 2025:PHHC:130653-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.18757-2025 (O&M)
Reserved on: 03.09.2025
Pronounced on: 22.09.2025

RUSHIL JINDAL

... PETITIONER

Versus

PUNJAB AND HARYANA HIGH COURT AND OTHERS

... RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Aashish Chopra, Sr. Advocate with
Mr. Arav Gupta, Advocate and
Mr. Yash Pal, Advocate for the petitioner.

Ms. Munisha Gandhi, Sr. Advocate, with
Ms. Shubreet Kaur Saron, Advocate and
Ms. Manveen Narang, Advocate for respondent-High Court.

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SANJIV BERRY, J.

1. By way of the instant writ petition, the petitioner has assailed the impugned Clause 8.4 in the respective notifications, dated 15.11.2023 issued for the State of Haryana (Annexure P-1) and dated 14.11.2023 issued for the State of Punjab (Annexure P-2) to the extent of providing for minimum requirement of 40% marks out of total 750 marks of the written examination and 50% marks out of total aggregate of 1000 marks for qualification, the same being in contravention of principal Statutory Rules of Haryana

Superior Judicial Service, Rules 2007, (Annexure P-3) and Punjab Superior Judicial Service Rules, 2007 (Annexure P-4) and has sought quashing thereof, with the consequential relief of issuance of writ of certiorari, quashing the impugned action of the respondent in not appointing the petitioner to the post of Additional District and Sessions Judge in the States of Punjab and Haryana.

2. The facts in brief averred by the petitioner are that he had appeared in the competitive examination conducted for appointment to the post of Additional District and Sessions Judge in the State of Haryana as well as Punjab vide notifications (Annexure P-1 and P-2) respectively in quota for appointment by way of direct recruitment. In the written examination the petitioner secured 344.5 marks in the State of Haryana and 340.5 marks in the State of Punjab out of total 750 marks. The petitioner had scored requisite 40% marks in each paper. However the petitioner was declared unsuccessful after result of written examination and *viva-voce inter alia* on the ground that he obtained less then 50% marks in aggregate out of total marks fixed for written test and *viva-voce* as per Clause 8.4 of the impugned notifications (Annexure P-1 and P-2) hence the petition.

3. The learned Senior counsel representing the petitioner has assailed these notifications imposing "*minimum marks qualification"* under clause 8.4 thereof being arbitrary and not sustainable in the eyes of law, on the ground that the same is not in consonance with the basic Rules contained in Punjab Superior Judicial Service Rules, 2007 and Haryana Superior Judicial Service Rules 2007 (Annexure P-4 and P-3) by referring to the Rule 11 and Rule 7 respectively wherein the procedure for direct appointment is

laid down. He contends that in the Rules there is only provision of written test of 750 marks and viva-voice of 250 marks therein without there being any such provision of *"minimum marks qualification"* as envisaged in the impugned clause 8.4 of the Notifications (Annexure P-1 and P-2). He submits that despite the petitioner being eligible for qualifying the written examination by scoring 40% marks in each paper, he was declared unsuccessful primarily because of the imposition of clause 8.4 (supra) in the advertisement. He submits that the petitioner had topped in Delhi Higher Judicial Service Examination, 2023 and also cleared the written examination in the States of Punjab and Haryana, therefore, the reassessment of the answer-sheet is essential in the interest of equity and fair play and referred to judgments passed by Hon'ble Apex Court in ***"Pranav Verma Vs. The Registrar General, High Court of Punjab and Haryana, 2020 (15) SCC 377 and Navneet Kaur Dhaliwal vs. High Court of Punjab and Haryana, 2021(11) SCC, 147***.

4. *Per Contra,* learned Senior Counsel representing the High Court submits that in the light of the judgment passed by Hon'ble Apex Court in ***Dr. Kavita Kamboj vs. High Court of Punjab and Haryana and Others (2024) 7 SCC 103***, the issue raised by the petitioner is no more *res integra*. She further submits that the petitioner had already filed writ petition (civil) No.501/2024 in the Hon'ble Supreme Court, which already stood dismissed vide (Annexure P-8) without there being any liberty granted to the petitioner, as such the petitioner is estopped from filing the instant petition. It is further contended that Clause 8.4 of the impugned notifications prescribed for *'minimum marks qualification'* which is in consonance with the power

conferred under Rule 7 of the respective Superior Judicial Service Rules in the State of Punjab as well as Haryana and the High Court is justified in evolving a procedure to choose the best available talent. It is contended that there is no merit in the case of the petitioner and is liable to be dismissed. In support of her contentions she made reference to ***Madan Lal vs. Stae of Jammu and Kashmir, 1995 (2) SCT 880; K.H. Siraj vs. High Court of Kerala and others, (2006) 6 SCC 395; Dr. Kavita Kamboj vs. High Court of Punjan and Haryana and others (2024) 7 SCC 103; Sikha and others vs. State of Haryana and others, 2023 SCC online P&H 3744***.

5. Learned counsel representing the parties have been heard.

6. After hearing the respective submissions and perusing the record, it is observed that the main grievance of the petitioner in the present petition is against the imposition of *'minimum marks qualification'* vide Clause 8.4 of the Notifications (Annexure P-1 and P-2) issued by the States of Haryana and Punjab for direct recruitment to the post of Additional District and Sessions Judge in the States of Haryana and Punjab respectively.

7. For the sake of reference, it is worth mentioning that clause 8.4 of the aforesaid notifications read as under:-

> *"8.4 Candidates securing 40% or more marks in each paper will be called for viva voce. But merely securing 40% or more marks would not confer any right to be called for viva voce. This Court shall have the discretion to shortlist the candidates equal to three times the number of vacancies for viva-voce. Further, no candidate will be considered to have successfully qualified the Haryana Superior Judicial Service Examination unless he/she obtains 50% marks (read 45% marks for the SC/BC-A/BC-B/PwD/ESM category candidates) in the aggregate out of the total marks fixed for the written test and viva-*

voce. It is also made clear that no candidate will get the right to be appointed even if he/she obtains 50% marks (read 45% marks for the SC/BC-A/BC-B/PwD/ESM category candidates) in the aggregate of the written test and viva-voce. However, candidates will be appointed strictly in the order of merit (category wise) in which they are placed after the result of written test and viva-voce."

8. It will be apt to mention here that the recruitment and conditions of Service of the persons to be appointed to Haryana Superior Judicial Service is governed by Haryana Superior Judicial Service Rules, 2007 (Annexure P-3) and procedure for Direct Recruitment is laid down in Rule 7 which reads as under:-

"Procedure for direct recruitment.

7. *The High Court shall before making recommendations to the Governor invite applications by advertisement and may require the applicants to give such particulars as it may specify and may further hold written examination and viva voce test for recruitment in terms of rule 6(c) above and the maximum marks shall be in the following manner:-*

(i)	*Written Test*	*750marks*
(ii)	*Viva Voce*	*250marks"*

9. Similarly the corresponding Rules for State of Punjab namely Punjab Superior Judicial Service Rules, 2007 (Annexure P-4) procedure for Direct Recruitment is laid down in Rule 11, which reads as under:-

*"**11. Test for direct appointment.**- (1) The High Court shall, before making recommendations to the Governor, invite applications by advertisement and may require the applicants to give such particulars as it may prescribe and may further hold written examination test and viva-voce for appointment under rule 7, in the following manner, namely:-*

(i) Written Test	*750 Marks; and*
(ii) Viva-Voce	*250 Marks.*"

10. The perusal of relevant Service Rules (supra) which are identical for both the States would show that the same provides that "the High Court may further hold written examination test and *viva-voce* for appointment under the respective Rules."

11. In the Rules prescribed for the Direct Recruitment (supra) it is stipulated that the maximum marks for the written Test shall be 750 and for *viva-voce* will be 250. The High Court while issuing notifications (Annexure P2 and P1) for the direct recruitment to the Superior Judicial Services in the States of Punjab and Haryana respectively had specified the syllabus and format of examination wherein the impugned Clause 8.4 provides for the candidate securing 40% or more marks in each paper will be called for *viva-voce*. It is specified there that merely securing 40% or more marks would not confer any right to be called for *viva-voc*e. This Court has discretion to shortlist the candidates equal to three times the number of vacancies for *viva-voce*. It is further provided that no candidate will be considered to have successfully qualified the Superior Judicial Service Examination unless he/she obtains 50% marks (read 45% marks for the SC/BC-A/BC-B/PwD/ESM category candidates) in the aggregate out of the total marks fixed for the written test and *viva-voc*e and further that the candidates will be appointed in the order of merit (category wise) in which they are placed after the conduct of written test and *viva-voce*.

12. The perusal of main clause in the notifications in the light of the respective Rules referred above would show that said conditions of minimum marks qualification imposed under Clause 8.4 of the respective impugned notifications is not at all arbitrary in nature but is in consonance with the

Rule 7 of Haryana Superior Judicial Service Rules, 2007 and Rule 11 of Punjab Superior Judicial Service Rules, 2007 respectively.

13. It is relevant to reproduce relevant paras of ***K.H.Siraj's case*** (supra) as under:-

> *" 48. In this background, two questions raised by Mr. L.N. Rao have to be considered.*
>
> *1. The prescription of minimum mark for the oral examination as a condition of eligibility for selection as Munsif Magistrate is not authorized by Rule 7 of the Kerala Judicial Service Rules, 1991;*
>
> *2. The select list has not been prepared in accordance with Rules 14 to 17 of KSSSR 1958.*
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> *49. So far as the first submission is concerned, we have already extracted Rule 7 in paragraph supra. Rule 7 has to be read in this background and High Court's power conferred under Rule 7 has to be adjudged on this basis. The said Rule requires the High Court firstly to hold examinations written and oral. Secondly the mandate is to prepare a select list of candidates suitable for appointment as Munsif Magistrates. The very use of the word 'suitable' gives the nature and extent of the power conferred upon the High Court and the duty that it has to perform in the matter of selection of candidates. The High Court alone knows what are the requirements of the subordinate judiciary, what qualities the Judicial Officer should possess both on the judicial side and on the administrative side since the performance of duties as a Munsif or in the higher categories of subordinate Judge, Chief Judicial Magistrate or District Judge to which the candidates may get promoted require administrative abilities as well. Since the High Court is the best Judge of what should be the proper mode of selection, Rule 7 has left it to the High Court to follow such procedure as it deems fit. The High Court has to exercise its powers in the light of the constitutional scheme so that the best available talent, suitable for manning the judiciary may get selected.*

50. What the High Court has done by the Notification dated 26.3.2001 is to evolve a procedure to choose the best available talent. It cannot for a moment be stated that prescription of minimum pass marks for the written examination or for the oral examination is in any manner irrelevant or not having any nexus to the object sought to be achieved. The merit of a candidate and his suitability are always assessed with reference to his performance at the examination and it is a well accepted norm to adjudge the merit and suitability of any candidate for any service, whether it be the Public Service Commission (I.A.S., I.A.F. etc.) or any other. Therefore, the powers conferred by Rule 7 fully justified the prescription of the minimum eligibility condition in Rule 10 of the Notification dated 26.3.2001. The very concept of examination envisaged by Rule 7 is a concept justifying prescription of a minimum as bench mark for passing the same. In addition, further requirements are necessary for assessment of suitability of the candidate and that is why power is vested in a high powered body like High Court to evolve its own procedure as it is the best Judge in the matter. It will not be proper in any other authority to confine the High Court within any limits and it is, therefore, that the evolution of the procedure has been left to the High Court itself. When a high powered constitutional authority is left with such power and it has evolved the procedure which is germane and best suited to achieve the object, it is not proper to scuttle the same as beyond its powers. Reference in this connection may be made to the decision of this Court in ***2006(1) SCC 779*** *wherein an action of the Chief Justice of India was sought to be questioned before the High Court and it was held to be improper.*

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57. The qualities which a Judicial Officer would possess are delineated by this Court in ***Delhi Bar Association vs. Union of India & Ors., (2002) 10 SCC 159****. A Judicial Officer must, apart from academic knowledge, have the capacity to communicate his thoughts, he must be tactful, he must be diplomatic, he must have a sense of humour, he must have the ability to defuse situations, to control the examination of witnesses and also lengthy irrelevant arguments and*

the like. Existence of such capacities can be brought out only in an oral interview. It is imperative that only persons with a minimum of such capacities should be selected for the judiciary as otherwise the standards would get diluted and substandard stuff may be getting into the judiciary. Acceptance of the contention of the appellants/petitioners can even lead to a postulate that a candidate who scores high in the written examination but is totally inadequate for the job as evident from the oral interview and gets 0 marks may still find it a place in the judiciary. It will spell disaster to the standards to be maintained by the subordinate judiciary. It is, therefore, the High Court has set a bench mark for the oral interview, a bench mark which is actually low as it requires 30% for a pass. The total marks for the interview are only 50 out of a total of 450. The prescription is, therefore, kept to the bare minimum and if a candidate fails to secure even this bare minimum, it cannot be postulated that he is suitable for the job of Munsif Magistrate, as assessed by five experienced Judges of the High Court.

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73. The appellants/petitioners having participated in the interview in this background, it is not open to the appellants/petitioners to turn round thereafter when they failed at the interview and contend that the provision of a minimum mark for the interview was not proper. It was so held by this Court in paragraph 9 of ***Madan Lal & Ors. Vs. State of J & K & Ors. , (1995) 3 SCC 486*** *as under:*

> *"9. Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test, to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The Petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitions as well as the contesting respondents concerned. Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to*

> *have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of Om Prakash Shukla vs. Akhilesh Kumar Shukla, 1986 suppl SCC 285, it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner."*

14. Similar question of prescribing minimum eligibility for the written test and viva voce has also been discussed at length by the Hon'ble three Judges Bench of the Hon'ble Apex Court in ***Dr. Kavita Kamboj's case*** (supra) the relevant paras are reproduced here as under:-

> *" 9. On 11 November 2021, a meeting of the Recruitment and Promotion Committee ("the Committee") overseeing the Superior Judicial Service was held. The Minutes of the Meeting adverted to Rules 6 and 8 of the Rules and a corresponding provision contained in the Punjab Superior Judicial Service Rules 2007. Both sets of Rules were amended by the States of Haryana and Punjab in order to bring uniformity in promotions to the Superior Judicial Service. In both the States, the Committee, inter alia, resolved that:*
>
> > *"**ii.** In terms of Rule 7(3)(a) of the Punjab Superior Judicial Service Rules, 2007 and Rule 6(1)(a) of Haryana Superior Judicial Service Rules, 2007, the suitability test shall consist of written objective test of 75 marks and viva voce of 25 marks so as to assess legal knowledge and efficiency in legal*

field for discharging higher duties and responsibilities. Securing, 50% marks in the written test and 50% marks in Viva voce individually would make a candidate eligible for promotion."

10. As a result of the above Resolution, the Committee decided that in order to be eligible for promotion, a candidate must secure 50% marks in the written test and 50% marks in the viva voce. In other words, while under the earlier Resolution of the Full Court dated 29 January 2013, a candidate was required to obtain at least 50% marks in the written test and viva voce combined, the proposal of the Recruitment and Promotion Committee of 11 November 2021 stipulated that a candidate must obtain at least 50% marks in the written test and at least 50% in the viva voce. This Resolution of the Committee was approved by the Full Court at a meeting which was held on 30 November 2021.

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51. According to Rule 6(1)(a), the inter-se merit of the judicial officers plays a greater role in making promotions. The passing of a suitability test is a measure of assessment of the merit of the judicial officers under consideration for promotion. The passing of a suitability test, in other words, is complemented by the requirement of observing the principle of merit-cum-seniority. Rule 8 particularly provides for the procedure for promotion for "assessing and testing the merit and suitability" of the judicial officers. It states that the High Court "may" hold a written objective test of 75 marks and viva voce of 25 marks in order to ascertain and examine the legal knowledge and efficiency in the legal field of the judicial officers. It is important to note that the use of the word "may" in Rule 8 confers discretion on the High Court with respect to the conduct of the written objective test and viva voce. In comparison, Rule 9, which lays down the procedure for a limited competitive examination while implementing Rule 6(1)(b), uses the word "shall" in a mandatory sense. The use of the word "may" in Rule 8 indicates that the High Court has certain discretion in terms of the conduct of the written objective test and viva voce for promotion of judicial officers in terms of Rule 6(1)(a).

52. Moreover, the Rules in the present case are entirely silent in regard to the prescription of a minimum eligibility for clearing a competitive test, on the one hand, and the viva voce, on the other hand. If the Rules were to specifically provide in a given case that the criterion for eligibility would be on the combined marks of both the written test and the viva voce, the matter would have been entirely different. Rule 6(1)(a) and Rule 8 being silent as regards the manner in which merit and suitability would be determined, administrative instructions can supplement the Rules in that regard. This is not a case where the Rules have made a specific provision in which event the administrative instructions cannot transgress a rule which is being made in pursuance of the power conferred under Article 309 of the Constitution. For instance, if the Rules were to provide that there would be a minimum eligibility requirement only in the written test, conceivably, it may not be open to prescribe a minimum eligibility requirement in the viva voce by an administrative instruction. Similarly, if the Rules were to provide that the eligibility cut-off would be taken on the basis of the overall marks which are obtained in both the written test and the viva voce, conceivably, it would not be open to the administrative instructions to modify the terms.

53. The appropriate authority cannot amend or supersede statutory rules by administrative actions. However, it is open to it to issue instructions to fill up the gaps and supplement the rules where they are silent on any particular point. Such instructions have a binding force provided they are subservient to the statutory provisions and have been issued to fill up the gaps between the statutory provisions.

*54. In **K H Siraj v. High Court of Kerala,** this Court was called upon to determine the validity of the decision of the High Court of Kerala in prescribing minimum marks for the oral examination as a condition of eligibility for selection as Munsif Magistrate. The relevant provision, that is, Rule 7 of the Kerala Judicial Service Rules 1991, mandated the High Court to hold written and oral examinations and prepare a list of candidates considered suitable for appointment to Category 2 posts. This Court held that even though Rule 7 was silent on the question of minimum marks for oral examination, it was open to the*

High Court to supplement the Rule:(K.H. Siraj case, SCC pp.422-23 , para 62)

> *"62. Thus it is seen that apart from the amplitude of the power under Rule 7 it is clearly open for the High Court to prescribe benchmarks for the written test and oral test in order to achieve the purpose of getting the best available talent. There is nothing in the Rules barring such a procedure from being adopted. It may also be mentioned that executive instructions can always supplement the Rules which may not deal with every aspect of a matter. Even assuming that Rule 7 did not prescribe any particular minimum, it was open to the High Court to supplement the rule with a view to implement them by prescribing relevant standards in the advertisement for selection."*

55. In the present case, the Rules are silent in regard to the manner in which the merit or suitability would be determined. In view of the silence of the Rules, it is open to the High Court in the exercise of its administrative authority to provide the modalities in which merit or suitability would be determined.

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70. In numerous decisions, this Court has emphasized the importance of the control which is wielded by the High Courts over the District Judiciary. Undoubtedly, it is equally well-settled that when the Rules under Article 309 hold the field, these Rules have to be implemented. Where specific provisions are made in the Rules framed under Article 309, it would not be open to the High Court to issue administrative directions either in the form of the Full Court Resolution or otherwise, that are at inconsistent with the mandate of the Rules. On the other hand, in cases such as the one at hand, where the Rules were silent, it is open to the High Court to issue a Full Court Resolution. The High Court did so initially on 29 January 2013, but modified the Resolution on 30 November 2021 by prescribing that candidates for appointment to the Higher Judicial Service should have a minimum of 50% both in the written test as well as in the viva voce independently. The wisdom of the prescription is clear. A candidate should not just demonstrate the ability to reproduce their knowledge by answering

questions in the suitability test, but must also demonstrate both practical knowledge and the application of the substantive law in the course of the interview. The Rules being silent, it was clearly open to the High Court to prescribe such a criterion as it did in 2013, when the 50% cutoff was prescribed on aggregate scores and also, in 2021, when the 50% cutoff was prescribed on the written test scores and the viva voce separately."

15. It is not out of place to mention here that admittedly the petitioner had filed Writ Petition (Civil) No. 501/2024 in the Hon'ble Supreme Court challenging the selection process of the Punjab superior Judicial Service and Haryana Superior Judicial Service examination 2023-2024 conducted on the basis of the impugned notifications, as challenged in the present writ petition. It is not disputed that the said writ petition along with other writ petitions and Special Leave Petitions were dismissed by Hon'ble Apex court vide order dated 18.10.2024 (Annexure P-8) passed in the lead case Writ Petition (Civil) No. 452/2024, which is reproduced as under:-

" UPON hearing the counsel the Court made the following ORDER

1. *We are not inclined to entertain the Writ Petitions as well as the Special Leave Petition.*
2. *The Petitions are accordingly dismissed.*
3. *Pending applications, if any, stand disposed of."*

16. In the aforesaid writ petition, the petitioner had challanged the selection process on identical grounds on account of his non selection in the examination conducted by the High Court for the Punjab Superior Judicial Service and Haryana Superior Judicial Service, conducted on the basis of same notifications (Annexure P-1 and P-2) which he had challanged in the present writ petition. Once, the Hon'ble Apex Court had dismissed the writ

petition preferred by the petitioner as well as other writ petitions and Special Leave Petition preferred by the other persons vide order dated 18.10.2024 (Annexure P-8), the petitioner is estopped from agitating the issuance of the impugned notifications in the instant writ petition as well.

17. Thus, in the light of the above discussion, it is observed that no illegality or arbitrariness could be observed in the High Court incorporating Clause 8.4 in the impugned notifications. There is consistent view taken by Hon'ble Apex Court to the fact that when the Rules are silent with regard to the manner in which the merit and suitability would be determined, then the administrative instructions can supplement the Rules in this regard, in order to fill up the gaps. Such instructions have a binding force providing their subservient to the statutory provisions. As has been held by Hon'ble the Apex Court in the judgments referred to above, applying the same to the facts of the present petition, undisputedly the basic procedure for direct recruitment has been envisaged in the Superior Judicial Services Rules of the respective States (Annexure P-3 and P-4), the High Court while issuing the main notifications, by incorporating Clause 8.4 therein, has prescribed the syllabus and format of the examination wherein it has been specified that candidates merely securing 40% or more marks will be called for the *viva-voce* with the rider that merely securing 40% or more marks would not confer any right for being called for *viva-voce* and the discretion has been given to the High Court to short list the candidates equal to three times of the number of vacancies for *viva-voce*. Another condition imposed therein that any candidate shall be considered to have successfully qualified the examination unless he shall obtain 50% marks in aggregrate out of total marks fixed for

the written test and *viva-voce* (45% marks for the SC/BC-A/BC-B/PwD/ESM category candidates). It is also stipulated therein that candidates will be appointed strictly in the order of merit (category wise) in which they are placed after the result of written test and *viva-voce*.

18. It is evident that the High Court by laying down the syllabus and format of examination, specified the scheme thereof by inserting the impugned Clauses in the notifications, has not done anything violative of the basic Rules but the same has been done in exercise of its powers in the light of the Constitutional Scheme so that the best available talent can be selected for performance of the duties as a Member of Superior Judicial Services and for that purpose imposition of *"minimum marks qualification*" in said written examination and *viva-voce* does not in any manner became irrelevant to adjudged the merit and suitability of any candidate for such post nor the same is in contravention of the basic Rules in any manner as has been envisaged under the Superior Judicial Services Rules of the respective States. Hon'ble Apex Court had categorically laid down in ***K.H. Siraj's case*** (supra) that it is clearly open for the High Court to prescribe bench marks for the written test and oral test in order to achieve the purpose of getting the best available talent and there is nothing in the Rules barring such a procedure from being adopted. It is further been observed therein that the executive instructions can always supplement the Rules which may not deal with every aspect of a matter and for this purpose, it was always upon to the High Court to supplement Rules with a view to effectively implement the same by prescribing relevant standards in the advertisement for selection. Similar

view has been endorsed by the Hon'ble Apex Court in ***Dr. Kavita Kamboj's case*** (supra).

19. Therefore, it is open to the High Court to prescribe the criteria including cut of marks and *'minimum marks qualification'* as has been envisaged in clause 8.4 of the impugned notifications (Annexure P-1 and P-2) to asses the merit and suitability of the candidates to be appointed in the Superior Judicial Services to perform the sacrocent duties of Judicial Officer.

20. Consequently, the instant petition being devoid of any merit, is hereby dismissed.

21. Miscellaneous applications, if any shall also stands disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated:22.09.2025
Gyan

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No