

2026 LiveLaw (SC) 67

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

B.V. NAGARATHNA; J., UJJAL BHUYAN; J.

WRIT PETITION(CIVIL) NO.172 OF 2025; JANUARY 15, 2026

ANUBHUTI GOEL & ANR. *versus* THE HIGH COURT OF UTTARAKHAND & ORS.

Constitution of India – Article 32, 19(1)(d), 19(1)(e), and 19(1)(g) – Judicial Service – Migration to another State Service – Right to Profession – Petitioners, serving as Civil Judges in Uttarakhand, sought permission to join the Delhi Judicial Service after being declared successful in the recruitment examination - The High Court of Uttarakhand rejected their request, citing concerns over judicial vacancies and the impact on the litigant public - Held: The interest of the individual officers to advance their careers has an overriding effect over the administrative concerns of the parent High Court regarding vacancies - Denial of such permission results in "negativity, frustration," and a violation of fundamental rights guaranteed under the Constitution - The Supreme Court directed the High Court of Uttarakhand to pass orders for the cessation of their services to enable them to join the Delhi Judicial Service by the stipulated deadline - Supreme Court clarified that while the petitioners' joining was delayed due to the pending legal challenge, their seniority in the Delhi Judicial Service must be maintained as per their original position in the Select List - held that permission cannot be denied to a judicial officer to join the service of another State merely on the ground that migration will give rise to vacancies in the first State - The delay caused by the litigation shall not adversely affect their merit-based seniority – **Petition allowed. [Paras 13-18]**

For Petitioner(s): Mr. Siddhartha Dave, Sr. Adv. Ms. Divya Jyoti Singh, AOR Mr. Sumit Kumar, Adv. Mr. Nitin Yadav, Adv. Ms. Arundati Mukherjee, Adv.

For Respondent(s): Mrs. D. Bharathi Reddy, AOR Mr. Nishant Sharma, Adv. Mrs. D. Tejaswi Reddy, Adv. Ms. Adviteeya, Adv. Mr. Siddharth Sangal, AOR Ms. Richa Mishra, Adv. Ms. Tulika Mukherjee, AOR Mr. Dev Aaryan, Adv. Mr. Siddhartha Iyer, AOR Mr. Aman Gupta, Adv. Ms. Srishti Ghoshal, Adv.

ORDER

This Writ Petition filed under Article 32 of the Constitution of India is seeking the following reliefs:

a) Issue a Writ of mandamus directing the Respondent No.1 to quash the rejection letter issued by Respondent No.1 dated 19.02.2025 and direct the Respondent No.1 to grant permission to the petitioners to appear in the viva-voce of the Delhi judicial services Examination-2023 scheduled on 28.02.2025.

b) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case to do complete justice to the present writ petitioners."

2. Briefly stated, the facts of the case are that petitioner No.1 herein is currently serving as Civil Judge (Jr. Div.) at Dhari, District, Nainital and petitioner No.2 is serving as Civil Judge (Jr. Div.) at Pratap Nagar, District Tehri Garhwal in the State of Uttarakhand (hereinafter referred to as "petitioners").

3. On 01.03.2023, the Uttarakhand Public Service Commission, by way of Advertisement No. 10/DR/E-2/Civil Judge/2022-23, invited applications for the recruitment of Civil Judges in the Uttarakhand Judicial Services. Petitioners herein submitted their respective applications and appeared for the preliminary examination scheduled on 30.04.2023. Thereafter, upon successfully clearing the preliminary examination,

petitioners appeared for the main examination of the Uttarakhand Judicial Services Examination held between 05.12.2023 and 09.12.2023.

4. In the interregnum, the High Court of Delhi, on 06.11.2023, by way of an advertisement, invited applications for recruitment in the Delhi Judicial Services through the Delhi Judicial Service Examination-2023. Petitioners herein applied for the said examination as well. The High Court of Delhi, on 12.12.2023, issued admit cards, pursuant to which the petitioners appeared for the preliminary examination of the Delhi Judicial Service Examination-2023 held on 17.12.2023. After successfully qualifying the preliminary examination, petitioners appeared for the main examination held on 13.04.2024 and 14.04.2024.

5. In the meantime, on 06.05.2024, the final result of the Uttarakhand Judicial Services Examination was announced, in which petitioners were declared successful and were selected as Civil Judges. Accordingly, the Government of Uttarakhand issued a notification dated 08.07.2024, approving the appointment of selected candidates, including the petitioners, with a probation period of two years.

6. The High Court of Uttarakhand, on 11.07.2024, officially appointed and posted the petitioners as Civil Judges.

7. During their service as Civil Judge in the State of Uttarakhand, the High Court of Delhi published the result of the Delhi Judicial Service Mains Examination-2023 on 07.01.2025, wherein the petitioners were declared successful and were shortlisted for the viva-voce. As per the schedule released by the High Court of Delhi, the petitioners' interview was scheduled on 21.02.2025. Therefore, in accordance with the procedure, petitioners herein submitted an application to the High Court of Uttarakhand on 05.02.2025, seeking prior approval to appear in the viva-voce for the Delhi Judicial Service Examination-2023.

8. The High Court of Uttarakhand, through its Registrar General by way of letter No.1172/XIV/a-7/Admin.A2/2024 dated 19.02.2025, rejected the petitioners' applications to appear in the viva-voce of the Delhi Judicial Service Examination-2023. Being Aggrieved, the petitioners herein preferred the present writ petition under Article 32 read with Article 142 of the Constitution of India, before this Court, seeking issuance of writ of mandamus directing the first respondent-High Court to quash the rejection letter dated 19.02.2025 and to grant permission to the petitioners to appear in the viva-voce of the Delhi Judicial Services Examination-2023 scheduled on 28.02.2025.

9. Learned senior counsel for the petitioners submitted that the petitioners have been successful in the viva-voce examination of the Delhi Judicial Service Examination-2023 which they took pursuant to the interim order of this Court dated 25.02.2025 and they now intend to join the Delhi Judicial Service and hence, they seek permission for cessation of their service as judicial officers in State of Uttarakhand and permission to join the Delhi Judicial Service. Learned senior counsel submitted that initially the Writ Petition was filed for the limited relief of assailing the rejection letter issued by the first respondent dated 19.02.2025 and for a direction to grant permission to them to appear in the viva-voce examination of the Delhi Judicial Service Examination-2023; that since the petitioners herein have been declared to be meritorious and are entitled to join the Delhi Judicial Service, permission is now being sought to join the Delhi Judicial Service by cessation of their judicial service in the respondent-State of Uttarakhand. Learned senior counsel submitted that although vacancies may arise owing to their migration to join the Delhi Judicial Service, the fact remains that their rights cannot be frustrated only because the said vacancies would ensue. He contended that innumerable vacancies arise every year

for various reasons and the respondent(s)-High Court would always fill those vacancies by recruitment. However, only because vacancies would arise in the Uttarakhand Judicial Service, permission cannot be declined. He contended that Articles 19(1) (d), 19(1)(e) and 19(1)(g) of the Constitution of India envisage the right of movement, residence and settlement, and the right to profession, which are guaranteed as fundamental rights. Therefore, the prayers made by the petitioners herein may be accorded by this Court.

10. *Per contra*, learned counsel for the respondent No.1-High Court submitted about the difficulties that would arise owing to the vacancies resulting in pendency of cases in the courts presided over by the petitioners herein which aspect could be appreciated by this Court. He further submitted that this would become a pattern and judicial officers who joined the Uttarakhand Judicial Service, if permitted to migrate to other States or Union Territories, there would be a dent in the strength of the judicial service of the Uttarakhand State and consequently affect the litigant public. He therefore submitted that the prayer sought for by the petitioners may not be granted having regard to the aforesaid submission.

11. Learned counsel for the first respondent also submitted an extract of the minutes of the full court meeting of the High Court of Uttarakhand, Nainital held on 07.01.2026 to the effect that the High Court would abide by the decision that would be taken in this writ petition.

12. Learned counsel for the third respondent-Delhi High Court submitted that the High Court would abide by the directions to be issued by this Court. However, the petitioners ought to join service in terms of their seniority and as per their merit in the select list on or before 13.02.2026 as the other judicial officers have already joined the service in the month of August, 2025 itself.

13. We have considered the arguments made at the bar in light of the prayers made by the petitioners herein as well as having regard to the provisions of the Constitution.

14. We have also borne in mind the submissions made by the learned counsel for the first respondent-High Court of Uttarakhand.

15. The matter is one of balancing the interests of the petitioners herein who intend to migrate from the Uttarakhand Judicial Service to join the Delhi Judicial Service owing to their personal reasons as they have been successful in the Delhi Judicial Service recruitment examination and the interest of the Uttarakhand Judicial Service resulting in vacancies on account of the migration of the petitioners-judicial officers and the consequent impact that it would have.

16. We find that in the present case, the interest of the petitioners would have an overriding effect as compared to the interest of the respondent-Uttarakhand Judicial Service and the interest of the first respondent-High Court. The vacancies which would ensue could always be filled by the recruitment which could be made at the earliest. But any denial of the prayers of the petitioners herein may result in negativity, frustration and also in violation of the fundamental rights envisaged by the Constitution of India.

17. In the circumstances, we find that the prayers sought for by the petitioners are liable to be allowed and are accordingly allowed. The first respondent shall take steps to pass an order with regard to the cessation of their service in the State of Uttarakhand so as to enable them to join the Delhi Judicial Service well before 13.02.2026.

18. It is needless to observe that the merit of the petitioners herein shall be in accordance with their merit in the Select List and the delay that has been caused in joining the Delhi Judicial Service shall not affect their seniority in the merit list.

19. The Writ Petition is allowed and disposed of in the aforesaid terms.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)