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**Subject :Moot Court (B.com LL.B VI Semester)**  
**Unit II Judicial System in India**  
**Topic : Appointment of Judges**  
**Date :9/04/2020**

# Jurisdiction of High Court

- ❖ A Court of Record (Article 215)
- ❖ General Jurisdiction (Article 225)
- ❖ Power of Superintendence (Article 227)
- ❖ Transfer of certain cases to High Courts (Article 228)
- ❖ Writ Jurisdiction (Article 226)

# Subordinate Courts

- ❖ In every State District Courts are the subordinate courts to the High Court. Article 233(1) says that– Appointment of persons to be and the posting and promotion of district judges in any State shall be made by the Governor of the State in consultation with the High Court increasing jurisdiction in relation to such State.
- ❖ The expression ‘District Judge’ includes judgment of City Civil Court, Additional District Judge, Joint District Judge, Assistant District Judge, Chief Judge of Small Cause Court, Chief Presidency Magistrate, Additional Chief Presidency Magistrate, Session Judge, Additional Session Judge and Assistant Session Judge.
- ❖ Power of Appointment of District Judge conferred on the Governor under Article 233 (1) is an executive function in consultation with the High Court.
- ❖ Validation of appointments of, and judgments, etc. delivered by, certain District Judges (Article 223–A)

# Notwithstanding any judgment, decree or order of any court:

- A– (i) no appointment of any person already in the judicial service of a State or of any person who has been for not less than seven years an advocate or a pleader, to be a district judge in the State, and
- (ii) no posting, promotion or transfer of any such person as a district judge. Made at any time before the commencement of the Constitution (Twentieth Amendment) Act, 1966, otherwise than in accordance with the provisions of Article 233 or Article 235 shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the provision.
- B– No jurisdiction exercised, no judgment, decree, sentence or order passed or made; and no other act or proceeding done or taken, before the commencement of the Constitution (Twentieth Amendment) Act, 1966 by or before any person appointed, posted, promoted or transferred as a district judge in any State otherwise than in accordance with the provisions of Article 233 or Article 235 shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such appointment, posting, promotion or transfer was not made in accordance with the said provisions.

# Recruitment of persons other than district judges to the judicial service

**Article 234–** Appointment of persons other than district judges to the judicial service of a State shall be made by the Governor of the State in accordance with rules made by him in that, behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

# Control over subordinate courts

**Article 235**– The control over district courts and courts subordinate thereto including the posting and promotion of, and the grant of leave to, persons belonging to the judicial service of a State and holding any post inferior to the post of district judge shall be vested in the High Court, but nothing in this article shall be construed as taken away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorizing the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.

**Thank You**