

ITEM NO.6

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 986/2025

MADHYA PRADESH JUDGES ASSOCIATION

PETITIONER(S)

VERSUS

THE HIGH COURT OF MADHYA PRADESH & ANR.

RESPONDENT(S)

(IA No. 295221/2025 - GRANT OF INTERIM RELIEF)

Date : 20-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRASANNA B. VARALE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Ajit S.Bhasme, Sr. Adv.
Mr. Sanjay Kumar Dubey, AOR
Mr. Rakesh Kumar Tewari, Adv.
Ms. Shuchi Singh, Adv.
Mr. Devendra Kumar Shukla, Adv.
Mr. Vivek Kumar Pandey, Adv.
Mr. Ujjwal Kumar Dubey, Adv.
Ms. Shivani Mishra, Adv.
Mr. Jainendra Kumar, Adv.
Mr. Kanchan Kumar Jha, Adv.
Mr. Devendra Kumar Mishra, Adv.
Mr. Sachin Kumar Anand, Adv.

For Respondent(s) :

Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Divyakant Lahoti, AOR
Mr. Kartik Lahoti, Adv.
Mr. Adith Menon, Adv.
Ms. Akanksha Soni, Adv.
Ms. Shubheksha Dwivedi, Adv.

Mr. Anil Kaushik, Sr. Adv.
Mr. Sarthak Raizada GA, Adv.
Mr. Sarad Kumar Singhania, AOR
Mr. Shashank Shekhar, Adv.

UPON hearing the counsel, the Court made the following
O R D E R

IA No. 295221/2025:

1. The petitioner-association challenges the decision of the Madhya Pradesh High Court on its administrative side dated 22.08.2025 whereby the representation of the petitioner-association to enhance the age of superannuation of Judicial Officers serving in the State of Madhya Pradesh was rejected.
2. Heard Shri Ajit S.Bhasme, learned senior counsel appearing on behalf of the petitioner-association and Shri Gopal Sankaranarayanan, learned senior counsel appearing on behalf of the High Court of Madhya Pradesh.
3. Shri Bhasme submits that in the State of Madhya Pradesh the State Government has increased the age of superannuation of all its employees to 62 years. He, therefore, submits that there is no logic in denying the same treatment to the members of petitioner-association, particularly, when the salary of the

judicial officers is coming from the same Public Exchequer.

4. Shri Bhasme further submits that in any case, in order to keep a gap between the age of superannuation of Judges of the High Court and the Judges of the District Judiciary, the petitioner-association is claiming the enhancement of the age of superannuation only up to 61 years and not 62 years, as is the age of superannuation of the other employees of the State Government. He submits that the High Court of Telangana had approached this Court seeking clarification *qua* increasing the age of superannuation to 61 years, insofar as Judicial Officers are concerned, which was clarified by this Court *vide* an order dated 23.11.2023 in IA No. 170936 of 2023 in W.P(C) No. 643 of 2015. He further submits that the present application has been moved by the petitioner-association since two of the Judicial Officers are retiring on 30.11.2025.
5. Shri Gopal Sankaranarayanan with his usual vehemence has opposed the prayer for interim relief. He submits that the Madhya Pradesh Higher Judicial Service Rules,

2017 have been framed by the Government of Madhya Pradesh in consultation with the Madhya Pradesh High Court. He submits that the age of superannuation provided under the 2017 Rules is in accordance with the judgment of this Court in the case of "All India Judges' Association and others vs. Union of India and others" reported in (2002) 4 SCC 247. He submits that the age of retirement as per Rule 14 of the 2017 Rules is 60 years with a rider wherein they can be re-employed upto 62 years. He further submits that the High Court has taken a conscious decision not to increase the age and, as such, the Judicial Officers/members of petitioner-association are not entitled to claim the increase in age of superannuation. It is further submitted that there is no violation of fundamental rights of the members of the petitioner-association which permits it to approach this Court directly under Article 32 of the Constitution of India.

6. We have examined the matter. In the 2002 All India Judges' Association case (supra), this Court has observed that though the Shetty Commission had recommended an increase in the age of retirement for

Judges of the District Judiciary from 60 to 62 years, this Court declined to do so for the reason that the age of retirement of the High Court Judges is constitutionally fixed at 62 years. The Court has held that there has to be a gap in the retirement age between Judges of the High Court and Judges of the District Judiciary.

7. It, however, can be seen that this Court itself *vide* order dated 23.11.2025 (*supra*) has permitted the High Court of Telangana to enhance the age of retirement upto 61 years. This was occasioned since the State of Telangana had enhanced the age of retirement of its employees to 62 years. The High Court of Telangana had graciously found that when the other employees of the State Government are getting benefited by the increase in age of superannuation, the Judges of the District Judiciary should not be denied the same benefit. However, in order to maintain the difference between the age of superannuation between them and the Judges of the High Court, the High Court of Telangana proposed to enhance the age of superannuation of the Judges of District Judiciary to 61 years, so that a gap of one year still exists. The same was allowed by

this Court *vide* order dated 23.11.2025(supra).

8. It is needless to state that the Judicial Officers as well as the other employees of the State Government would be paid their salaries through the same public Exchequer. When all other employees working in the State of Madhya Pradesh would be in service till 62 years, we see no reason as to why the Judicial Officers/members of the petitioner-association should be denied that benefit at least till the age of 61 years.
9. In that view of the matter, by way of an ad-interim order we direct that the Judicial Officers/members of the petitioner-association would be entitled to continue in service and would be superannuated on attaining the age of 61 years.
10. Application stands disposed of.
11. List the Writ Petition on 19.12.2025.

(POOJA SHARMA)
AR-CUM-PS

(ANJU KAPOOR)
ASSISTANT REGISTRAR