- **Case Note: *Rejanish K.V. v. K. Deepa & Ors.* (2025 INSC 1208)**

Introduction

In *Rejanish K.V. v. K. Deepa* (2025), a five-judge Constitution Bench of the Supreme Court of India delivered a landmark judgment that reshaped the path to becoming a District Judge. The decision reinterpreted Article 233 of the Indian Constitution – the provision governing District Judge appointments – and overturned decades of precedent that had **barred serving judicial officers from direct recruitment as District Judges**. By rejecting the earlier literal reading of Article 233(2) and adopting a purposive approach, the Court introduced a significant **doctrinal shift** in how judicial appointments to the district judiciary are understood. This case note outlines the facts, legal issues, the Court's reasoning (majority and concurring), the final ruling, and the broader constitutional and institutional implications of this important judgment.

Facts of the Case

The case arose from a controversy in the Kerala judiciary's recruitment process. **Rejanish K.V.**, an advocate with over seven years of practice at the Bar, applied for a post of District Judge through the direct recruitment quota. Around the same time, he also took an exam for a lower judicial post (Munsiff-Magistrate). While the District Judge selection was underway, Rejanish was appointed as a Munsiff (junior judge) in late 2017. Subsequently, in August 2019, he was selected for the District Judge position and **assumed charge as District Judge** in Thiruvananthapuram.

A competing candidate, **K. Deepa**, challenged Rejanish's appointment. The crux of the challenge was that **Rejanish was not a "practising advocate" on the date of his appointment as District Judge**, since he had joined the judicial service as a Munsiff by then. The Kerala High Court relied on the Supreme Court's earlier judgment in ***Dheeraj Mor v. High Court of Delhi* (2020)** – which held that a candidate must remain an advocate until appointment to be eligible under Article 233(2) – and **set aside Rejanish's District Judge appointment**. Rejanish appealed to the Supreme Court. Given the importance of the questions raised, a three-judge bench of the Supreme Court stayed the High Court's decision in 2021 and referred the matter to a larger Constitution Bench to authoritatively decide the eligibility of in-service judicial officers for direct recruitment as District Judges.

Legal Issues

The Constitution Bench identified **four key legal issues** for determination, all centered on the interpretation of Article 233(2) of the Constitution:

- **(1) Eligibility of In-Service Judicial Officers for "Bar" Vacancies:** Whether a judicial officer who had already completed seven years of

practice at the Bar before joining the service is entitled to be appointed as a District Judge (or Additional District Judge) in a vacancy earmarked for direct recruitment from the Bar. This was essentially Rejanish's situation – he had the requisite Bar experience but was "in service" at the time of appointment.

- **(2) Relevant Date for Eligibility:** Whether the eligibility criteria under Article 233 – notably the "seven years as advocate" requirement – must be satisfied **at the time of application** for the post, or at the **time of actual appointment**, or both. This issue arose because Rejanish was an advocate when he applied, but a judge when appointed.

- **(3) Article 233(2) and In-Service Candidates:** Whether Article 233(2) prescribes any eligibility requirements for a person already in the judicial service of the Union or a State for appointment as a District Judge. In other words, does the Constitution impose a blanket bar or any conditions on current lower court judges who seek appointment as District Judges?

- **(4)** Combined Judicial and Advocacy Experience: **Whether a person who has served as a Civil Judge for seven years, or who has a** combined experience** as an advocate and a judge totaling at least seven years, is eligible for appointment as a District Judge under Article 233[15]. This question addressed if years on the Bench could count toward the seven-year requirement, and if so, how.

Underpinning these specific issues was the text of **Article 233(2)** itself. Article 233(2) provides that ***"a person not already in the service of the Union or of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or a pleader and is recommended by the High Court for appointment."***. **Past judgments (beginning with *Chandra Mohan v. State of U.P.* in 1966 and reaffirmed most recently by *Dheeraj Mor* in 2020) had interpreted this clause to mean that only practicing advocates with 7+ years' experience, who are not in judicial service, can be directly recruited as District Judges**, thereby excluding existing judicial officers from the "Bar quota" route. This case presented an opportunity to re-examine that interpretation.

Supreme Court's Reasoning (Majority Opinion)

Reinterpreting Article 233(2) and Overruling Precedent

In a unanimous decision (with separate concurring views), the Constitution Bench **overruled the Supreme Court's earlier rulings** – including the ***Dheeraj Mor* (2020)** judgment – that had barred judicial officers from competing for District Judge posts under the Bar quota[17][18]. The Court found the previous interpretation of Article 233(2) to be **flawed and unduly narrow**, as it treated the constitutional text as an absolute bar against those already in service. The bench

emphasized that the phrase "a person not already in the service…" in Article 233(2) was intended to set a qualification for outside advocates, *not* to forever disqualify those in judicial service. In other words, Article 233(2) ensures that outside candidates have sufficient legal experience, but it **"does not create an absolute bar"** on otherwise qualified judicial officers from being appointed through direct recruitment.

The Court noted that earlier judgments had **"incorrectly ignored the constitutional text"** by reading into Article 233(2) a prohibition that is not expressly there. By rigidly limiting the direct recruitment channel to advocates only, the past interpretation rendered parts of the Constitution redundant and undermined the intent of Article 233. The bench observed that Article 233 must be read **as a whole**, and sub-clauses (1) and (2) should be harmonized. **Article 233(1)** deals with appointments *from within the judicial service* (by promotion), and Article 233(2) deals with appointments *from outside* (from the Bar). **The majority adopted a purposive interpretation: Article 233's ultimate goal is to ensure meritorious appointments to the District Judiciary, and any reading that *"restricts the competition and prohibits otherwise meritorious candidates from consideration"* must be avoided.**

Crucially, the Court held that the prior view (advocates-only) had **caused "injustice…to members of the judicial services" by depriving them of the chance to compete** for District Judge posts. This was deemed not only unfair but also **"discriminatory"** and violative of the equality principle under Article 14. The bench agreed with the appellants that barring experienced judges from the exam while allowing, for example, Government Pleaders or Public Prosecutors (who are advocates working for the State) made little sense. It highlighted the *"anomaly"* that **assistant public prosecutors, who argue cases before junior judges, were allowed to apply for District Judge posts, whereas the junior judges themselves were not eligible under the old interpretation**. Such a disparity was irrational. Therefore, the **Court expressly rejected the notion of an exclusive 'advocates-only' quota** in direct recruitment of District Judges.

Merit-Based, Inclusive Selection and Wider Talent Pool

A major theme in the majority's reasoning was the need to attract the **best talent** to the higher judiciary. The Court stressed that the **objective of any selection process is to secure "the best and most suitable person for the job."** This objective, it reasoned, is defeated by a rule that arbitrarily excludes an entire class of candidates (subordinate judges) who might be more meritorious or experienced. The bench noted that the **experience gained by a judicial officer is invaluable** – in fact, often *"much greater than the one a person gains while working as an advocate,"* especially given the rigorous training judges undergo. **Judicial service, even at junior levels, provides skills and exposure that should not become a disqualification.** By preventing these judicial officers

from competing, the old rule was *"counterproductive to the goal of attracting the best talent to the higher district judiciary."*

The Supreme Court thereby concluded that there was **"no reason to deny an opportunity"** to talented in-service judges to contest the District Judge posts alongside advocates. Opening the competition to both groups would **"create a wider talent pool, foster healthy competition and ultimately enhance the quality and efficiency of the judiciary"**. The bench observed that if the **purpose of direct recruitment is to infuse merit and efficiency** in the District Judge cadre, then a restrictive interpretation that shrinks the pool of candidates is illogical. Instead, an interpretation that *"permits a broad-based competition amongst all eligible candidates"* and thus advances efficiency must be preferred.

The Court also addressed concerns about potential **institutional impact** of this change. One concern was the possibility of *"heartburn"* within the subordinate judiciary if relatively junior judges bypass their seniors via direct recruitment. The bench dismissed this worry, reasoning that **all candidates (advocates and judges alike) would face the same competitive exam and only the most meritorious would be selected**. If a junior judge is truly more meritorious and tops the selection, that is a result of fair competition, not arbitrariness. ***"If a person is meritorious and on merit alone gets selected... there can be no question of heartburn for those who are less meritorious,"*** the Court observed. Similarly, the argument that advocates would be unfairly disadvantaged by the entry of in-service competitors was rejected as having "no merit". The Supreme Court was confident that a **level playing field** could be designed where both groups compete on equal footing for the limited vacancies.

Clarification of Eligibility Criteria under Article 233

Having decided to broaden the eligibility, the Court proceeded to answer the specific issues and lay down clear criteria for future recruitment. **In answer to the first issue**, the Court held that **judicial officers who have completed seven years of practice as advocates before joining service *are eligible* to be appointed as District Judges in the direct recruitment (Bar) quota**. In other words, Rejanish K.V. and others in his position must be considered eligible. This effectively overturns the earlier rule from *Dheeraj Mor*.

On the **second issue**, the Court ruled that eligibility is to be assessed **at the time of application** for the post, not at the time of actual appointment. This is a crucial clarification. It means that if a candidate met all requirements when they applied (for example, was an advocate with 7 years' standing), subsequent events (such as joining judicial service before the appointment order) do not nullify their eligibility. Thus, Rejanish's appointment was valid because *at the time of his application* he was a practicing advocate of 7 years, even though by the time of appointment he had become a Munsiff. This interpretation avoids penalizing candidates for fortuitous timing issues in recruitment processes.

Regarding the **third issue**, the Court noted that **Article 233(2) itself does not prescribe any additional eligibility for in-service candidates**. The Constitution is silent on criteria for those already in judicial service because Article 233(2) was framed only to ensure outside advocates possess a minimum experience. Therefore, the **power to fix eligibility criteria for in-service candidates lies with the appointing authorities (the Governor in consultation with the High Court)** – and such criteria can be adjusted by rules from time to time Importantly, the Court held that nothing in Article 233 prohibits framing rules to allow in-service officers into the fray; a contrary reading would attribute an unintended rigidity to the Constitution. The bench implicitly acknowledged that **the constitutional scheme gives primacy to the High Courts in appointments (through consultation and control under Articles 233 and 235), which supports the flexibility to include meritorious in-service candidates**.

On the **fourth issue** (combined experience), the Court answered in the affirmative: **a person who has served as a Civil Judge and/or as an advocate for a** combined total **of at least seven years is eligible for direct appointment as District Judge**, provided the experience is relevant and continuous. This means, for example, an individual who practiced as an advocate for five years, then became a judge for two more years, would have the requisite seven years of legal/judicial experience to qualify. **The bench was careful, however, to impose a condition of "continuous" experience – discontinuous stints that add up to seven years may not qualify if there were long breaks in between.** The rationale is that a significant break could cause a *"disconnect with the legal profession,"* so only continuous engagement in law (either as advocate or judge, or both in succession) counts.

The Court also explicitly rejected the idea of any fixed quota or reservation *exclusively* for advocates within the direct recruitment share. Some had argued that the traditional 25% "Bar quota" for direct District Judge appointments implied an exclusive preserve for practicing lawyers. The Supreme Court disagreed – Article 233(2) was never intended to guarantee a separate quota for advocates; it was only a qualification clause. Now that both advocates and eligible in-service judges can compete for those posts, **appointments will be purely merit-based, without a sub-quota based on one's source of service**.

Concurring Opinion of Justice M.M. Sundresh

Justice M.M. Sundresh wrote a **separate concurring opinion** that agreed with the outcome but offered additional constitutional perspective He emphasized the **doctrine of separation of powers and the constitutional scheme of judicial appointments**. Under **Article 233(1)**, appointments of District Judges (including promotions from the subordinate judiciary) require consultation with the High Court, and Article 235 vests control over subordinate courts in the High Court. Justice Sundresh noted that this arrangement – the High Court's primacy in appointments and control – is a *"classic exhibition of the doctrine of separation*

of powers." It ensures that the judiciary has a decisive voice in the appointment of its own officers, insulating judicial appointments from unfettered executive patronage.

Within this scheme, **Article 233(2)** should not be construed in a manner that ties the hands of the appointing authorities. Justice Sundresh opined that *"Article 233 of the Constitution does not place any fetters on the power of the appointing authority qua the fixation of eligibility criteria for persons in the judicial service."* In other words, the Constitution left it open for the Governor (with High Court's consultation) to set appropriate rules for in-service candidates. Over time, as circumstances evolve, the High Courts and the legislature/executive can adjust these eligibility criteria to serve the needs of the judiciary – a flexibility that is itself supervised by Constitutional Courts if needed.

Justice Sundresh also underscored the **equality aspect**. In his view, reading Article 233(2) as a provision meant *"only for the category of an advocate or pleader"* to the exclusion of judicial officers would *"certainly be violative of Article 14 of the Constitution."* Such an interpretation creates an unreasonable classification with no constitutionally legitimate purpose. By bringing in Article 14, the concurring opinion highlighted that equal opportunity in public employment extends to allowing all similarly qualified persons (advocates and judges alike) to seek appointment as District Judges. Any rule that arbitrarily favors one source over another, without rational basis, would offend the guarantee of equality.

Thus, the concurring opinion reinforced the majority's reasoning by rooting it firmly in constitutional principles: **institutional independence** (through High Court control of appointments) and **fundamental rights** (equality of opportunity). While Justice Sundresh's opinion did not diverge on the answers to the four issues, it provided an analytic bolster, ensuring that the new interpretation of Article 233 rests on a sound constitutional foundation beyond just pragmatic concerns.

Final Ruling and Directions

The Supreme Court's final ruling can be summarized as follows, addressing the questions and providing guidance for future appointments:

- **Judicial Officers Eligible for Direct Recruitment:** Judicial officers **who had at least seven years of practice as an advocate before joining the judiciary are eligible to be appointed as District Judges through direct recruitment** (the so-called "Bar quota"). The Court unequivocally held that *"in-service candidates"* meeting the experience criterion **must be allowed to compete** for these posts, ending the earlier absolute bar.

- **Cut-off Date – Time of Application: Eligibility is to be assessed at the time of application** for the District Judge post. If a candidate fulfills the requisite qualifications (e.g. seven years of practice) when applying, their

subsequent appointment cannot be invalidated merely because their status changed (such as becoming a judge or taking a break) after the application. This means, for instance, a lawyer who applies and then joins judicial service during the selection process is **still deemed eligible**.

- **Combined & Continuous Experience Requirement:** The candidate must have **a minimum of seven years of continuous legal experience**, which can be **a combination of time as a practicing advocate and time as a judicial officer**. All such experience counts toward the seven-year threshold, as long as it is continuous up to the date of application (periods of discontinuity or long breaks in practice are not allowed). Thus, a person who served, say, five years as an advocate and two years as a judge (total seven years) is eligible, and likewise someone who was an advocate for seven or more years straight is eligible. This interpretation broadens the pool while maintaining a standard of recent, active engagement with the law.

- **Minimum Age:** The Court introduced a **uniform minimum age requirement of 35 years** for all candidates (whether from the Bar or from judicial service) applying for direct recruitment as District Judge. This condition ensures a baseline maturity and experience level. It also harmonizes varying state rules into one national standard for these appointments.

- **No Exclusive Quota for Advocates:** The idea of a fixed percentage of seats reserved exclusively for advocates in the direct recruitment category was rejected. The **25% "Bar quota" (common in service rules)** is now to be understood as the quota for *all* direct recruits (from either source) competing together. There is **no separate sub-quota** locking out in-service candidates. Selection will be purely on merit from the combined list of qualified advocates and qualified judicial officers who apply.

- **Amendment of Service Rules:** The Court directed all State governments and High Courts to **amend their judicial service rules within three months** to reflect the new eligibility norms. Any existing rules that conflict with the Court's pronouncements were declared **invalid**: *"All such rules… not in accordance with the aforesaid answers shall stand quashed and set aside."* Going forward, state recruitment regulations must permit judicial officers to participate in direct recruitment exams, enforce the 7-year combined experience and age-35 criteria, and otherwise align with this judgment.

- **Prospective Application:** The Constitution Bench specified that its ruling would apply **prospectively**. **Ongoing or already-completed selection processes will not be disturbed**, so long as they concluded before the date of this judgment (October 9, 2025). The only exception is if any appointments were still sub judice under interim orders (like Rejanish's

case had been) – those can be re-examined under the new legal position This prospective limitation was to ensure that settled appointments made in past years on the old understanding are not unwound, avoiding administrative chaos.

- **Outcome for Rejanish K.V.:** Although not explicitly a part of the general directions, the logical effect of the judgment was to **vindicate Rejanish K.V.'s appointment**. Since the Court answered that he *was* eligible at the time of application and struck down the contrary view, the Kerala High Court's decision quashing his appointment would no longer stand (indeed, the Supreme Court had stayed it and now set the legal principle aside). Thus, Rejanish and others in his position would remain District Judges. The appeal was allowed in this sense, granting relief to the appellant.

In sum, the final decision opened the doors for a new class of candidates (sitting lower court judges with prior advocacy experience) to ascend to District Judgeships through direct recruitment. It put advocates and judges on an equal plane in these examinations, subject to meeting identical experience and age criteria. The **Dheeraj Mor** ruling and similar precedents were expressly overruled, and the law was reset to align with the Supreme Court's fresh interpretation of Article 233.

Implications and Significance

The *Rejanish K.V. v. K. Deepa* judgment carries **profound constitutional and institutional implications** for India's judicial system, particularly regarding **Article 233 and the process of judicial appointments** in the district judiciary:

- **Doctrinal Shift in Constitutional Interpretation:** This ruling marks a clear doctrinal shift from a **literal to a purposive interpretation** of Article 233(2). For nearly sixty years, starting with *Chandra Mohan (1966)* and reaffirmed by subsequent cases, the dominant view was that Article 233(2) explicitly forbade anyone in "service" (interpreted as judicial service) from direct appointment as District Judge. The Supreme Court's new reading departs from this by examining the purpose behind the provision. The judgment demonstrates the Court's willingness to **reconsider long-standing precedent** when it believes the prior interpretation thwarts the Constitution's objectives or leads to injustice. By convening a Constitution Bench and overruling the three-judge *Dheeraj Mor* decision, the Court also underscored the importance of having substantial constitutional questions decided by larger benches as mandated by Article 145(3) of the Constitution. This reflects an institutional self-correction and respect for proper process in constitutional adjudication.

- **Equality and Article 14:** The judgment places a strong emphasis on **equal opportunity** in public employment (Article 14 and 16 of the Constitution). The previous regime created an odd disparity: two persons with similar

advocacy experience, one who remained at the Bar and one who joined as a Civil Judge, were treated differently – the former could become a District Judge, the latter could not. By removing this disparity, the Court reinforced the idea that classification among candidates must have a rational nexus to the job. Here, being a serving judge was not a rational ground to exclude someone who otherwise met the experience criterion. Justice Sundresh's concurring opinion explicitly notes that the earlier interpretation *"would certainly be violative of Article 14"*. Thus, the ruling aligns judicial appointment criteria with the **constitutional value of fairness and non-discrimination**.

- **Strengthening the Institution by Meritocracy:** Institutionally, allowing both experienced advocates and qualified judicial officers to compete for District Judge positions is expected to **raise the caliber of appointments**. The district judiciary is often called the backbone of the justice system, and infusing it with talent from all sources can improve overall quality. The Court's reasoning that **"the object of any process of selection... should be to secure the best and most suitable person"** signals a policy shift towards **meritocracy** in judicial appointments. In practical terms, state High Courts (which recommend candidates) and Public Service Commissions (which often conduct exams) will now have a larger, and arguably stronger, pool of candidates to choose from. Talented junior judges, who might otherwise wait years for promotion, can advance sooner if they prove their merit in a competitive exam. This could incentivize *performance and continuous learning* among lower judiciary members, as they have another pathway to career advancement beyond seniority-based promotion.

- **Impact on the Bar and Bench Dynamics:** By erasing the firm line between the "Bar quota" and "service quota," the decision may also affect the dynamics between the Bar and the Bench. Previously, roughly a quarter of District Judge posts were meant to induct fresh blood from the Bar, partly to ensure diversity of experience in the judiciary. Now, while that channel remains, it is not exclusive to the Bar – serving judges can also enter through it. Some have speculated that judicial officers, by virtue of their training and experience in judging, might have an advantage in the recruitment exams, potentially leading to a higher proportion of insiders being selected. The Supreme Court addressed this concern head-on and found it unpersuasive. The *raison d'être* of direct recruitment was not to favor advocates per se, but to find the best candidates. The **"healthy competition"** envisioned by the Court means the Bar will need to compete on equal terms with the Bench. In the long run, this could encourage greater exchange between the Bar and judicial service – for example, young lawyers may be more open to joining the lower judiciary early in their careers if they know it won't forever bar them from higher positions except through slow promotion. Likewise, career judges might consider short

stints as advocates (though the continuous experience rule limits hopping in and out). Overall, the boundaries between the two streams are softened, which may foster greater mutual respect and understanding between advocates and judges as they navigate career paths that are no longer mutually exclusive.

- **Administrative and Federal Implications:** The directive for **uniform rules across all states** within three months is a significant institutional mandate. It requires coordination between State governments and High Courts to amend service rules swiftly. This aspect of the judgment demonstrates the Supreme Court's role not just as an arbiter of disputes but as an architect of institutional reform. By quashing all state provisions that conflict with its decision, the Court ensured that the new doctrine is applied consistently nationwide – a move likely to reduce future litigation on the subject. There is also an implicit trust in High Courts' judgment: since appointments require High Court recommendations, the expanded eligibility should not compromise quality because the High Courts will still vet and put forward only capable candidates. Moreover, the **separation of powers** principle is maintained – the executive (Governor/State) cannot appoint anyone as District Judge without the High Court's concurrence, and now both agree that merit should be the guiding criterion for all candidates. Justice Sundresh highlighted that this model of appointment, with judicial primacy, exemplifies separation of powers and acts as a check on executive discretion. The decision thus reaffirms and slightly recalibrates the balance of power: while removing a restriction on *who* can be considered, it leaves *how* they are chosen (exams, interviews etc.) to the existing consultative process between High Courts and States.

- **Future of Judicial Appointments Doctrine:** The judgment could influence how courts approach other appointment-related provisions. It shows a clear preference for **interpretations that broaden opportunity and enhance institutional efficiency** over those that are formalistic. For instance, if similar questions arise about appointment criteria in higher judiciary or other services, courts might invoke the same principle: the Constitution's provisions should not be read in isolation or in a way that defeats their purpose. The *Rejanish K.V.* case also demonstrates the use of constitutional principles (like equality and separation of powers) as crucial interpretive tools for appointment clauses, which could guide future benches dealing with appointment reforms or disputes (such as debates on the collegium or quotas within the judiciary).

In conclusion, *Rejanish K.V. v. K. Deepa* is a **significant turning point** in Indian judicial service law. It harmonizes Article 233 with contemporary needs by enabling a **"level playing field"** for talent in judicial appointments. The case not only resolved the immediate predicament of one District Judge's appointment but also set a forward-looking precedent that prioritizes merit and constitutional values in the judiciary's grassroots-level hiring. Law students, practitioners, and

judges will likely study this judgment for its illustration of how constitutional interpretation can evolve to correct course and strengthen institutions. It serves as a reminder that the Constitution is a living document – its interpretation can adapt in order to uphold the *spirit* of the law, ensure fairness, and improve the administration of justice.