in shaping public confidence in the legal system. Yet, despite their importance, chronic problems such as delays in the appointments of judges, delayed proceedings, inadequate infrastructure continue to undermine their efficiency. One of the most significant attempts to address these issues came through the Supreme Court's decision in Malik Mazhar Sultan v. U.P. Public Service Commission. The ruling established a time-bound and transparent framework for judicial recruitment, shifting appointments from ad hoc function to a judicially supervised process. It further reflects on the challenges that remain and considers possible reforms, including the proposal for an All India Judicial Service, which could help institutionalize uniform standards and ensure timely appointments.*

*This paper examines how the case contributed to strengthening the independence of the subordinate judiciary, while also analyzing the persisting challenges that hinder the timely and effective delivery of justice*

### **I**

#### **INTRODUCTION**

The judiciary in India is the foundation of democratic structure of India. It protects the fundamental rights of citizens and the rule of law<sup>1</sup>. It serves as a check on the arbitrary actions of executive and legislative actions. It is responsible for upholding the rule of law and fundamental rights of citizen. It ensures access to justice to the citizens. The judiciary is the guardian of the constitutional values<sup>2</sup>. It acts as a dispute resolution system to the citizens. Judges must be appointed in transparent and timely manner in order to make the judiciary function effectively. The lack of clarity of procedures or

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<sup>1</sup> Sen Amartya, *The Idea of Justice* (Belknap Press 2009).

<sup>2</sup> Bakshi, P.M., *The Constitution of India*(Universal Law Publishing Co.Pvt. Ltd. 2005).

delay in recruiting of judicial officers have a direct impact on administration of justice, which contributes to backlogs and prolonged litigation, thereby causing denial of timely justice.

The subordinate judiciary is the backbone of the judiciary system, where the subordinate courts handles the majority of civil and criminal cases. There are various constitutional provisions regarding this, but still the real situation is completely different in many states. There is frequent delays in the recruitment of judicial officers, resulting in creating vacancies and inefficiencies, The Supreme Court of India has intervened many times to resolve this issue and guaranteed the timely, transparent nominations and recruitment of judicial officers.

The Supreme Court gave its landmark order in *Malik Mazhar Sultan v. Uttar Pradesh Public Service Commission*<sup>3</sup>, that was a turning point in this trend. This case arose from the various complains, delays or irregularities in the recruitment of judicial officers of subordinate courts in the Uttar Pradesh for the various years. The court recognizes the relationship between the timely filling the vacancies and administration of justice. This judgement changed the appointments from an adhoc of executive into a judicially enforceable, structured and time bound process.

This case not only addressed procedural delays in Uttar Pradesh, but it also established a national norm.

The Supreme Court, by subsequent monitoring, found that some states have complied with the prescribed time frame, whereas other states have not yet complied with the prescribed timelines, which necessitate the suo motu interventions. This verdict of SC inspired various judicial changes, administrative accountability, infrastructure development, and transparency in recruitment processes. Thus, the Malik Mazhar Sultan case highlights the interdependence between the efficiency of administration, judicial nominations, and the rule of law<sup>4</sup>.

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<sup>3</sup> *Malik Mazhar Sultan v. U.P. Public Service Commission*, (2008)17 SCC 703.

<sup>4</sup> M.P. Singh, *Securing the Independence of the Judiciary- The Indian Experience*, *Ind. Int'l & Comp. L. Rev.*

## II

### ***SUBORDINATE COURTS AND IDEA OF JUSTICE***

The judiciary is the cornerstone of India's democratic framework. Entrusted with the sacred duty of upholding the Constitution, it functions as the guardian of fundamental rights and the ultimate arbiter of disputes between citizens, the state, and different branches of government. Its legitimacy, however, rests not only on the soundness of judicial reasoning but also on the strength of the institutional machinery that supports it. For the rule of law to be meaningful, courts must be adequately staffed, accessible, and efficient in the delivery of justice.

In India, the judiciary serves as an institution that works and guaranteed the rule of law and act as dispute resolution system. Section 39A of the Indian Constitution mandates free legal aid that ensures that justice should be accessed by all and not just by the privileged people<sup>5</sup>. **Justice P.N. Bhagwati** had observed that “legal aid means providing an arrangement in the society which makes the machinery of administration of Justice easily accessible and in reach of those who have to resort to it for enforcement of rights given to them by law<sup>6</sup>”.

India is one of the most biggest countries in the world, and need of a strong judiciary structure with its hierarchy and judicial system. The Indian Judiciary system is structured<sup>7</sup> in pyramidal hierarchy:-

1. **Supreme Court of India** – The Supreme Court is the highest court of India, which comes under Article 124 of the Constitution of India<sup>8</sup>. It is the final interpreter of the Constitution, the highest appellate authority, thereby safeguarding the fundamental rights.

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<sup>5</sup> Y. Srinivas Rao, *Right to Free Legal Aid, Manupatra*.

<sup>6</sup> Vandana Singh, *Role of Justice P.N. Bhagwati in shaping up 'Legal Aid' in India, International Journal of Advanced Research*

<sup>7</sup> J.N Pandey, *Constitutional Law of India*(Central Law Agency 2024).

<sup>8</sup> *Constitution of India*, 1950.

- 2. High Courts** – The High Courts are the highest judicial authority at the state level. According to Article 214-231<sup>9</sup>, these courts have the highest judicial authority in the state and exercise original, appellate authority and supervisory jurisdiction over subordinate courts.

*Article 235 – Control of High Court over Subordinate Courts:-*

- The High Court has control over District Courts and all subordinate courts.
- This control includes matters such as:
  - posting, promotion, transfer, and leave of judicial officers (below District Judge).
- However, the High Court's authority is subject to service rules and the right of appeal available to such officers under law.
- The provision ensures that the executive does not interfere in the functioning and administration of the judiciary.

- 3. Subordinate Courts** – These are the lower-level courts of the legal system. They function under the control of their respective High Courts. The provisions of subordinate courts are given under Article 233-235 of the Constitution of India.

*Article 234 – Recruitment of Subordinate Judiciary:-*

- Appointments to the judicial service below the rank of District Judge are made by the Governor.
- This must be done in line with rules framed by the Governor, but only after consultation with:
  - the State Public Service Commission (PSC), and
  - the High Court having jurisdiction over that State.

This hierarchal system ensures a systematic system of appeals and reviews from the lowest court to the district level up to the Supreme court and guarantees a structured system where justice is administered.

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<sup>9</sup> *Constitution of India, 1950.*

### ***Separation of Powers and Judicial Independence***

The doctrines of separation of powers and judicial independence have their origin in the political philosophy of Montesquieu, who, in his work *The Spirit of Laws*<sup>10</sup> (1748), emphasizes that the concentration of the powers of the legislative, executive, and judicial branches in a single authority will lead to oppression and abuse of power. Montesquieu contended that liberty can only be ensured if these powers were divided among several departments of government, each functioning as a check on the other. This notion establishes the basis of the contemporary constitutional provision of subjection of powers. The doctrines of separation of powers and judicial independence serves as the central pillars of Indian constitutional framework. They ensure that functions of judiciary will run impartially<sup>11</sup> while maintaining an effective system of checks and balances among the legislative, executive, and judicial branches.

The doctrine of separation of powers distinguishes three separate branches of government :

**Legislature** is responsible for enacting laws, policies, rules and regulations.

**Executive** is responsible for carrying out, implementing and upholding legislation.

**Judiciary** is entrusted with interpreting the laws and administering justice.

The doctrine prevents the concentration of power within a single branch of government. By ensuring that no branch will interfere with or obstruct the functioning of the other branches. It upholds a system of checks and balances that protect the rights of citizens.

The idea of judicial independence states the judiciary must be free from any kind of outside pressure or external influences<sup>12</sup>. Thus, in order to guarantee the fair, equitable, unbiased and impartial administration of justice, the judiciary should be free from the pressures originating from the executive and legislative branches. Judicial independence ensures that even lower-level judges are able to adjudicate cases fairly,

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<sup>10</sup> Montesquieu, *The Spirit of Laws* (University of California Press, 1748).

<sup>11</sup> Shaila Arora, *Independence of Judiciary in India*, IJLMH.

<sup>12</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation*(Oxford University Press 1999).

thereby maintaining public trust in the judicial system. It prevents political or executive interference, which is particularly significant in sensitive or high-profile cases.

### **III**

#### **STATE-WISE ANALYSIS OF JUDICIAL RECRUITMENT PROCESS**

States in India differ significantly in their judicial recruiting processes, which are influenced by local institutional capabilities, administrative procedures and periodic irregularities. It is now standard practice in many jurisdictions to use private organizations to handle advertising, application processing and preliminary screening. Delays in publishing notifications, inconsistent scrutiny of eligibility documents, and opaque communication with candidates. Long vacancies in lower courts might result from such administrative friction, which can hinder access to prompt justice and undermine the trust of applicants who rely on steady schedules for career planning.

##### ***Uttar Pradesh***

The original respondent of the Malik Mazhar case was Uttar Pradesh. It continued to face significant judicial scrutiny after the judgment in 2007. The Supreme Court in this case regulated the completion of the recruitment of judicial officers yearly and also emphasized extensive support for the newly appointed judges, including the adequate courtroom infrastructure, availability of residential quarters, and the deployment of support personnel. The suo-motu supervision of the Court ensured that these measures were implemented gradually, which emphasizes the relationship between functional efficiency and the recruitment process. This case established a national standard for inspiring administrative changes and judicial scrutiny.

##### ***Bihar***

Bihar highlighted the difficulty in implementing the framework. The recruitment cycle lasted 945 days<sup>13</sup> from advertisement to final appointment of the judicial officer. However, the SC had intervened several times and emphasized that these undue delays are harming access to justice and that the deadlines are not advisory but binding. This situation highlighted the importance of institutional procedures within the High Court,

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<sup>13</sup> SC sues non-adherence to timelines in recruitment of judicial officer, New Delhi, ETLegalWorld (Economic Times), May 7, 2024.

and the continuous supervision that lay in Bihar reflected the inefficiencies of the administration that could not be remedied without the active supervision of the judiciary.

### ***Gujarat***

In Gujarat, the Gujarat High Court received various petitions regarding the eligibility of recruitment. The recruitment began in 2019 and was concluded in 2021, which indicates some major delays despite the Supreme Court's direct and mandated timeline. In 2025, in the case of *Bhavini Nagendra Singh Chauhan v. High Court of Gujarat*<sup>14</sup>, the matter involved an applicant seeking age relaxation due to the lack of employment in previous years. The Court rejected this argument and emphasized that the recruitment must follow the legislative norms, even if it causes hardship to the individual candidates. This approach of Gujarat emphasized on a key principle: that the time frames of the recruitment process are enforced, but the content of the service norms will be left to the discretion of the state, which necessitates a balance between the local government and uniformity.

### ***Karnataka***

In 2024, the Karnataka State Government attempted to block direct recruitment of 158 civil judges by issuing a circular that altered the reservation requirements<sup>15</sup>. The Supreme Court intervened and permitted the recruitment to proceed as an interim measure, asserting that judicial nominations cannot be postponed due to disagreements with executive policy, notwithstanding principle which guarantees that the vacancies are to be filled on a continuous basis, ensuring access to justice. This Karnataka case demonstrates that the judicial timelines will take priority over the administrative barrier, strengthening the national applicability in recruitment process.

### ***Delhi***

The Supreme Court recognized that recruitment alone, without any effective infrastructure, will not be sufficient. Even if the judges will be recruited timely, the

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<sup>14</sup> *Bhavini Nagendrasinh Chauhan v High Court of Gujarat, Gujarat H.C. Marc. 5, 2025.*

<sup>15</sup> *Pathi Venkata Thadhagath, Go ahead with 158 Civil Judges Appointments: Supreme Court to Karnataka HC, Hindustan Times (Feb. 4, 2025).*

judicial officer still can't discharge their duties effectively in absence of proper infrastructure. The directives in 2024-25 imputed that

- GMCTD will issue tenders for judicial infrastructure.<sup>16</sup>
- Land transfer for the Routes E-Average Project.
- Review sessions will be held under the Chief Justice of Delhi High Court to track the progress.

These decisions led to a conference-system structure that connects the appointment of judges to their working conditions, ensuring that the new judicial officers can perform efficiently.

### ***A. ADVERTISING***

A crucial and frequently overlooked step in the judicial appointment process is the distribution of recruitment announcements. The prompt and accurate release of these ads sets the pace for the whole hiring process in many states. Advertising delays have the potential to seriously interfere with candidates preparation plans, cause misunderstanding about the requirement of eligibility and possibly lead to legal actions that further delays the recruitment process. In addition to this, the comprehensiveness and clarity are quite important. A good notification clearly specifies the number of vacancies, eligibility criteria, reservation policies and instructions for online/ offline application and date of examinations. Any ambiguities or omissions might give rise to different interpretations, which frequently result in disagreements before authorities like courts or government agencies. Additionally, in certain states, alerts are sent through different means such as newspapers, official websites, through local agencies. If not properly coordinated, this can lead to errors. While the growing use of digital platforms has expanded reach, it has also created accessibility issues for candidates living in remote areas or who have limited internet access. As a result, advertising in judicial recruitment is not merely a procedural formality but it is a fundamental step that guarantees openness, accessibility and ensure confidence in the recruitment selection process.

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<sup>16</sup> Suchitra Kalyan Mohanty, SC directs Delhi Govt for construction of judiciary with better infrastructure, The New Indian Express, New Delhi, Dec. 20,2023.



### **B. AGENCY INVOLVED**

The recruitment process of judicial officials has been delegated to private organisations in number of Indian states. These organisations are responsible for advertising vacancies, processing applications and conducting preliminary screenings. Although the purpose of these delegations is to simplify operations and lessen the administrative workloads, it also brought about a number of difficulties that have affected the effectiveness and integrity of the recruitment procedure.

A notable example is the involvement of private agencies in the Uttarakhand Subordinate Services Selection Commission (UKSSSC)<sup>17</sup> recruitment process. Allegations surfaced about the private agencies involvement in improperly managing selection procedures in 2025. These allegations were charged with mismanagement, which resulted in administrative ineffectiveness and delays. This issue highlighted the potential risk in outsourcing critical functions without sufficient control and accountability systems. Similarly, Goa state government has registered 15 criminal proceeding against unlisted recruitment agencies engaged in employment frauds. It is thereby important to have a strict control and accountability when involving private agencies in the judicial recruitment process. Delegating these duties also requires strict oversight and explicit obligations. Therefore, the state govt. must create framework which guarantees that these private agencies adhere to guidelines and contribute positively to the recruitment process.

### **C. LEAKAGE**

In a number of cases, question paper leaks have seriously jeopardised the integrity of judicial recruitment examinations. These breaches undermines public confidence and fairness of the selection process.

Haryana Judiciary Examination (2017), it marks a significant paper leak case. After it was discovered that the question paper had been leaked before the exam date, paper govt cancelled. The court ruling emphasised how serious the violation was and how strict steps are required to stop occurrences in the future. Delhi court sentenced 3 people

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<sup>17</sup> *UKSSSC paper leak 2025: Main accused arrested following SIT probe*, The Times of India, New Delhi, Sept.24,2025.

including ex-high court registrar<sup>18</sup>. The court said stringent laws are needed to restore faith in the exam process.

These instances show the urgent need for security measures, strict accountability, transparency in the recruitment process to ensure fairness and impartiality.

#### ***D. JUDICIARY INTERVENTION***

The Indian judiciary upholds the rule of law<sup>19</sup>, interpreting the constitution and protection of fundamental rights. Its independence is essential for preserving public trust in the legal system as well as preventing the government or legislature from acting arbitrarily. A strong, impartial judiciary ensures that disputes are resolved fairly and that justice is accessible to all, reinforcing the democratic governance<sup>20</sup>.

Recruitment at the subordinate level plays a pivotal role in maintaining its efficiency and credibility of the justice delivery system. The process of selection of these judicial officers must be transparent, merit-based, free from external interference. The Malik Mazhar Sultan case exemplifies this principle.

#### ***MALIK MAZHAR SULTAN V. U.P PUBLIC SERVICE COMMISSION***<sup>21</sup>

This case is about the recruitment of judicial officers. There were significant delays in filling vacancies of judicial officers<sup>22</sup> in subordinate courts with 175 Civil Judge (Junior division) vacancies unfilled, which had great and direct impact on the administration of justice. The Supreme Court emphasized the importance of timely judicial appointments in its order on Jan 4, 2007 for maintaining an effective administration of justice and directed that the unfilled vacancies of the judicial officers of the subordinate courts should be filled as soon as possible. The Court emphasized that selections should be conducted in accordance with Judicial Service Rules in the respective States/Union Territories, and also advised states to develop a framework in which the High Courts

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<sup>18</sup> Delhi court sentences 3, including ex-high court registrar, for 2017 Haryana Judiciary exam paper leak, The Indian Express, New Delhi, Aug.23,2024.

<sup>19</sup> Basu,D.D., *Administrative Law* (Kamal Law House 2004)

<sup>20</sup> Krishan S. Nehra, *The Judicial and Legislative Systems in India* (Law Library, Library of Congress 1981).

<sup>21</sup> *Malik Mazhar Sultan v. U.P. Public Service Commission*, (2008)17 SCC 703.

<sup>22</sup> Ministry of Law and Justice, *Efficiency and Effectiveness of the Judicial System*, Press Information Bureau(July 25, 2025).

could conduct the recruitment of judicial officers directly under the supervision and consultation of the Public Service Commission.

Since 2007, there was an established practice, despite that the state wanted to undertake the whole recruitment through the Public Service Commission, challenging the previous orders of the Supreme Court. The Supreme Court had observed that there is a consistent recruitment pattern had been followed for years under the Selection Committee, ensuring the involvement of both the High Court and the Public Service Commission. The Court observed that the State had failed to produce objective material justifying a deviation from the long-standing Committee-based system. The Supreme Court, directed that the existing vacancies be filled under the supervision of this Committee, with logistical support from the Public Service Commission, with an emphasis on prompt and transparent recruitment to ensure judicial efficiency.

***Legal Context and Past Orders:***

- The 4 January 2007 Supreme Court placed a strong emphasis on timely appointments but allowed recruitment “as per existing judicial service rules.”
- The State contested that the ambiguity surrounding the authority of High Court. It was unclear that whether the High Court can carry out the recruiting process in its entirety or not.
- The State, High Court and PSC established a consistent practice of joint recruitment through subsequent meeting between 2007-2009 and notifications.

***Decision***

The Supreme Court upheld the High Court’s supervisory role and rejected the State Government’s request to conduct the recruitment solely through the PSC. The Supreme Court had denied the State Government’s motion to conduct the recruitment process exclusively through Public Service Commission. The Court found that the State had not provided enough objective facts or material evidence to justify the deviation from the consistent process which had been followed since 2007. The Court emphasised that the participation of High Court in the recruitment process ensured the integrity, independence and expertise, while the Public Service Commission continues to provide

logistical support.<sup>23</sup> It emphasized that the supervision of High Court must be maintained and appointments to the judicial service must be made in accordance with the rules.

This order reinforced the principle that joint procedure is required for the timely appointments of the subordinate judiciary, ensuring independence, transparency, and efficiency in judicial selection, while following the procedural framework set by the State Rules.

### ***IMPACT OF CASE***

#### **1. Reinforced Judicial Independence:**

The decision upheld that the High Court has a supervisory role in recruiting judges for subordinate courts, preventing excessive executive control.

#### **2. Ensured Merit-Based Recruitment:**

The joint committee guarantees transparent, merit-based selection, maintaining standards for judicial appointments.

#### **3. Addressed Judicial Vacancies:**

The Court aimed to decrease the backlogs and enhance the effectiveness of the legal system by mandating timely hiring

#### **4. Model for Other States:**

The case set a precedent for other states to adopt High Court-supervised recruitment, balancing administrative effectiveness and independence.

#### **5. Constitutional Significance:**

This decision reaffirmed the Articles 234 & 235, emphasizing consultation with the High Court in appointments and adherence to state rules while maintaining the basic structure principle.

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<sup>23</sup> Krishnadas Rajagopal , 'Absolute' Care in Govt. Recruitment Process is a Must to keep Public faith alive: Supreme Court Judgement, Hindustan Times(Mar. 12, 2025).

## IV

### ***INSTITUTIONALIZATION AND SYSTEMIC REFORMS POST-MALIK MAZHAR SULTAN CASE***

The state-specific development emphasized the challenges in implementing the directions of the Supreme Court given in the case of Malik Mazhar Sultan. How has it inspired various fundamental institutional reforms that revolutionized the process of recruitment of judicial officers and their governance in the country? These reforms ensure that the recruitment of judicial officers will not remain merely a procedural obligation, but instead becomes a responsible and institutionalized process<sup>24</sup>.

#### **1. Establishment of Selection and Appointment Cells in High Court**

To implement the Annual Recruitment Calendar directed in the Malik Mazhar case, the Supreme Court directed every High Court to establish a Selection and Appointment Cell. This cell, will be responsible for the recruitment of judicial officers. These committees will be supervised by the Chief Justice, which will ensure compliance with the Supreme Court and boost accountability.

#### **2. Online Vacancy Tracking and Transparency**

The Supreme Court acknowledged the importance of continued supervision, and directed the Ministry of Law and Justice to create an online portal for judicial openings and recruitment status. Further, High Courts and State Governments will be obligated to update the strength of judges, the current working strength, and any pending vacancies.

#### **3. The “Notwithstanding Rule”**

The case also established a key principle, which states that judicial appointments and the decision-making process will not be delayed irrespective of any conflict. Administrative disputes are ambiguous in procedure by the state or High Court. Recruitment must occur regardless of any policy or administrative conflict. This

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<sup>24</sup> Hazra, Arnab & Debroy, Bibek, *Judicial Reforms in India: Issues and Aspects* (Universal Law Publishing 2019).

concept ensures and guarantees that judicial vacancies will be filled timely and transparently, safeguarding the right of access to justice.<sup>25</sup>

#### **4. Supremacy of High Court**

The Malik Mazhar case also clarified the institutional hierarchy in the appointment of judicial officers. Article 235 grants,

- The High Court have the constitutional authority over the subordinate courts and the recruitment of the judicial officers
- The State Public Service Commission cannot override the recommendations of the High Court.

This principle strengthens the independence of the judiciary by restricting government and political involvement.

#### **5. Recruitment with Infrastructural Facilities: -**

The Supreme Court further recognized that mere recruitment of judges is not sufficient. Functioning and efficient infrastructure should also be provided to ensure that newly appointed judicial officers have all the facilities, staff, support personnel, and good working conditions so that they can discharge their duties effectively and maintain the administration of justice.

Despite the clear directive laid down by the Supreme Court in the case of Malik Mazhar Sultan, there are recruitment delays throughout India. The landmark judgment had established strict timelines and recruitment calendars for the recruitment of judicial officers in the subordinate courts, with the goal of reducing vacancies and strengthening the subordinate judiciary. Recent studies indicate a persistent gap between the directions of the Court and their execution. As of Nov 21, 2024- the judiciary has:

- 2 vacancies in the SC,
- 364 vacancies in the HC, and

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<sup>25</sup> *When the system does not address problems, extraordinary steps required, Times of India*(Nov. 19, 2018).

- 5,245 vacancies in the subordinate courts.<sup>26</sup>

The Law Minister attributed these evidences to the retirement and resignation of judges. However, it is still his duty to submit these evidences to the High Court and the State Court. The Supreme Court has repeatedly expressed concern over the issue, pointing out that only 9 out of 25 cases completed the recruitment process within the stipulated time. These delays have a direct impact on the efficiency of the judiciary, leading to a growing case backlog and undermining the administration of justice. The Supreme Court emphasized that

- Timely recruitment is essential for maintaining the independence of the judiciary and its effectiveness.
- Recruitment procedures must be transparent and timely.
- Designated High Court authorities should respond to the queries of the candidates and ensure that the selection criteria are clearly defined.

The decision of Malik Mazhar Sultan set a national standard for timely judicial assessment. The evidence data highlights that the implementation of these standards is challenging and requires a joint effort from the judiciary and administration. Strict adherence to the schedule and procedures should be ensured.

## **CHALLENGES**

### **1. Infrastructure Challenges**

Many subordinate courts and district courts operates in outdated or overcrowded buildings, lacking adequate courtrooms, libraries, and chambers. This disrupts the efficient operation of proceedings and restricts public access to justice, particularly in rural and isolated locations. It affects the smooth hearings and limits public access to justice, particularly in rural and remote areas.

### **2. Financial Constraints**

The problem of limited funds for the judicial system makes it difficult to recruit enough judges and support staff which causes delayed technological upgrades,

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<sup>26</sup> Arjun Ram Meghwal , *Law Minister updates Parliament on Judicial vacancies*, The Economic Times, Nov 29, 2024.

and impedes modernization of court facilities. Low investment contributes to prolonged case backlogs and hinders the administration of justice.<sup>27</sup>

### **3. Staffing Shortages**

There is a constant shortage of clerks, stenographers, and court assistants, which results in increasing the workflow of judges which ultimately reduces the efficiency of subordinate courts. Vacancies in judicial positions often remain unfilled for years, increasing delays.

### **4. Delayed Reforms and Implementation Gaps**

There are various initiatives have been introduced in some states such as computerized case management systems and modern court complexes in some states, but the implementation remains insufficient. Administrative reforms are often restricted by resource limitations, affecting both efficiency and independence.

### **5. Regional Disparities and Inefficiency**

The quality and operation of subordinate courts vary widely across states, resulting in geographical disparities in access to justice. Uneven allocation of resources, and different recruitment practices, leads to inconsistent standards in judicial service.

## **V**

### **CONCLUSION**

The Malik Mazhar Sultan case has had a significant positive impact on the Indian subordinate judiciary by reinforcing the importance of a timely, transparent, and merit-based recruitment process. This case safeguarded the integrity of the selection process and strengthened the judicial independence by entrusting the selection of judicial officers to a committee comprising High Court judges, state representatives, and the Public Service Commission. It also addressed the significant issue of prolonged vacancies of judicial officers in the subordinate courts, which led to delays in the administration of justice. By requiring, the Recruitment Calendar and Supervision Mechanism, the Court ensured that the process of the appointment of judges will no longer be ad hoc.

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<sup>27</sup> National Commission to Review the working of the Constitution, *Financial Autonomy of the Indian Judiciary: A Consultation Paper*(2001)



The subordinate judiciary can achieve greater efficiency and uniformity through systematic reforms. Adequate infrastructure, increased funding, and streamlined coordination between High Courts, State Governments, and Public Service Commissions will be essential. Adoption of modern technological tools, such as computerized case management systems, will further enhance judicial efficiency.

An All India Judicial Service Exam<sup>28</sup> has the ability to standardize recruitment across states, which ensures consistent quality and competency among the judicial officers. This scheme has the potential to reduce regional Inequalities, expedite filling of vacancies, and can strengthen the public confidence in the judicial system.

In essence, the Malik Mazhar Sultan case sets a precedent for collaborative and well-supervised recruitment, demonstrating that structured reforms and adherence to constitutional principles can significantly enhance the independence, efficiency, and credibility of the subordinate judiciary. With focused policy initiatives and innovative schemes like the All India Judicial Service Exam, the future of the subordinate judiciary appears promising in ensuring timely and accessible justice for all citizens.

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<sup>28</sup> Suhrith Parthasarathy , *Criteria for the Courts: On the appointments of judges- A discussion on the kind of judges that India needs must animate our public debates*, *The Hindu* (Nov. 20, 2018).