

IN THE SUPREME COURT OF INDIA
CIVIL INHERENT JURISDICTION
REVIEW PETITION (CIVIL) NO. 420/2026
IN
WRIT PETITION (CIVIL) NO. 1022/1989

IN THE MATTER OF:

ALL INDIA JUDGES ASSOCIATION AND ORS. ...PETITIONER

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENT(S)

AND

IN THE MATTER OF:

CHANDRASEN YADAV ... REVIEW PETITIONER/APPLICANT

VERSUS

UNION OF INDIA AND ORS. ...RESPONDENT(S)

AIDE-MEMOIRE

Settled By: Ms. Pinky Anand, Sr. Adv.

Drawn By:
Mr. Samrat Pasriccha/
Ms. Adeti Salooja, Advocates

Filed By:
Mr. Kunal Yadav, AOR

PART C:
Submissions:

1. The gravamen of the case set-out by the Petitioner for review of the impugned Order:

1.1. Impugned order omitted to collect the best evidence available before arriving at its conclusions:

2.1.1. It is submitted that the entire-reasoning of the impugned Order is based on anecdotal-observations, prejudices and subjective reviews submitted by Hon'ble High Courts by way of an affidavit. This Court has omitted to conduct any empirical study based on objective criterion. Respectfully, this Hon'ble Court ought to have called for record on comparative data between officials already presiding with some bar-experience *versus* those officers without. This includes but is not limited to, data with regard to formal complaints received on attitude and behaviour, daily disposal rates, data with regard to orders being overturned in appeal etcetera. The reliance placed on affidavits based primarily on subjective views is wholly arbitrary and unreasonable.

2.1.2. It is submitted that when the Hon'ble Supreme Court *dons* the hat of a rule-maker, it is incumbent upon the Court to be a '*model-legislator*'. Consequently, it is necessary for the Court to require extensive stakeholder consultation, instituting an appropriate committee/commission, and also calling for data and records necessary to arrive at an objective decision.

2.2. Impugned order omitted to examine whether this is the best-method to achieve the desired result compared to other solutions:

2.2.1. It is submitted that despite noticing the recommendations of the 117th Law Commission, the Justice Shetty Commission Report and the ratio of this Court in the '*Third AIJA case*', as to the need and necessity of improving training imparted to judicial officers. The impugned Order has omitted to substantiate its reasoning for preferring

practical experience over improved and enhanced training.

2.2.2. It is conceded that temperament, etiquette, empathy and understanding of court proceedings and administration of justice is necessary for a judicial officer to dispense justice. The qualitative question at hand is whether, the abovesaid goals can be best achieved for the highest number of judicial officers by way of ad-hoc practical experience or whether improved and enhanced training would better subserve the purpose.

2.2.3. It is submitted that the impugned order has not engaged with the said question of determining the best-measure to achieve the goal as defined. It is relevant to note that practical experience at the Bar is diverse and highly dependent on luck. There is no guarantee that candidates will be given the correct guidance and mentorship in the three-years of practice necessary to learn the adequate, manner, maturity, etiquette and exposure to Court as is sought to be provided. On the other hand, an improved training mechanism, which is inclusive of extensive field training is likely to benefit. To that end, it is necessary to holistically examine different models of training and content of curriculum across State Judicial Academies and their efficacy in achieving the desired results.

2.3. Directions contained in the impugned order will fail to attract the best talent for the job:

2.3.1. It is submitted that if the direction continues to operate, it would render unattractive the position of a Civil Judge (Junior Division) to attract the best talent. It is submitted that an aspirant who becomes a Civil Judge (Junior Division), would likely be at the age of 29 after 3 years of practice (includes 1 year spent taking the exam and 1 year of post-exam training). If that model is followed, then in a best-case scenario a candidate only becomes eligible for promotion to the level of District Judge at the age of 41. This is based on the data recorded in the impugned judgment itself. [**@26 of R.P./Pg. 104 of CC**].

2.3.2. Appositely candidates, emerging directly from the Bar, who would be eligible for direct recruitment to the District Judiciary at the age of 35 with 7 years of work experience. **[Reliance is placed on Judicial Career Ladder extracted in APPENDIX- II].**

2.3.3. It is further submitted that, it is highly likely, candidates with 3-years at the Bar will continue to pursue practice as opposed to taking a career-break to prepare of Civil Judge (Junior Division) examinations, which requires extensive preparation of 8-10 hours a-day, which is not possible to balance with regular practice. Especially, in view of the age-disadvantage caused by the additional 3-years practice requirement, which exacerbates an already existent problem of low number of promotions of Civil Judge (Junior Division) to the High Court and Supreme Court. The delay of 3-years added (in the best-case scenario), if not more, has a *domino effect*, harming elevations to the High Courts and the Supreme Court.

2.4. Directions contained in the impugned order will have a disproportionate and outsized impact on accessibility of the examinations for women and the marginalized communities (EWS/SC/ST/OBC):

2.4.1. The directions as given by this Court, is likely to have a disproportionate impact on women and marginalized communities in having access to appointment as a member of the judiciary. It is submitted that per the present directions, women are likely to sit for examinations only at the age of 27. By this time, women in many parts of the country are married or are being pressured into marriage. It is the lived experience of women across the country that they only receive 1-2 years at most to make a career, before the said women is pressured to enter into matrimony. It is also relevant to note that women by that age may be pressured to have a child or will not be given the freedom to pursue her preparatory education to sit the examination, frequently, requiring women to manage both housework and preparation.

- 2.4.2. It is also submitted that the three-years practice also impact women, whose families are more comfortable with them working in the judiciary as opposed to litigating. Which is seen as a man's club.
- 2.4.3. To this date, litigation is low-paying and can render women dependent on their families for sustenance. These lived-challenges are likely to impact women's accessibility to the services. At the same time, this is true for persons from marginalized communities, who may be subjected to render free to low-paying service by lawyers who will in exchange for pay offer a certificate to sit for the examinations. Creating an entire mechanism not based on guidance and exposure, but based on who-knows-who and exploitation of young aspirants. It is also relevant to note that litigation is riddled with financial insecurity and often candidates are drawn towards the services for the stability and dignity it offers to their families.

3. Brief case for interim relief [Prayer for Stay @106 of R.P]:

3.1. Changing the rule of the game mid-way [Contrary to the Constitution Bench in *Tej Prakash Pathak v. State of Rajasthan*]:

3.1.1. The impugned direction of this Court having come in May 2025 causes retrospective hardship to candidates preparing for the said examinations for years-with the legitimate expectation to appear for the exams upon graduation. It cannot be ignored, that preparation for judicial services examinations often require institutional coaching, where candidates, undertake debt, spend considerable time and resources, give-up jobs and internships to prepare for the examination over years. Only to be removed from the eligibility criteria by this Court *vide* the impugned Order. It is respectfully submitted, that this Hon'ble Court must consider the legitimate expectations of candidates, especially, whilst *donning* the cap of a rule-maker under Article 234 of the Constitution.

3.1.2. It is relevant to note that Bihar has already declared its advertisement for Civil Judge (Junior Division)

Examination 2026, other states will follow suit. It is prayed that candidate who graduates in 2025, and will graduate in 2026, 2027 and 2028 are permitted to appear for the examinations, whilst this issue is decided finally by this Court.

4. Proposed proportionate solutions to address concerns as framed by the Hon'ble High Courts:

4.1. *Summarized* practical challenges arising out of the impugned Judgment:

4.1.1. Erred in omitting to consider that Civil Judge (Junior Division) examinations are not notified in an annual manner. The vacancy-based notification of exams would lead to certain candidates being in practice for 4 to 7 years before the candidates eventually give their very first attempt at the examination.

4.1.2. Erred in omitting to consider the domino effect the requirement of practice would have on Civil Judge (Junior Division) receiving promotions to Higher District Judiciary, the High Court and the Hon'ble Supreme Court.

4.1.3. Erred in omitting to consider the disproportionate impact on women, economically disadvantaged persons and persons with disabilities.

4.1.4. Erred in omitting to consider that ad-hoc training at the Bar would be highly irregular, exploitative and is structurally inept in addressing the concerns as raised by the High Courts.

4.2. Post-selection curated training as opposed to *laissez-faire* practice requirements:

4.2.1. It is recommended that the practice-experience may be incorporated as part of the training curriculum of selected candidates. In the same fashion, as the training given to selected IAS candidates at LBSNAA. This practice-experience may be structured in the following manner:

- 4.2.1.1. Selected candidates undergoing training for Civil Judge (Junior Division), may be attached with District Judges for practical training as an apprentice/law-clerk/judge-in-training. In fact, the Centre for Research and Planning of the Supreme Court has come out with its report recommending the introduction of LCRA's in district judiciary to further strengthen administration of justice.
 - 4.2.1.2. Selected candidates undergoing training for Civil Judge (Junior Division), may be attached with designated senior counsel/government pleaders/advocate general/standing counsels chambers for a specific period.
- 4.2.2. It is recommended that certain changes may be made during the law degree at the University-level which provides aspirants with special courses and/or experience opportunities which renders them eligible for the examination:
- 4.2.2.1. Optional-structured 6-month practice-experience modules during the 3-year/5-year law degree.
 - 4.2.2.2. Special degree courses designed for aspirants at the college-level itself to identify, train and expose aspirants to high-quality training fit-for-purpose. [Ref. to MNLU's B.A.LL.B. (Honours in *Adjudication and Justicing*)]

May it please the Court

THE JUDICIAL CAREER LADDER PROBLEM

PATH A — Through the Lower Judiciary (Judicial Service Route)

Age → Career Milestone	
23 years	<p>Law Graduate — Commences Practice Begins legal career after completing LLB degree.</p>
~27 years	<p>Eligible: Civil Judge (Junior Division) Exam Requires 3 years of practice from age 23. Age is approximately 26–27 depending on when the practice period is completed within the year.</p> <p>3 Years Practice Required</p>
28 years	<p>Joins Training (Best Case: 1st Attempt) The full examination cycle — notification, advertisement, preliminary exam, mains, viva voce, and results — takes approximately 1 year.</p> <p>1-Year Exam Process</p>
29 years	<p>Appointed: Civil Judge (Junior Division) 1-year training completed. Judicial Officer presides in Court.</p> <p>Appointment</p>
33 years	<p>Promoted: Civil Judge (Senior Division) (Best Case Scenario on Promotions) Minimum 4 years of service required before promotion to Senior Division.</p> <p>Promotion (approx. 4 yrs)</p>
36 years	<p>Eligible: Limited Departmental Competitive Exam (LDCE) After 3 more years of experience, eligible to sit LDCE for Higher Judiciary. This route is available to only 25% of judicial officers.</p> <p>Only 25% of Judges</p>
41 years	<p>🏛️ Reaches Higher Judiciary (via Seniority — 50%) On average, it takes 12 years from Civil Judge (Jr. Division) to Higher Judiciary as District Judge. Starting at age 29, the candidate reaches Higher Judiciary at age 41. This is the most common route (50% by seniority).</p> <p>AVERAGE AGE: 41 YEARS</p>

PATH B — Direct from Bar (Bar Route)

Age → Career Milestone	
23 years	Law Graduate — Commences Practice Same starting point as Path A.
23–30 years	Continues Practice (7 years total) No exams, no training, no promotions required. Simply builds practice experience over 7 years. Further has the luxury to pursue higher legal education without losing out on practice years necessary to qualify for the judicial examination. 7 Years of Practice
35 years	🏛️ Eligible: Higher Judiciary Exam (District Judge) With 7 years of practice, the same person can directly sit the Higher Judiciary examination — reaching the same destination 6 years earlier than Path A. AGE 35 — 6 YEARS AHEAD OF PATH A

All figures represent best-case scenarios and does not account for multiple-attempts, change-in-heart as well as the fact that Civil Judge (Junior Division) examinations are not annual exams and often have a gap of 3-4 years between each cycle.