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Subject: Moot Court
(B.com LL.B VI Semester)
Unit II Judicial System in India
Topic- Appointment of Judges.
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Qualifications of High Court Judges

Article 217 (2)

A person shall not be qualified for appointment as judge of High Court unless he is a citizen of India and:

- ❖ **Has for at least ten years held a judicial office in the territory of India;**
- ❖ **Has for at least ten years been an advocate of a High Court or of two or more High Courts in succession.**
- ❖ **In computing the period during which a person has held judicial office in the territory of India, there shall be included any period, after he has held any judicial office, during which the person has been an advocate of a High Court or has held the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law;**
- ❖ **In computing the period during which a person has been an advocate of a High Court there shall be included any period during which the person has held judicial office or the office of a member of a tribunal or any post, under the Union or a State, requiring special knowledge of law after he became an advocate;**
- ❖ **In computing the period during which a person has held judicial office in the territory of India, or been an advocate of a High Court, there shall be included any period, before the commencement of this Constitution during which he has held judicial office in any area which was comprised before the fifteenth day of August, 1947, within India as defined by the Government of India Act, 1935 or has been an advocate of any High Court in any such area.**

Restriction on practice after being a permanent Judge -

Article 220 – No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts.

Appointment of acting Chief Justice-

Article 223- When the office of chief Justice of a High Court is vacant or when any such Chief Justice is by reason of absence or otherwise unable to perform the duties of his office the duties of the office shall be performed by such one of the other Judges of the Court as the president may appoint for the purpose.

Appointment of additional and acting Judges

Article 224.-

- ❖ If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be Additional Judges of the Court for such period not exceeding two years as he may specify.
- ❖ When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act a Judge of that Court until the permanent Judge has resumed his duties.
- ❖ No person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty two years.

Appointment of retired Judges at sitting of High Courts

Article 224-A

- ❖ The Chief Justice of a High Court for any State may at any time, with the provisions consent of the President, request any person who has held the office of a judge of that Court or of any other High Court to sit and
- ❖ Act as a Judge of the High Court for that State, and every such person so requested shall, while so sitting and acting, be entitled to such allowances as the President may by order determine and have all the jurisdiction, powers and privileges of but shall not otherwise be deemed to be, a Judge of that High Court.
- ❖ This Article shall be deemed to require any such person as aforesaid to sit and act as a Judge of that High Court unless he consents so to do.

Thank You