

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3758
ANSWERED ON:16.08.2001
SERVICE RULES OF RAJASTHAN HIGH COURT
JASWANT SINGH YADAV

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the Supreme Court has given any judgment in regard to the Service Rules of the Rajasthan High Court;
- (b) if so, the details thereof;
- (c) whether the Government propose to establish uniform laws across the country; and
- (d) if so, the details thereof?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) and (b): Yes, Sir. The Supreme Court of India has given its judgment dated July 17, 2001 in Civil Appeals No. 6469 of 1998, 722 of 1999 and 2411 of 1999 Ganga Ram Moolchandani and others Vs. State of Rajasthan and Others, relating to the Service Rules of the Rajasthan Higher Judicial Service.

In the Appeals, the Appellants have challenged the validity of Rules 8(ii) and 15(ii) of the Rajasthan Higher Judicial Service Rules, 1969, which provide that only those advocates be eligible for consideration to the post of Rajasthan Higher Judicial Service who are practising in the Rajasthan High Court and courts subordinate thereto, on the grounds, inter-alia, that the same were violative of the Fundamental Rights, guaranteed to a citizen of India, under articles 14 and 16 of the Constitution.

The Supreme Court in its judgment has held that Rules 8(ii) and 15(ii) of the Rajasthan Higher Judicial Service Rules, 1969 are ultra vires articles 14 and 16 of the Constitution and liable to be struck down. The judgment has been given prospective effect.

(c) and (d) There is no proposal under consideration of the Central Government to formulate uniform laws/rules regarding service matters of judicial officers as the subject matter pertains to the respective High Court/State Government under articles 233, 234, 235 read with article 309 of the Constitution of India.