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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ W.P.(C) 3636/2022 & CM APPL. 10772 & 10773/2022

NISHA TOMAR & ANR. Petitioners

Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Aditya Kapoor, Ms. Manika
Goswamy, Ms. Medha Tandon, Mr.
Kushal Kumar, Mr. Harsh Ajuja, Mr.
Akashdeep Gupta & Mr. Harsh
Gautam, Advocates with petitioners
in person

versus

HIGH COURT OF DELHI & ANR. Respondents

Through: Ms. Padmapriya, Advocate for DHC
Administration
Mr. Rishikesh Kumar & Mr. Rizwan,
Advocates for R-2/GNCTD

9

+ W.P.(C) 3650/2022 & CM APPL. 10829/2022

KHUSHBU SAHU Petitioner

Through: Mr. A.S. Chandhiok, Sr. Advocate
with Mr. Piyush Sanghi, Ms.
Khushnu Sahu, Mr. Tarranjit Singh
Sawhney, Mr. Hemant Singh & Ms.
Jasmeet Kaur Ajimal, Advocates

versus

GOVERNMENT OF NCT OF DELHI AND ANR..... Respondents

Through: Mr. Rishikesh Kumar & Mr. Rizwan,
Advocates for R-2/GNCTD
Ms. Padmapriya, Advocate for DHC
Administration

10

+ W.P.(C) 3665/2022 & CM APPL. 10868/2022

ANUJ KUMAR SHARMA Petitioner

Through: Mr. M.K. Bhardwaj & Ms. Ridam
Arora, Advocates

versus

THE HIGH COURT OF DELHI, THROUGH THE
REGISTRAR GENERAL AND ORS Respondents
Through: Ms. Padmapriya, Advocate for DHC
Administration
Mr. Naushad Ahmed Khan, ASC
(Civil) GNCTD

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+ W.P.(C) 3684/2022 & CM APPL. 10932 & 10933/2022

UTSAV PANDEY Petitioner
Through: Dr. M.K. Gahlaut & Mr. Piyush
Kaushik, Advocates with petitioner in
person

versus

GOVT OF NCT OF DELHI & ANR. Respondents
Through: Mr. Naushad Ahmed Khan, ASC
(Civil) GNCTD
Ms. Padmapriya, Advocate for DHC
Administration

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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04.03.2022

1. Present batch of writ petitions have been filed challenging the notification dated 08th February 2022 amending the Rules of Delhi Higher Judicial Service, 1970 whereby Rule 9(3) has been introduced and a minimum age limit of 35 years has been prescribed. Petitioners challenge the subsequent advertisement dated 23rd February 2022. Petitioners also seek directions to the Respondents to allow the Petitioners, who possess an experience of 7 years or more and are less than 35 years of age, to apply and appear for the Delhi Higher Judicial Services Examination-2022.

2. Learned senior counsel for the Petitioners state that in 2019, the criterion of minimum age limit of 35 years was removed from Delhi Higher Judicial Service Exam Rules as the direct recruitment quota was not getting filled and was lying vacant. They state that the rules have been recently amended and the minimum age limit of 35 years has been reintroduced.

3. Learned senior counsel for the Petitioners state that fixation of minimum age limit is violative of the Right to Equality enshrined under Articles 14, 19 and 21 of the Constitution of India. They submit that there is lack of intelligible differentia behind the impugned notification and the impugned notification is not only contrary to the practice being followed by other States, but it also curtails the rights of aspiring candidates from the Bar of a fair opportunity of participation.

4. They submit that Article 233 of the Constitution stipulates that the only qualification required for being appointed as a District Judge is continuous practice of seven years as an advocate or a pleader. They emphasise that even the Constitution of India does not prescribe a minimum age limit for appointment as a District Judge.

5. They also state that the impugned notification violates the legitimate expectation of the Petitioners and all other similarly placed aspirants who have been preparing for Delhi Higher Judicial Service Examination for the last two to three years.

6. Learned senior counsel for the Petitioners pray for an interim order as the last date for filling up an online application form is 12th March 2022 and the Preliminary Examination has been scheduled to be held on 20th March 2022.

7. Issue notice. Learned counsel for the Respondents accept notice. Ms. Padmapriya, Advocate appearing for DHC Administration states that the present matters call for no interim order.

8. However, this Court is of the view that since the minimum age limit has been re-introduced after a hiatus of two years, the matters require consideration. Let the counter affidavits be filed by the respondents within two weeks. Rejoinder affidavits, if any, be filed before the next date of hearing.

9. List on 07th April, 2022.

10. The respondents are directed to extend the date for filling up the online application form beyond the next date of hearing.

MANMOHAN, J

SUDHIR KUMAR JAIN, J

MARCH 4, 2022
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