

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1243

ANSWERED ON 01/08/2024

VACANCY OF JUDGES IN CALCUTTA HIGH COURT

1243. SHRI SAMIK BHATTACHARYA:

Will the Minister of *Law and Justice* be pleased to state:

- (a) the total number of sanctioned posts and the actual number of Judges currently serving in the Calcutta High Court;
- (b) whether a significant percentage of the sanctioned posts of Judges in the Calcutta High Court are lying vacant, leading to a backlog of cases;
- (c) if so, the details on the extent of these vacancies and the reasons for these posts remaining unfilled for an extended period; and
- (d) the steps which Government is taking to expedite the appointment of Judges to fill the vacant posts in the Calcutta High Court?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): As on 25.07.2024, against the sanctioned strength of 72 Judges, 44 Judges are working in the Calcutta High Court thus leaving 28 vacancies. At present, the proposals for filling up 12 vacancies in the Calcutta High Court are at various stages of processing. The recommendations in respect of the remaining 16 vacancies of Judges are yet to be received from the High Court Collegium.

2. As per the Memorandum of Procedure (MoP), for the appointment of Judges of High Court, the Chief Justice of the High Court is required to initiate the proposals in consultation with two senior-most Judges from amongst the eligible candidates from the Bar and concerned State Judicial Service six months prior to the occurrence of vacancies. The

recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

3. The issues concerning disposal of pending cases in courts is within the domain of the judiciary. Timely disposal of cases in courts depends on several factors which, inter-alia, include supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, involvement of various stake holders viz. advocates, investigation agencies, witnesses, litigants etc.

4. Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. While it is of utmost importance that the appointments are made expeditiously, at the same time it is also important to ensure that only the most suitable candidates are appointed as Judges in the High Courts under the collaborative process.
