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# RECALIBRATING THE BENCH: A CASE COMMENT ON ALL INDIA JUDGES ASSOCIATION V. UNION OF INDIA (2025)

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## ABSTRACT

This case comment critically examines the Supreme Court's 2025 judgment in *All India Judges Association v. Union of India*, which reinstated the mandatory three-year Bar practice requirement for entry into the Civil Judge (Junior Division) cadre. The Court also restructured the Limited Departmental Competitive Examination (LDCE) quota and introduced suitability tests for promotions. This decision marks a significant shift in judicial recruitment policy, aiming to enhance the quality and maturity of the subordinate judiciary. While the judgment aligns with constitutional principles and global best practices, it also raises concerns about access, diversity, and the practical challenges faced by fresh law graduates. This comment explores the legal reasoning, policy implications, and potential reforms needed to balance competence with inclusivity.

**Keywords:** Judicial Service, Bar Practice, Article 233, LDCE, Subordinate Judiciary

**Case Title:** All India Judges Association & Ors. v. Union of India & Ors.

**Citation:** Writ Petition (C) No. 1022 of 1989; 2025 INSC 735

**Bench:** CJI B.R. Gavai, Justice A.G. Masih, Justice K. Vinod Chandran

**Date of Judgment:** 20 May 2025

**Court:** Supreme Court of India

## Introduction

The independence, integrity, and competence of the judiciary are foundational to any constitutional democracy. In India, the subordinate judiciary serves as the first point of contact between the citizen and the justice system. Therefore, the process of recruiting judges at the entry level is not merely administrative it is constitutional, ethical, and deeply consequential.

In *All India Judges Association v. Union of India* (2025), the Supreme Court revisited the long-standing debate over the eligibility criteria for Civil Judge (Junior Division) appointments.<sup>1</sup> The Court upheld the requirement of a minimum of three years of Bar practice, restructured the LDCE quota for District Judges, and introduced suitability tests for promotions. This judgment, delivered by a three-judge bench led by Chief Justice B.R. Gavai, is a landmark in judicial service reform. It seeks to balance the need for professional maturity with the constitutional mandate of equal opportunity.

## Case Background

The case of *All India Judges Association v. Union of India* (2025) is of a continuation of historic journey that began in 1989, when the All India Judges Association first approached the Supreme Court seeking reforms in the service conditions of the subordinate judiciary.<sup>2</sup> Over the years, the Court has issued several directions on pay scales, infrastructure, and recruitment policies.

In 2025, the petitioners sought the reinstatement of a mandatory three-year Bar practice

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<sup>1</sup> All India Judges Ass'n v. Union of India, (2025) INSC 735 (India).

<sup>2</sup> All India Judges Ass'n v. Union of India, (1992) 1 S.C.C. 119 (India).

requirement for Civil Judge (Junior Division) recruitment, arguing that fresh graduates lacked the practical skills necessary for judicial office.<sup>3</sup> They also demanded the restoration of the 25% LDCE quota for District Judges and the introduction of suitability tests for promotions under the 65% merit-cum-seniority quota.

The Union of India and several state governments, however, expressed concerns about the feasibility and fairness of these reforms. They argued that a mandatory practice requirement could discourage talented young graduates from entering the judiciary, particularly those from marginalized or economically weaker backgrounds. Some states also contended that the LDCE quota should be based on annual vacancies rather than cadre strength to reflect real-time staffing needs.

The Court was thus tasked with balancing two competing imperatives: the need to enhance the quality and professionalism of the judiciary, and the constitutional commitment to equality, access, and opportunity in public employment.

### **Legal Issues Framed**

1. Whether a minimum of three years' practice at the Bar is a constitutionally valid and reasonable requirement under Article 233 of the Constitution.<sup>4</sup>

This issue required the Court to interpret the scope of Article 233, which vests the power of judicial appointments in the Governor, in consultation with the High Court. The question was whether this provision permits the imposition of a minimum practice requirement and whether such a requirement is consistent with the principles of equality and non-discrimination under Article 14.

2. Whether law clerkship or similar legal experience can be equated with "practice" at the Bar.

The Court had to determine whether non-litigation roles such as judicial clerkships, which involve substantial legal research and drafting, could be considered equivalent to courtroom practice for the purpose of satisfying the three-year requirement.

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<sup>3</sup> Justice K.J. Shetty Comm'n, Report of the First National Judicial Pay Commission (1999)

<sup>4</sup> INDIA CONST. art. 233.

3. Whether the LDCE quota should be restored to 25% and calculated based on cadre strength.

This issue involved the interpretation of service rules and the constitutional principles governing promotions in public service. The Court had to assess whether the dilution of the LDCE quota undermined merit-based advancement and whether calculating the quota based on cadre strength would ensure greater uniformity and fairness.

4. Whether suitability tests for promotions under the 65% quota are permissible.

The Court examined whether such a test would enhance the quality of the judiciary or whether it would introduce subjectivity and arbitrariness into the promotion process.

5. Whether these reforms align with Articles 14 and 19 of the Constitution.

At the heart of the case was the broader question of how to reconcile the need for a competent and experienced judiciary with the constitutional mandate to ensure equal access to public employment and professional advancement.

***“Judicial excellence is not merely a function of academic merit but a product of sustained exposure, courtroom maturity, and ethical grounding. The requirement of Bar practice is not exclusionary it is foundational.”*** — Chief Justice B.R. Gavai, *All India Judges Association v. Union of India*, 2025

### **Court’s Analysis and Ruling**

The Supreme Court, in a unanimous decision authored by Chief Justice B.R. Gavai, upheld the petitioners’ demands and issued a series of transformative directions aimed at enhancing the quality and integrity of the subordinate judiciary. The Court’s analysis was rooted in constitutional interpretation, comparative jurisprudence, and a pragmatic understanding of the challenges facing India’s justice system.

#### **1. Mandatory Three-Year Bar Practice requirement**

The Court upheld the three-year practice requirement, citing Article 233 and the need for courtroom maturity.<sup>5</sup> It emphasized that legal education alone does not equip candidates with

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<sup>5</sup> All India Judges Ass’n, (2025) INSC 735, ¶ 18.

the skills required for judicial office.

“Judicial excellence is not merely a function of academic merit but a product of sustained exposure, courtroom maturity, and ethical grounding.”<sup>6</sup>

The Court emphasized that fresh law graduates, though academically qualified, often lack the practical skills and temperament required for judicial office. It cited comparative models from the UK, US, and Germany, where prior legal practice is a prerequisite for judicial appointments.

## **2. Recognition of Clerkship**

The Court held that law clerkship and similar roles involving substantive legal work can be counted toward the practice requirement, provided they involve real legal engagement.<sup>7</sup> The Court acknowledged that such roles provide valuable exposure to judicial reasoning, legal drafting, and procedural law. This interpretation ensures that meritorious candidates who may not have entered traditional litigation practice are not unfairly excluded, thereby preserving inclusivity while maintaining standards.

## **3. LDCE Quota**

The Court restored the 25% LDCE quota and directed that it be calculated based on cadre strength, not annual vacancies. It also reduced the eligibility requirement to three years in the Senior Civil Judge cadre or seven years cumulatively.<sup>8</sup>

The Court reasoned that the LDCE route promotes merit-based advancement and prevents stagnation within the judicial service. It also reduced the eligibility requirement to three years of service in the Senior Civil Judge cadre or seven years cumulatively in the subordinate judiciary, thereby broadening access to the fast-track promotion channel.

## **4. Suitability Tests**

To address concerns about mechanical promotions under the 65% merit-cum-seniority quota,

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<sup>6</sup> Id. ¶ 21 (opinion of Justice Gavai, C.J.).

<sup>7</sup> Id. ¶ 24.

<sup>8</sup> Id. ¶¶ 30–32.

the Court directed that all such promotions be subject to a suitability test. This test, to be conducted by the High Courts, would assess the candidate's judicial performance, integrity, and aptitude.<sup>9</sup>

The Court clarified that the test must be objective, transparent, and consistent with the principles of natural justice. This move is aimed at ensuring that promotions are based not merely on seniority but also on demonstrated competence.

## **5. Constitutional Validity**

The Court held that the reforms were consistent with Articles 14 and 19. The classification between experienced and inexperienced candidates was deemed reasonable and in public interest.<sup>10</sup>

The Court also rejected the argument that the reforms violated the right to practice a profession under Article 19(1)(g), noting that the restrictions were reasonable and justified under Article 19(6).

## **Critical Analysis and Commentary**

The Supreme Court's judgment in *All India Judges Association v. Union of India* (2025) is a bold and timely intervention in the ongoing effort to professionalize India's subordinate judiciary. It reflects a clear judicial intent to prioritize competence, maturity, and ethical grounding in judicial appointments and promotions. However, while the ruling is commendable in many respects, it also raises important questions about access, diversity, and implementation.

## **Strengths of the Judgement**

### **1. Professionalization of the Judiciary:**

By reinstating the three-year Bar practice requirement, the Court has reaffirmed the importance of practical legal experience. This is likely to improve courtroom management, procedural

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<sup>9</sup> Id. ¶ 36.

<sup>10</sup> Id. ¶¶ 40–42.

efficiency, and public trust in the judiciary enhances professionalism and maturity in the judiciary: The recognition of law clerkship and similar roles as valid legal experience is a progressive step. It ensures that candidates who have not followed the traditional litigation path are not excluded, thereby preserving diversity in judicial backgrounds.

Promotes merit-based advancement: The restoration of the 25% LDCE quota and the introduction of suitability tests for promotions reflect a shift toward a performance-oriented judicial culture. These reforms can help identify and elevate truly capable judges, reducing stagnation and mediocrity.

## **2. Aligns with global best practices<sup>11</sup> :**

The Court's reliance on international models such as the UK's Judicial Appointments Commission and the US federal system demonstrates a willingness to learn from global best practices while tailoring them to Indian realities.

### **Concerns and Limitations**

Access and Equity - The mandatory practice requirement, while well-intentioned, may disproportionately affect fresh law graduates, women, and first-generation lawyers who may lack the financial or social capital to sustain years of unpaid or underpaid practice. This could narrow the pool of applicants and reduce socio-economic diversity in the judiciary.

Implementation Challenges - The suitability test for promotions, though conceptually sound, may be vulnerable to subjectivity, bias, or lack of standardization across High Courts. Without clear guidelines and oversight, it risks becoming another bureaucratic hurdle.

Lack of Structural Support - The judgment does not address the need for institutional mechanisms such as structured clerkship programs, judicial training academies, or mentorship schemes that could help bridge the gap between legal education and judicial service.

Federal Tensions - While the Court's directions are binding, the implementation of service rules remains within the domain of state governments and High Courts. This could lead to

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<sup>11</sup> Judicial Appointments Commission Regulations 2006, S.I. 2006/295 (U.K.).

uneven application and potential resistance from states that view the reforms as judicial overreach.<sup>12</sup>

## **Broader Implications**

This judgment is likely to serve as a blueprint for future judicial service reforms in India. It signals a shift from a purely academic model of recruitment to one that values lived legal experience. It also reflects a growing judicial awareness of the need for internal accountability and performance evaluation within the judiciary itself.

However, for these reforms to succeed, they must be accompanied by systemic changes in legal education, Bar Council regulation, and judicial training. The judgment opens the door but it is now up to policymakers, law schools, and the judiciary to walk through it.

To ensure that the spirit of the judgment translates into meaningful change, the following suggestions are proposed:

## **Recommendations**

### **1. Structured Clerkship Programs**

Law schools and High Courts should collaborate to institutionalize clerkship programs that provide hands-on legal training and count toward the Bar practice requirement.

### **2. Financial Support for Young Advocates**

State Bar Councils and legal aid authorities should offer stipends or fellowships to young lawyers, especially from marginalized backgrounds, to make early legal practice financially viable.

### **3. Standardized Suitability Tests**

The Supreme Court or the National Judicial Academy should develop model guidelines for suitability tests to ensure transparency, objectivity, and uniformity across jurisdictions.

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<sup>12</sup> Indira Jaising, *Judicial Appointments and the Need for Reform*, (2023) 5 S.C.C. J. 12 (India).



#### 4. Periodic Review of Recruitment Policies

A standing committee comprising representatives from the judiciary, academia, and the Bar should periodically review recruitment and promotion rules to ensure they remain responsive to evolving legal and social realities.

#### 5. Awareness and Outreach

Law students and young lawyers should be made aware of these reforms through workshops, seminars, and career counselling initiatives, so they can plan their careers accordingly.

#### Conclusion

The Supreme Court's judgment in *All India Judges Association v. Union of India* (2025) is a landmark in the evolution of India's judicial service framework. By reinstating the three-year Bar practice requirement, restoring the LDCE quota, and introducing suitability tests for promotions, the Court has taken decisive steps toward enhancing the competence, credibility, and professionalism of the subordinate judiciary.

The judgment reflects a nuanced understanding of the challenges facing judicial recruitment and promotion. It balances the need for experience with the imperative of inclusivity, and it draws from both constitutional principles and comparative jurisprudence. However, the success of these reforms will depend not only on judicial pronouncements but also on their effective implementation across states. In conclusion, the 2025 judgment is not just a legal directive it is a call to reimagine the judiciary as a space of both excellence and equity.

If implemented with care and foresight, it has the potential to transform the face of India's lower judiciary and restore public faith in the justice system.