

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(C) NO.1224/2026

TAPASMITA SUTAR

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

1. The Petitioner, who is presently serving as a Bench Clerk in the District Judiciary, Cuttack, has filed the instant Writ Petition seeking a direction to the Respondent-authorities to recognize her service in the District Judiciary towards the minimum period of practice prescribed for eligibility to appear in the Civil Judge (Junior Division) Examination.

2. The Petitioner was initially appointed as a Junior Clerk-cum-Copyist on 30.01.2012 and was subsequently promoted to the post of Bench Clerk Grade-III on 14.08.2019. While serving in this post, she completed her LL.B. degree in 2021. By the Advertisement dated 02.03.2024, the Odisha Public Service Commission notified 34 vacancies to the post of Civil Judge (Junior Division) and the Petitioner applied for the same. She qualified both the preliminary and the main examinations. However, after the viva voce, her name did not appear in the final list of selected candidates.

3. Shortly thereafter, this Court passed the Judgment dated

20.05.2025 in *All India Judges' Association and Ors. v. Union of India and Ors.*, Writ Petition (Civil) No. 1022/1989, whereby a minimum of three years' practice at the Bar was restored as an eligibility criterion for appointment to the post of Civil Judge (Junior Division). While doing so, it was further directed in paragraph 89 as follows:

"(vii)...We further direct that the experience of the candidates which they have gained while working as Law Clerks with any of the Judges or Judicial Officers in the country should also be considered while calculating their total number of years of practice..."

4. Pursuant to the Judgment dated 20.05.2025, the Government of Odisha notified the Odisha Superior Judicial Service and Odisha Judicial Service (Second Amendment) Rules, 2025, whereby Rule 18(1)(a), as amended, prescribed the then-applicable practice requirement of three years and included within it the period spent as a Law Clerk. Thereafter, the Odisha Public Service Commission issued an Advertisement dated 30.04.2026 inviting applications for 78 vacancies in the post of Civil Judge (Junior Division).

5. Aggrieved by the Judgment dated 20.05.2025, several parties sought its clarification or modification through Writ Petition (Civil) No. 1110/2025, Review Petition (Civil) Diary No. 37749/2025, Review Petition (Civil) No. 421/2026, and Review Petition (Civil) No. 420/2026. While hearing these matters, this Court considered it appropriate to obtain the views and suggestions of all the High Courts, as well as of Law Universities and National Law Schools.

6. In view of the continuing uncertainty about how the experience requirement would operate, and how relevant experience acquired within the judicial system would be treated, the Petitioner filed I.A. No. 212984/2026 in Writ Petition (Civil) No. 1110/2025, seeking consideration of her individual claim for recognition and computation of her service in the District Judiciary. During the hearing, this Court orally advised her to pursue her claim by way of a separate Writ Petition.

7. Meanwhile, the proceedings seeking modification of the Judgment dated 20.05.2025 continued and culminated in the Judgment dated 21.08.2026 passed in *Bhumika Trust v. Union of India and Ors.*, Writ Petition (Civil) No. 1110/2025 and connected matters. Having considered the submissions advanced and the material placed on record, this Court observed that the Judgment dated 20.05.2025 did not require reconsideration on the fundamental question of whether some prior exposure to the working of courts is desirable for a person seeking entry into the judicial services, and held that the reasons assigned for restoring the practice requirement retained considerable force. The issue under consideration was thus narrowed to whether such exposure necessarily requires three years of conventional practice at the Bar, and how the requirement is to be implemented as a condition precedent to appearing in the examination.

8. On these questions, this Court held that the requirement of experience must bear a reasonable relationship to the

object it seeks to achieve, and that the passage of time at the Bar, while a significant component, may not be the sole determinant of meaningful courtroom experience. Accordingly, the Judgment dated 20.05.2025 was modified to the following extent:

"73. In light of the above discussion, we consider it appropriate to issue the following directions, which would apply to all recruitment notification/advertisement(s) issued to the post of Civil Judge (Junior Division) in the transitional period, i.e., notification/advertisement(s) issued after the Judgement under Review up to 31.03.2027:

- (i) All law graduates shall be eligible to apply, notwithstanding the three-year practice requirement. Having regard to the fact that more than one year has elapsed since the Judgment under Review was pronounced, such candidates shall, for the purposes of their applications, be deemed to have completed one year of active practice. They shall not be required to furnish a separate Certificate of Practice in support of the said deemed period;
- (ii) Candidates selected pursuant to the aforesaid recruitment shall, upon appointment, be designated as "Trainee Judicial Officers" and shall undergo a compulsory period of one year of intensive training at the concerned State Judicial Academy. This period shall be treated as equivalent to one year of practice at the Bar for the purposes of the three-year requirement;
- (iii) During the period of such training, the Trainee Judicial Officers shall be paid a fixed emolument equivalent to one half of the remuneration payable to a Judicial Magistrate First Class in the concerned State. They shall, in addition, be entitled to the facilities and other benefits ordinarily made available to trainees at the concerned State Judicial Academy;
- (iv) Upon successful completion of the aforesaid training, the Trainee

- Judicial Officers shall undergo a further period of one year of structured Law Clerkship. The first six months shall be spent as a Law Clerk under the supervision of the Principal District/District and Sessions Judges or Members of the Higher Judicial Services, and the remaining six months under the supervision of a sitting Judge of the concerned High Court;
- (v) The aforesaid one-year period of Law Clerkship shall also be treated as equivalent to one year of practice at the Bar for the purposes of satisfying the three-year requirement;
 - (vi) During the period of Law Clerkship, the Trainee Judicial Officer shall be paid same emoluments as admissible during their training in State Judicial Academies, with no further allowance, etc.; and
 - (vii) Upon completion of the Law Clerkship, the sitting Judge of the High Court under whose supervision the Trainee Judicial Officer has served shall submit a reasoned evaluation report concerning the performance and suitability of the trainee. Upon such evaluation being found satisfactory, the Trainee Judicial Officer shall be appointed to the regular post in the field and shall thereafter be entitled to the regular pay scale and other service benefits attached to the post.

74. We further direct that for the period following the transition period, i.e., notification/advertisement(s) issued on or after 01.04.2027, the following directions shall govern the recruitment to the post of Civil Judge (Junior Division):

- (i) Every candidate seeking to appear for the examination for appointment as Civil Judge (Junior Division) shall possess at least one year of actual practice from the source and certification as laid down in direction (vii) and (viii) of the Judgment under Review for now and thereafter as laid down hereinafter. Such practice shall be subject to verification through issuance of a Certificate of Practice,

which shall not be issued unless the candidate's presence and participation in effective judicial proceedings, whether along with a senior member of the Bar with at least 10 years practice or otherwise, have been duly recorded in accordance with the mechanism to be prescribed by the High Courts;

- (ii) The application of a candidate for recruitment to the judicial service from the aforesaid recruitment cycle shall be entertained only upon submission of the requisite certificate evidencing completion of one year of actual practice in the District Courts; and
- (iii) Candidates selected pursuant to such recruitment shall, notwithstanding their one year of prior practice, undergo the same one-year period of intensive training at the State Judicial Academy followed by 6 months of Law Clerkship under the Principal District/District and Sessions Judges or Members of the Higher Judicial Services and thereafter another 6 months of Law Clerkship under a sitting Judge of the concerned High Court, in terms of directions (ii) to (vii) of Paragraph 73.

75. For abundant caution, we reiterate that all notification/advertisement(s) issued already after the Judgment under Review was pronounced, as well as all notification/advertisement(s) to be issued hereafter, for recruitment to the post of Civil Judge (Junior Division) shall conform to and will be governed by the aforesaid directions.

76. The State Governments, in consultation with respective jurisdictional High Courts, shall undertake and officially notify necessary amendments in the applicable Rules forthwith, and in any case, within three months from the date of this Judgment. The interim orders passed in these proceedings shall stand vacated.

77. We may also observe that the directions issued hereinabove should adequately address the grievances expressed by the Petitioners in

Writ Petition (Civil) No. 1110/2025,
particularly with regard to the need for
appropriate accommodation for persons with
disabilities.

78. In our considered opinion, it merits clarification that the scheme formulated herein should not be made immutable. Judicial recruitment is an evolving process, and the effect of the present arrangement can be properly assessed only after it has operated for a reasonable period. A period of three years would provide sufficient institutional experience to evaluate whether the combination of limited prior practice, structured training and supervised clerkship is achieving the desired objective. This Court may thereafter revisit the scheme on the basis of material concerning the quality of recruitment, performance of trainees, adequacy of training, and other relevant indicators.

79. Therefore, scheme contained in these directions shall remain in force for a period of five years from the date of this judgment.

80. Upon completion of the aforesaid period of five years, the working of this scheme, including the quality of recruitment, the nature and efficacy of training and clerkship, the performance of officers recruited under the scheme and such other empirical material as may be relevant, shall be placed before this Court for its consideration, and the scheme shall thereafter be revisited, if necessary."

9. In light of this modification, the Petitioner has filed the instant Writ Petition seeking recognition of her service, relying on the benefit extended to Law Clerks by the Judgment dated 20.05.2025 and on the general relaxation of the practice requirement to one year by the Judgment dated 21.08.2026. She concedes that a Bench Clerk is not legally equivalent to an Advocate or a Law Clerk, but contends that her duties over many years in the District Judiciary, which

involve assisting Presiding Judges/Judicial Officers in the discharge and administration of judicial and legal work, have given her substantial practical experience. She therefore urges that the nature and substance of her duties should be examined, and that she should not be mechanically excluded on the basis of the nomenclature of her post. Accordingly, she seeks an individualized determination of her eligibility to appear in the examination for the post of Civil Judge (Junior Division).

10. We have heard learned counsel for the Petitioner at considerable length and carefully perused the record.

11. While we fully endorse the reasons assigned by this Court *vide* Judgment dated 21.08.2026 in *Bhumika Trust v. Union of India and Ors.*, Writ Petition (Civil) No. 1110/2025 and connected matters, we are satisfied that, at present, the Petitioner does not meet the eligibility conditions laid down therein for the reasons elucidated below.

12. First, the practice requirement, as modified by the Judgment dated 21.08.2026 to one year, is strictly a requirement of practice at the Bar and does not include within it the period served as a Law Clerk in any Court. Under the modified scheme, the three-year requirement has been staggered into three distinct components: one year of practice at the Bar before the examination, one year of intensive training at the State Judicial Academy upon appointment, and one year of structured Law Clerkship thereafter. Each component is designed to impart a different

kind of experience. As explained in paragraphs 67 and 70 of the Judgment dated 21.08.2026, practice at the Bar exposes a candidate to the adversarial process; judicial training prepares the candidate for the fundamentally different responsibility of adjudication; and Law Clerkship under the direct supervision of Judges acquaints the candidate with the manner in which court proceedings are to be conducted. The scheme thus ensures that every candidate acquires diversified experience of practice, training and, thereafter, clerkship in both the District Court and the High Court, so as to be sufficiently equipped for the duties of a judicial officer.

13. The requirement of minimum one year of practice is, therefore, an essential and independent component of the scheme. It is the only component that precedes the examination, and the only one through which a candidate experiences the working of courts from the side of the Bar. The treatment of other forms of experience, including Law Clerkship, at par with practice at the Bar was accepted only as a one-time measure for the transitional period, as specified in paragraph 66 of the Judgment dated 21.08.2026, and finds expression in the deemed year of practice extended to all law graduates by paragraph 73(i). For recruitment notified on or after 01.04.2027, paragraph 74 insists upon a certificate evidencing one year of "actual practice in the District Courts", and requires selected candidates to undergo training and Law Clerkship "notwithstanding their one year of prior practice".

14. The reference in paragraph 74(i) to “the source and certification as laid down in direction (vii) and (viii) of the Judgment dated 20.05.2025” must be understood in this context. It adopts, for the time being, the framework within which practice is to be undertaken, certified, and computed. It does not carry with it the separate credit earlier given to Law Clerkship within the three-year period. To count prior clerkship towards the one year of practice would deprive a candidate of the very exposure to the Bar that the scheme deliberately secures, and would duplicate a component that the candidate must, in any event, undergo. The mandatory requirement of a minimum of one year of practice cannot, therefore, be diluted to include existing clerkship experience.

15. Second, and in any event, service as a Bench Clerk in the District Judiciary is substantially different from service as a Law Clerk in this Court or the High Courts. A Law Clerk works closely with a Judge, undertaking comprehensive legal research, analysis of pending matters, and some drafting. It is this close association with the process of adjudication that led this Court, in the Judgment dated 20.05.2025, to count experience as a Law Clerk towards the period of practice. By contrast, the duties of a Bench Clerk, though indispensable to the functioning of any court, are more ministerial in nature and do not involve such close contact with judicial decision-making. The Petitioner apprehends that she is being excluded merely on the basis of

the nomenclature of her post. We hasten to clarify that such is not the case. The distinction lies in the nature and substance of the duties discharged and, examined on that very touchstone, her service cannot be equated with that of a Law Clerk.

16. For the foregoing reasons, the Petitioner's long service as a Bench Clerk cannot be counted towards the requirement of one year of practice, and no occasion arises for an individualized determination of her eligibility.

17. Consequently, we decline to entertain this Writ Petition. The same is, accordingly, dismissed.

18. Pending applications, if any, also stand disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
OCTOBER 06, 2026

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

Writ Petition(s)(Civil) No(s).1224/2026

TAPASMITA SUTAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 06-10-2026 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. Sanathana Bhaarith- 3633, AOR
Mr. Jayant Singh Raghav, Adv.
Mrs. Deevi Kiranmaye, Adv.
Mr. Srikrishna Kumar Yadav, Adv.
Ms. Ragini Kumari, Adv.
Ms. Megha Tolia, Adv.
Ms. Tanya Yadav, Adv.
Ms. Sara Chawla, Adv.
Mr. Nitish Kumar, Adv.
Mr. Aryan Kumar, Adv.

For Respondent(s) :

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

1. The Writ Petition is dismissed in terms of the signed order.
2. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(signed order is placed on the file)