



2025:CGHC:47405-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 11089 of 2025

1 - Himalaya Ravi S/o Lallu Ram Ravi Aged About 27 Years R/o Village Sara Mansukh, P.S. Baikunthpur District - Koriya (C.G.)

2 - Pankaj Kumar Bagde S/o Shri Prakash Rao Bagde Aged About 27 Years R/o House No. 64, Near Janak Nandini Dharamshala, Station Ward Bhatapara, District- Balodabazar- Bhatapara (C.G.) - 493118

--- **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Secretary, Law And Legislative Affairs Department, Chhattisgarh Mahanadi Bhawan Mantralaya Nava Raipur, Atal Nagar (C.G.)

2 - Chhattisgarh Public Service Commission Through The Secretary Nava Raipur Atal Nagar (C.G.)

3 - The High Court Of Chhattisgarh Through The Registrar General High Court Premises Bodri District - Bilaspur (C.G.)

--- **Respondent(s)**

WPS No. 11093 of 2025

1 - Sudhanshu Sainik S/o Neelkanth Bhoi Aged About 26 Years R/o Near Mahavir Apartment, Ganga Nagar Sector- 02, Mangla Road, Bilaspur, District : Bilaspur, Chhattisgarh

2 - Priyanka Thakur D/o Dharam Singh Thakur Aged About 25 Years R/o Near Lafagarh Gas Godown, Shubham Vihar Colony, Bilaspur, District : Bilaspur, Chhattisgarh

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Law And Legislative Affairs Department, Chhattisgarh, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, Chhattisgarh

2 - Chhattisgarh Public Service Commission Through The Secretary, Atal Nagar, Nava Raipur, Chhattisgarh

3 - The High Court Of Chhattisgarh Through The Registrar General, High Court Premises, Bodri, District : Bilaspur, Chhattisgarh

--- **Respondent(s)**

WPS No. 11096 of 2025

1 - Urwashi Kour D/o Late Maheshwar Singh Kour Aged About 30 Years Working As Asst. Grade III, CG Education Department, Chhattisgarh, R/o Village Pandel, Post Khalari, Distt. Balod, Chhattisgarh.

2 - Yash Ashesha S/o Surendra Kumar, Aged About 29 Years, Working As Legal Assistant, Education Department, Madhepura Bihar, R/o House No. 101, Ramnagar, Bihta, P.O. And P.S. Bihta, Distt. Patna, Bihar, Pin 801103.

3 - Abhinav Baranwal S/o Amit Baranwal, Aged About 23 Years, R/o Bundel Khandi, Near Ganga Mandir, Mirzapur, Uttar Pradesh, Pin 231001.

4 - Prerna Tiwari, D/o Pravesh Kumar Tiwari, Aged About 23 Years, R/o Gurdev Palace, Kanpur, Uttar Pradesh.

5 - Amit Kumar, S/o Satendra Narayan Singh, Aged About 26 Years, R/o Pali Road, Jhabar, Dipka, Korba, Chhattisgarh.

6 - Vartika Khantal, D/o Ajay Gupta, Aged About 23 Years, R/o Bm-1/4, Veerangna Nagar, Jhansi, U.P.

7 - Oshin Singh Solanki, D/o Dal Bahadur Singh Solanki, Aged About 25 Years, R/o Nehru Nagar, Rewa, Madhya Pradesh.

8 - Ojaswini Singh Gahlot, D/o Pritam Singh Gahlot, Aged About 24 Years, R/o Krishna Nagar, Rangbari, Kota, Rajasthan.

9 - Yash Vardhan Tiwari, S/o Piyush Tiwari, Aged About 23 Years, R/o House No. C-104, Shreeji Vrindavan Colony, Rewa, Madhya Pradesh.

10 - Ayushi Basu, D/o Gautam Basu, Aged About 26 Years, R/o A-45, Sant Asaram Nagar, Phase-1, Bagmuglia, Huzur, Bhopal, Madhya Pradesh, Pin 462043.

11 - Naveen Kumar Sharma, S/o Ghanshyam Murari Sharma, Aged About 24 Years, R/o Rewa, Madhya Pradesh

12 - Aniruddha Yadav, S/o P. K. Yadav, Aged About 26 Years, R/o B-199, Mehdauri Colony, Teliyarganj, Prayagraj, Uttar Pradesh, Pin 211004.

13 - Sneha Sangwan, D/o Pardeep Kumar Sangwan, Aged About 27 Years R/o Sanjay Gram, Block C, Opposite Sector 14, Gurugram, Haryana, Pin 122001

14 - Bhoomija Pandey, D/o Anil Kumar Pandey, Aged About 23 Years, R/o T-4, Rishabh Apartment, Purushottam Vihar, Kankhar, Haridwar, Uttarakhand, Pin 249408

15 - Garima Yadav, D/o Gaya Dinesh Yadav, Aged About 25 Years, R/o Taramandal, Gorakhpur, Uttar Pradesh, Pin 273016

16 - Samidha Karambelkar, D/o Sandeep Karambelkar, Aged About 24 Years, R/o Parijat Colony, Nehru Nagar, Bilaspur, Chhattisgarh.

17 - Yatee Solanki, D/o Raghvendra Singh Solanki, Aged About 25 Years, R/o H. No. 432, Avasvikas Colony, Aligarh, U.P. 202001.

18 - Lokesh Mahajan, S/o Ashok Mahajan, Aged About 30 Years, R/o Kamal Krishna Parisar, Trilanga, Bhopal, Madhya Pradesh.

19 - Saloni Jhawar, D/o Lalit Jhawar, Aged About 25 Years, R/o Rameshwar Road, Pardeshi Pura, Khandwa, Madhya Pradesh.

20 - Shristi Saraswat, D/o Deepak Saraswat, Aged About 27 Years, R/o Gauthana, Betul, Madhya Pradesh.

21 - Devesh Kumar Netam, S/o Shiv Prasad Netam, Aged About 33 Years, R/o 114/B, Kalipur, Jagdalpur, Chhattisgarh.

22 - Meenal Shukla, D/o Umesh Shukla, Aged About 27 Years, R/o 368, Scheme No. 51 Indore, M.P.

---**Petitioner(s)**

Versus

1 - The State Of Chhattisgarh Through Secretary, Law And Legislative Affairs Department, Chhattisgarh, Mahanadi Bhawan Mantralaya Nava Raipur, Atal Nagar, Chhattisgarh.

2 - Chhattisgarh Public Service Commission Through The Secretary Nava Raipur Atal Nagar, Chhattisgarh.

3 - The High Court Of Chhattisgarh Through The Registrar General, High Court Premises, Bodri, Distt. Bilaspur, Chhattisgarh.

--- **Respondent(s)**

(Cause Title taken from Case Information System)

For Petitioner(s)	:	Mr. Goutam Khetrapal alongwith Mr. Mehul Kumar, Advocates.
For Respondent No. 1/State	:	Mr. Shashank Thakur, Deputy Advocate General
For Respondent No. 2/CGPSC	:	Mr. Gary Mukhopadhyay, Advocate.
For Respondent No. 3/High Court	:	Mr. Anurag Dayal Shrivastava, Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16/09/2025

- 1 Heard Mr. Goutam Khetrapal and Mr. Mehul Kumar Garg, learned counsel for the petitioners. Also heard Mr. Shashank Thakur, learned Deputy Advocate General for the State/respondent No. 1, Mr. Gary Mukhopadhyay, learned counsel for the respondent No. 2/CGPSC as well as Mr. Anurag Dayal Shrivastava, learned counsel for the respondent No. 3-High Court.
- 2 With the consent of learned counsel appearing for the parties, the matter is being heard finally. Since in all these petitions, the facts and issues are similar, they are being considered and decided by this common order.
- 3 By these petitions under Article 226 of the Constitution of India, the petitioners have prayed for the following relief(s):

In WPS No. 11089/2025

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records relating to the case of the Petitioners(s) from the respondents.

10.2 That this Hon'ble Court may kindly be pleased to pass an appropriate writ(s) and direct the respondent authorities to either strike down Clause (3)(iv)(b) of the impugned advertisement dated 23.12.2024 or suitably amend the same to allow the Petitioners and all prosecuting officers to participate in the selection process for the post of Civil Judge (Junior Division), in accordance with the law and the binding judgment of the Hon'ble Supreme Court of India and other legal precedents cited herein.

10.3 That this Hon'ble Court may kindly be pleased to to pass an appropriate writ(s) and declare that the Petitioners as prosecuting officers, having already been recognized as eligible for the Higher Judicial Service (HJS) Examination under the recruitment notification issued by this Hon'ble Court, are also eligible for participation in the Civil Judge (Junior Division) Examination. Consequently, the Petitioners may be permitted to participate in the present recruitment process, and any condition in the impugned advertisement that excludes them solely on this ground may be declared arbitrary, discriminatory, and inoperative in law.

10.4 That this Hon'ble Court may kindly be pleased to to pass an appropriate writ(s) and direct the respondents to allow the Petitioners and all prosecuting officers to participate in the recruitment process initiated vide advertisement dated 23.12.2024, as they are duly considered advocates under the Advocates Act, 1961, in view of the judgments of the Hon'ble Supreme Court of India and other legal precedents referred to in this petition.

10.5 That this Hon'ble Court may kindly be pleased to issue an appropriate writ, order, or direction quashing Clause (c) of Sub-rule (1) of Rule 7 of the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006, as amended vide notification dated 05.07.2024, as being inoperative and redundant in view of the subsequent amendment made vide notification dated 21.02.2025, and further hold that the said earlier amendment cannot be relied upon for disqualifying the Petitioners or similarly placed candidates.

10.6 That this Hon'ble Court may kindly be pleased to grant any other relief(s), writ(s), or order(s) as deemed fit and proper in the facts and circumstances of the case, in the interest of justice.”

In WPS No. 11093/2025

“a) That this Hon'ble Court may kindly be pleased to call for the entire records relating to the case of the Petitioner(s) from the respondents.

b) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction quashing Clause (c) of Sub-rule (1) of Rule 7 of the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006, as amended vide notification dated 05.07.2024, and Clause (3)(iv) (b) advertisement dated 23.12.2024, as being inoperative and redundant in view of the subsequent amendment dated 21.02.2025; and further declare the same to be ultra vires, being violative of Articles 14 and 16 of the Constitution of India as well as the binding judgment of the Hon'ble Supreme Court of India in All India Judges Association & Others v. Union of India & Others, 2025 SCC OnLine SC 1184.

c) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction directing Respondent No. 2 to explain the reason for the manifest contradiction in the advertisement dated 23.12.2024, which simultaneously required enrollment as an advocate while also inviting applications from government servants-thereby causing undue confusion and repeated harassment of the Petitioner.

d) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction directing the Respondents to conduct the Civil Judge (Junior Division) examination strictly in accordance with the law, the binding judgment of the Hon'ble Supreme Court of India in All India Judges Association (supra), and all other relevant legal precedents.

e) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction declaring that the Petitioner and similarly situated candidates are legally eligible to participate in the selection process for Civil Judge (Junior Division) as per the law laid down in All India Judges Association (supra) and in view of the amendment dated 21.02.2025, and consequently, direct the Respondents to permit them to appear in the upcoming examination.

f) That this Hon'ble Court may kindly be pleased to grant any other relief(s), writ(s), or order(s) as deemed fit and proper in the facts and circumstances of the case, in the interest of justice.

g) Pass any other order(s) that may be deemed fit and just, including awarding of the cost of litigation to the petitioner.”

In WPS No. 11096/2025

“a) That this Hon'ble Court may kindly be pleased to call for the entire records relating to the case of the Petitioner(s) from the respondents.

b) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction quashing Clause (c) of Sub-rule (1) of Rule 7 of the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006, as amended vide notification dated 05.07.2024, and Clause (3)(iv) (b) advertisement dated 23.12.2024, as being inoperative and redundant in view of the subsequent amendment dated 21.02.2025; and further declare the same to be ultra vires, being violative of Articles 14 and 16 of the Constitution of India as well as the binding judgment of the Hon'ble Supreme Court of India in All India Judges Association & Others v. Union of India & Others, 2025 SCC OnLine SC 1184.

c) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction directing Respondent No. 2 to explain the reason for the manifest contradiction in the advertisement dated 23.12.2024, which simultaneously required enrollment as an advocate while also inviting applications from government servants thereby causing undue confusion and repeated harassment of the Petitioner.

d) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction directing the Respondents to conduct the Civil Judge (Junior Division) examination strictly in accordance with the law, the binding judgment of the Hon'ble Supreme Court of India in All India Judges Association (supra), and all other relevant legal precedents.

e) That this Hon'ble Court may kindly be pleased to issue a writ or any other appropriate writ, order, or direction declaring that the Petitioner and similarly situated candidates are legally eligible to participate in the selection process for Civil Judge (Junior Division) as per the law laid down in All India Judges Association (supra) and in view of the amendment dated 21.02.2025, and consequently, direct the Respondents to permit them to appear in the upcoming examination.

f) That this Hon'ble Court may kindly be pleased to grant any other relief(s), writ(s), or order(s) as deemed fit and proper in the facts and circumstances of the case, in the interest of justice.

g) Pass any other order(s) that may be deemed fit and just, including awarding of the cost of litigation to the petitioner.”

- 4** In WPS No. 11089/2025, the petitioner No. 1-Himalaya Ravi is serving as an Assistant Public Prosecutor with the Central Bureau of Investigation, Manipur and petitioner No. 2-Pankaj Kumar Bagde is serving as Public Prosecutor in the Government of Chhattisgarh. In WPS No. 11093/2025, the petitioner No. 1-Sudhanshu Sainik and petitioner No. 2-Priyanka Thakur are law graduates. In WPS No. 11096/2025, the petitioner No. 1-Urvashi Kour and petitioner No. 2-Yash Ashesha, respectively are serving as government employees in legal capacities, whereas petitioners No. 3 to 17, namely Abhinav Barnawal, Prerna Tiwari, Amit Kumar, Vartika Khantal, Oshin Singh Solanki, Ojaswini Singh Gahlot, Yash Vardhan Tiwari, Ayushi Basu, Naveen Kumar Sharma, Aniruddha Yadav, Sneha Sangawan, Bhoomija Pandey, Garima Yadav, Samidha Karambelkar, and Yatee Solanki, respectively are duly enrolled as Advocates under the Advocates Act, 1961 with their respective State Bar Councils, and petitioners No. 18 to 22 namely Lokesh Mahajan, Saloni Jhanwar, Shristi Saraswat, Devesh Kumar Netam and Meenal Shukla, respectively, are law graduates from recognized Universities.

- 5 According to the petitioners, they are eligible to apply for and participate in the recruitment process for the post of Civil Judge (Junior Division) conducted by respondent-CGPSC. The said recruitment is governed by the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006 (*hereinafter referred to as "the 2006 Rules"*). The petitioners duly applied pursuant to the recruitment notification and fulfill all eligibility criteria prescribed under the 2006 Rules, including those introduced through the recent amendments duly notified by the competent authority. According to the petitioners, they are unable to access or download their admit cards pursuant to the notification dated 09.09.2025 and the subsequent order dated 12.09.2025 published on the official website of the CGPSC.
- 6 It would be better to take note of the sequence of events in order to appreciate the issue involved in these petitions. WPS No. 11089/2025 is taken as the lead case.
- 7 The Ministry of Law and Legislative Affairs Department, Government of Chhattisgarh, vide Order No. F.No.1415/1207,1205,1629/XXI-B/ C.G./ 2024, dated 05.07.2024, has amended the Rules of 2006 and the petitioners are particularly aggrieved by clause (c) of Sub-rule (1) of Rule 7. The substituted rule is reproduced herein:
- In the said rules,-*
- 1. For clause (c) of sub-rule (1) of rule 7, the following clause shall be substituted, namely:-*
- "(c) Possesses a degree in law of any recognized University and enrolled as an advocate under the Advocates Act, 1961 (No. 25 of 1961)"*
- 8 The CGPSC issued an advertisement for the post of Civil Judge (Junior Division) vide Advertisement No. 04/2024/Exam/Date/23/12/2024, dated 23.12.2024. Clause (3)(iv)(b) of the said advertisement lists one of the

essential qualifications as being enrolled as an Advocate under the Advocates Act, 1961. Notably, in this advertisement, there is no mention of any exception, clarification, or reference to Prosecuting Officers as a similar reference can be found in the Higher Judicial Service Advertisement. A reference may be made to an advertisement issued by this Hon'ble Court for the DISTRICT JUDGE 2023. DIRECT (ENTRY LEVEL) EXAMINATION RECRUITMENT FROM ADVOCATES (BAR), bearing Advertisement No. 02/S & A Cell/2024, dated 05.08.2024, in which Point: Three Application form & testimonials provides “*b) All the Prosecuting Officers / Law Officers who are being treated as Advocates as per the judgment of the Supreme Court (in Civil Appeal No. 561 of Deepak Agarwal Vs Keshav Kaushik and Others: 2013 5 SCC 277) shall have to produce No Objection Certificate of the Competent Authority as 2013 and when called for.*” Pursuant to the said notification dated 23.12.2024, online application forms were released by the Respondent-CGPSC. In the application, candidates were required to answer either "Yes" or "No" under the column asking whether they are enrolled as Advocates under the Advocates Act, 1961.

- 9 Mr. Goutam Khetrapal as well as Mr. Mehul Kumar Garg, learned counsel for the petitioners submit that various petitions came to be filed before this Hon'ble Court on similar issues, challenging the aforementioned amendment and notification and this Court, in ***Pankaj Kumar Bagde vs. State of Chhattisgarh***, WPS No. 656 of 2025, vide common order dated 23.01.2025, held that since this Court had already taken cognizance of the issue in ***Ms. Vinita Yadav vs. State of Chhattisgarh & Others***, WPS No 608/2025, which was the subject matter of the present petitions also, and the similarly situated candidates were already protected by the interim order dated 22.01.2025 passed in

the said petition as the same being *in rem*, no fruitful purpose would be served if notices are issued to the respondents and those petitions were kept pending as the candidature of all similarly situated candidates were subject to final outcome of WPS No. 608/2025. Hence, in order to avoid multiplicity of litigation, those petitions were disposed off at that stage reserving liberty to the petitioners therein to take recourse to appropriate forum, as and when occasion arises.

- 10 A further amendment was made which superseded the earlier amendment by the Ministry of Law and Legislative Affairs Department, Government of Chhattisgarh, vide Order No. 831/500/XXI-B/C.G./25 dated 21.02.2025, to the Chhattisgarh Lower Judicial Service (Recruitment and Conditions of Service) Rules, 2006, as under:

"In the said rules,-

For clause (c) of sub-rule (1) of rule 7, the following clause shall be substituted, namely

(c) Possesses a degree in law of any recognized University."

- 11 This Hon'ble Court, in **Vinita Yadav** (supra), vide an interim order dated 07.04.2025, held as follows:

"Learned counsel appearing for respondent No.2/ Chhattisgarh Public Service Commission states that the CGPSC has notified for written examination (preliminary) which is scheduled to be held on 18th May, 2025.

As the Apex Court is seized of the matter, respondent No.2/Chhattisgarh Public Service Commission is directed not to proceed with the examination in question until further orders."

- 12 Thereafter, in the final final order dated 27.05. 2025, it was observed by this Court as under:

"3. In view of the judgment passed by the Hon'ble Supreme Court on 20.05.2025 in the matter of All India Judges Association and Others v. Union of India and others,

reported in 2025 SCC OnLine SC 1184, respondent No.2- Chhattisgarh Public Service Commission is directed to proceed in accordance with law and respondent No. 1- State Government may also issue necessary directions in pursuance of the said Judgment."

- 13 The respondent-CGPSC announced the date of examination vide order No. 824/13/Exam/2024, dated 18.07.2025, in which it categorically stated that the appointment procedure is being initiated in accordance with the judgment of this Hon'ble Court in **Vinita Yadav** (supra). An announcement/notification was published on the official website of the respondent-CGPSC on 09.09.2025, titled: "CLICK HERE TO VIEW/PRINT ONLINE ADMIT CARD OF CIVIL JUDGE (JUNIOR DIVISION) PRELIMS EXAM-2024 (09-09-2025)", which redirects the candidates, including the present Petitioners, to download their admit cards for the preliminary examination scheduled on 21.09 2025, however, to the utter shock and surprise of the petitioners, they were unable to view, download, or access their admit card for reasons best known to the respondent No. 2.
- 14 Mr. Khetrapal submits that the initial amendment dated 05.07 2024 and the notification dated 23.12.2024 are violative of Articles 14 and 16 of the Constitution of India as they arbitrarily discriminate between two classes of legal practitioners: (a) those conducting cases before courts through private engagement and enrolled under the Advocates Act, 1961, and (b) those conducting cases on behalf of the Government or prosecuting agencies (i.e. Prosecuting Officers), who, though duly qualified and engaged in active legal practice, may not be formally registered under the Advocates Act, such a distinction is wholly artificial, unreasonable, and devoid of any rational nexus with the object sought to be achieved by the amendment. He places reliance on the judgment of

the Supreme Court in ***State of West Bengal v. Anwar Ali Sarkar*** {AIR 1952 SC 75} and ***Ajay Hasia Etc. v. Khalid Mujib Sehravardi & Others*** {AIR 1981 SC 487}.

- 15 It is further submitted that the initial amendment and notification are further violative of Articles 14 and 15 of the Constitution as they deny the petitioners equal opportunity in public employment, solely on the basis of technical classification, despite the petitioners discharging identical functions in Court as any other practicing Advocate. This exclusion results in an unjustifiable and unconstitutional bar from consideration for appointment to judicial service, despite otherwise fulfilling all substantive qualifications. The amendment dated 05.07.2024 and the notification dated 23.12.2024 are contrary to the settled position of law laid down by the Hon'ble Supreme Court in ***Deepak Agarwal vs. Keshav Kaushik & Others*** {(2013) 5 SCC 277}, wherein it was held that Public Prosecutors and Law Officers, regularly appearing before courts and discharging duties akin to Advocates, must be treated as Advocates within the meaning of the Advocates Act for the purposes of eligibility in judicial service. The impugned amendment, by excluding such candidates, directly contradicts the binding precedent of the Hon'ble Apex Court. As per the Bar Council of India Rules, particularly Part VI, Chapter II Standards of Professional Conduct and Etiquette, Section VII Restriction on Other Employments, Rule 49, a full-time salaried employee of the government, firm, corporation, or any other entity is not permitted to be enrolled as an Advocate while in such employment. Accordingly, the Prosecuting Officers, being full-time government employees, are prohibited from enrolling as Advocates under the Advocates Act, 1961, and therefore cannot comply with the requirement imposed by the impugned amendment and advertisement. Thus,

disqualifying the petitioners and similarly placed Prosecuting Officers from consideration for judicial service on the ground that they are not enrolled as Advocates is both legally untenable and contrary to binding judicial precedent. Whereas, this High Court itself, in the advertisement issued for the District Judge (Entry Level) Examination, 2023: Direct Recruitment from Advocates (Bar), vide Advertisement No. 02/S&A Cell/2024 dated 05.08.2024, has specifically recognized and included Prosecuting Officers within the definition of "Advocate" for the purpose of eligibility. The absence of a similar declaration or exception in the present case reflects an inconsistent and discriminatory approach, violating the principle of equal treatment under law. It is further submitted that the act of the respondent-CGPSC is contrary to the judgment rendered by the Apex Court in **Lakshmana Rao Yadavalli & Anr. Vs. State Of A.P & Ors.** {2014 13 SCC 393}, **Dheeraj Mor v. Hon'ble High Court of Delhi** {(2020) 7 SCC 401} as also by the Allahabad High Court in **Shiv Kumar Pankha & Another v. Hon'ble High Court of Judicature at Allahabad and Another** {2019 SCC OnLine All 5052}.

- 16** It is further submitted that the subsequent amendment dated 21.02.2025 has effectively addressed and settled all the issues and grievances which were raised by the petitioners in earlier petition's and as far as eligibility is concerned, as the mandatory condition requiring candidates to be enrolled as Advocates under the Advocates Act, 1961 (No. 25 of 1961) was expressly removed, this crucial amendment nullifies the grounds for excluding the petitioners from eligibility. The respondent-CGPSC is legally and constitutionally bound to conduct the examination strictly in accordance with the relevant service rules and the dictum of the Hon'ble Supreme Court. Any notification or advertisement issued by the respondent-CGPSC must conform to and not contradict the rules,

regulations and judgments. Any deviation or non-compliance renders the examination process arbitrary, illegal, and liable to be set aside. Considering the overall factual matrix, the pendency and outcome of earlier petitions, the recommendations of the Hon'ble High Court of Chhattisgarh, and the fact that the Hon'ble Supreme Court, in ***All India Judges Association and Others v. Union of India and Others***, {2025 SCC OnLine SC 1184}, has not passed any order on the specific merits of the issue already subjudice concerning eligibility criteria in Civil Judge (Junior Division) recruitment examinations, the subsequent amendment dated 21.02.2025 must be treated as binding, operative, and applicable to the present recruitment process. The said amendment, rather than being a departure, is in fact a clarification and rectification of the anomalies introduced by the earlier amendment dated 05.07.2024, and restores the legal position in line with the binding judgments of the Hon'ble Supreme Court including ***Deepak Agarwal*** (supra) and ***Dheeraj Mor*** (supra). Therefore, in the interest of justice, administrative consistency, and to avoid multiplicity of litigation, the said amendment must govern the eligibility criteria for all candidates including the petitioners, and the respondents must give due effect to it while conducting the ongoing selection process.

- 17 It is also the case of the petitioners that the advertisement contains a manifest contradiction as clause 5(iii) allows for age relaxation for State Government servants (permanent or temporary), while clause 8 requires a No-Objection Certificate from applicants employed in any Government or private institution which is inherently contradictory to require that an applicant be enrolled as an Advocate under the Advocates Act, 1961 and at the same time, he be serving in any Government or any other employment.

- 18 According to the learned counsel appearing for the petitioners, the written examination for recruitment on the post of Civil Judge (Junior Division) Preliminary Examination 2024 is scheduled to be held on 21.09.2025 and if the petitioners are not permitted to appear in the examination, these petitions would be rendered infructuous and as such, prayer as above, is being made.
- 19 On the other hand, Mr. Shashank Thakur, learned Deputy Advocate General appearing for the State, Mr. Gary Mukhopadhyay, learned counsel appearing for the respective respondents submit that these petitions deserve to be dismissed as the threshold as the petitioners seek declaration of clause (c) of sub-rule (1) of Rule 7 of the Rules of 2006 as amended vide notification dated 05.07.2024 and clause (3)(iv) (b) of the advertisement dated 23.12.2024 as being inoperative and redundant in view of the subsequent amendment dated 21.02.2025 and to declare the same to be *ultra vires*, when the petitioners have failed to demonstrate not a single reason as to how the same could be declared *ultra vires* when there is no challenge with regard to the legislative competence, violation of fundamental rights except for making a bald statement that it violates their constitutional rights, contravention of any constitutional provision. In fact, the act of the respondents is strictly in consonance with the decision of the Hon'ble Apex Court in the matter of ***All India Judges Association & Others*** (supra).
- 20 We have heard learned counsel appearing for the parties, perused the pleadings and the documents appended with the petitions.
- 21 It would be better to take note of the sequence of events of another petition i.e. ***Vinita*** (supra). In the said case, the petitioner-Ms. Vinita Yadav was aggrieved by the Gazette Notification dated 05.07.2024 issued by the Department of Law and Legislative Affairs, Government of

Chhattisgarh by which clause (c) of sub-rule (1) of Rule 7 of Rules of 2006 was substituted and according to which, a candidate should possess a degree in Law from any recognized University and enrolled as an Advocate under the Act of 1961. The petitioner was also aggrieved by the advertisement dated 23.12.2024 (Annexure P/2) issued by the Chhattisgarh Public Service Commission, in which one of the essential qualification was mentioned that the candidate should be registered as an Advocate under the Act of 1961. The petitioner therein, under the old rules was eligible to participate in the recruitment process but because of the amendment, she had become ineligible. It was further submitted that several other States like Haryana, Rajasthan, Uttarakhand, Madhya Pradesh, Gujarat and Delhi did not had any such condition. In the State of Madhya Pradesh, it was an optional requirement to be a practicing Advocate for appearing in Civil Judge examination. It was lastly submitted that the aforesaid amendment and the condition imposed in the recruitment process curtailed her rights to appear in the examination which she was otherwise entitled to. There was no rationale in imposing such condition in the Rules of 2006 or in the advertisement. This Court, purely as an interim measure, directed that the respondent-CGPSC to permit the candidates to fill their online forms even if they were not enrolled as an Advocate, under the Act of 1961 and the said order was to operate *in rem*.

- 22** The said matter again came up for hearing on 05.03.2025 when it was observed by this Court that a petition, i.e. ***All India Judges Association & Others*** (supra) pending consideration before the Apex Court was listed for hearing on 04.03.2025 wherein one of the issues involved was with regard to the eligibility criteria of minimum number of years of practicing as a Lawyer being prescribed as the qualification for

applying for the post of Judicial Magistrate First Class (JMFC) and Civil Judge (Junior Division). As the Apex Court was already seized of the issue and further having regard to the fact that the issue involved in that petition was similar in nature, this Court had thought it appropriate to adjourn the case at that stage keeping it pending awaiting further orders of the Apex Court in ***All India Judges Association & Others*** (supra).

23 On 07.04.2025, as it was informed by the respondent CGPSC that the date for written examination (preliminary) was scheduled to be held on 18.05.2025, since the Apex Court was seized of the matter, the respondent CGPSC was directed not to proceed with the examination in question until further orders. Ultimately, vide order dated 27.05.2025, this Court disposed of that petition i.e. ***Vinita*** (supra) observing that in view of the judgment passed by the Hon'ble Supreme Court on 20.05.2025 in the matter of ***All India Judges Association and Others*** (supra), the respondent-CGPSC should proceed in accordance with law and the respondent-State was also directed to issue necessary instructions in pursuance of the said judgment.

24 One of the issues that came up for consideration before the Apex Court in ***All India Judges Association & Others*** (supra) being issue No. 7 was, as to “*whether the requirement of having minimum three years practice for appearing in the examination of Civil Judge (Junior Division), which was done away by this Court in the case of All India Judges Association & Ors. (supra), needs to be restored? And if so, by how many years?*”

25 The said issue has been dealt with by the Apex Court in its order dated 20.05.2025 at paragraphs 53 to 84 and after making detailed discussion on the issue, it has observed that the requirement of reintroduction of certain number of years of practice was necessary as the judges from

the very day on which they assume office have to deal with the questions of life, liberty, property and reputation of litigants. Neither knowledge derived from books nor pre-service training could be an adequate substitute for the first-hand experience of the working of the court-system and the administration of justice. This was possible only when a candidate was exposed to the atmosphere in the Court by assisting the seniors and observing how the lawyers and the Judges function in the court. The candidate should be equipped to understand the intricacies of the functions of a Judge. The experience of various High Courts had also shown that such fresh law graduates, upon their entry in judicial service, begin to show behavioural and temperament problems.

- 26** Ultimately, at paragraph 89(vii), the Apex Court has directed that all the High Courts and the State Governments in the country to amend the relevant service rules to the effect that candidates desirous of appearing in the examination for the post of Civil Judge (Junior Division) must have practiced for a minimum period of 3 years to be eligible for the said examination. To fulfill the said requirement, the Rules shall mandate that the candidate produces a certificate to that effect duly certified either by the Principal Judicial Officer of that Court or by an Advocate of that Court having a minimum standing of 10 years duly endorsed by the Principal Judicial Officer of such a District or a Principal Judicial Officer at such a station. Insofar as the candidates who were practicing before the High Courts or the Supreme Court, they were to be certified by an Advocate who had a minimum standing of 10 years duly endorsed by an officer designated by that High Court or the Supreme Court.
- 27** The Apex Court further directed that the experience of the candidates which they had gained while working as Law Clerks with any of the Judges or Judicial Officers in the country was also to be considered

while calculating their total number of years of practice. The Rules had also to mandate that the candidates who were appointed to the post of Civil Judge (Junior Division) pursuant to their selection through the examination must compulsorily undergo at least one year of training before presiding in a Court.

- 28 In the conclusion paragraph 90, it has been observed by the Apex Court that it was needless to state that all such recruitment processes which had been kept in abeyance, in view of the pendency of these proceedings, were to proceed in accordance with the rules which were applicable on the date of advertisement/notification. For ready reference, the same is reproduced hereinbelow:

“90. Needless to state that all such recruitment processes which have been kept in abeyance, in view of the pendency of the present proceedings, shall proceed in accordance with the Rules which were applicable on the date of advertisement/notification.”

- 29 In the case in hand, the advertisement for recruitment on the post of Civil Judge (Junior Division) was issued on 23.12.2024 and the rule/ eligibility criteria prevailing at that point of time was that the candidate should possess degree in law of any recognized University and should also be enrolled as an Advocate under the Advocates Act, 1961. This fact has not been disputed by either of the parties as the notification was issued on 05.07.2024 to this effect by the Law and Legislative Affairs Department, Government of Chhattisgarh before issuance of the advertisement on 23.12.2024.
- 30 The contention of the learned counsel for the petitioners that a notification was issued on 19.01.2024 by the State Government and as per the direction of the Apex Court in ***All India Judges Association & Others*** (supra), the recruitment processes which had been kept in

abeyance in view of the pendency of the proceedings, were to be proceeded in accordance with the rules which were applicable on the date of advertisement/notification, and on 19.01.2024 when the total number of vacancies were notified by the State Government and on that date, the Rules of 2006 did not provide for a candidate to be enrolled as an Advocate and as such, the petitioners should be permitted to appear in the examination even without being registered as an Advocate, does not merit acceptance. The notification dated 19.01.2024 was merely a notification to the effect notifying the total number of vacancies and it was not the notification/advertisement for recruitment on the post as a notification for recruitment not only specifies the number of vacancies, it also specifies eligibility criteria, pay scales, reservation conditions, mode of examination, manner in which the forms have to be filled up, which all was not available in the notification dated 19.01.2024. The recruitment notification/advertisement was issued only on 23.12.2024 by which time the notification dated 05.07.2024 was already in existence. The petitioners cannot interpret the observations made by the Apex Court as per their convenience so as to be made applicable to the facts of their case. It would amount to overreaching the decision of the Apex Court.

- 31** In light of the observations made by the Apex Court in ***All India Judges Association & Others*** (supra), the amendment brought in by the State Government vide notification dated 21.02.2025 whereby the requirement of being enrolled as an Advocate has been done away, cannot withstand and as such, there is no illegality or irregularity with the notification dated 05.07.2024.
- 32** A bald plea of violation of Articles 14 and 16 of the Constitution has been taken by the petitioners which is without any foundation. A legislative provision prescribing qualifications for public employment cannot be

struck down merely because a group of aspirants feels aggrieved. The petitioners have failed to demonstrate any lack of legislative competence, manifest arbitrariness, or violation of constitutional guarantees. What is urged is nothing more than a disagreement with policy, which is impermissible grounds for judicial interference.

33 These petitions, therefore, amount to an abuse of the extraordinary jurisdiction of this Court. They proceed on misplaced assumptions, misinterpretation of precedent, and an attempt to secure a backdoor entry into judicial service by inviting this Court to rewrite the statutory rules—something which is impermissible in law.

34 Accordingly, all these petitions are **dismissed** *in limine* as misconceived, misdirected, and devoid of merit.

35 No order as to costs.

Sd/-
(Bibhu Datta Guru)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE