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**RECALIBRATING JUDICIAL MERITOCRACY: A CRITICAL
COMMENTARY ON ALL INDIA JUDGES ASSOCIATION V UNION OF
INDIA (2025) INSC 735**

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Abstract

The Supreme Court's decision in *All India Judges Association v Union of India* (2025) represents a significant recalibration² of judicial service architecture in India. The three-Judge Bench reopens long-running questions about promotional channels, eligibility criteria and suitability-testing for the subordinate judiciary. Key outcomes include restoration of the Limited Departmental Competitive Examination (LDCE) quota to 25% for promotion to the District Judge cadre, reduction of the qualifying years for LDCE eligibility, creation of a 10% LDCE channel for promotion from Civil Judge (Junior Division) to Senior Division, and reinstatement of a three-year minimum practice requirement for entry-level judicial recruitment calculated from provisional Bar enrolment. This comment situates the judgment within the doctrinal lineage of the AIJA trilogy and the Shetty Commission and Law Commission recommendations; assesses the legal reasoning, policy premises and institutional implications; critiques the Court's balancing of merit, seniority and administrative practicability; and reflects on potential unintended consequences for judicial quality, morale and federal uniformity. The piece concludes that while the judgment commendably seeks incentives for merit and uniformity across States, it leaves important questions unresolved chiefly, precise design of suitability tests, monitoring of LDCE implementation, and safeguards against gaming that will determine whether the decision strengthens or destabilises judicial administration.

Introduction

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² *All India Judges Association v Union of India* (2025) INSC 735 (SC)

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The Supreme Court's May 20, 2025 judgment in *All India Judges Association v Union of India* (hereafter the 2025 AIJA judgment) marks the latest and a consequential intervention into how India structures entry and promotion in the judicial hierarchy. The judgment revisits and modifies earlier directions in the AIJA line of cases (notably the 1991–2002–2010 corpus)³, re-allocating quotas between direct recruits and promoted judges, revising eligibility thresholds for LDCEs, and restoring a minimum practice requirement for junior judicial recruitment. The Court frames these changes as corrective measures to restore incentives for meritorious officers, resolve administrative difficulties experienced under prior prescriptions, and promote uniformity across High Courts and States.⁴ The judgment therefore sits at the crossroad of constitutional adjudication about judicial independence and administrative lawmaking about cadre-management; it is fertile ground for critical scrutiny.

This comment offers a doctrinal and normative critique. Part I summarises the decision and its doctrinal antecedents. Part II analyses the Court's core reasoning and policy foundations. Part III evaluates the decision's strengths and shortcomings focusing on incentives and disincentives, federal implementation challenges, procedural safeguards, and the risk of instrumentalising promotion. The final part suggests reforms and clarifications that would render the judgment's objectives operationally coherent.

Background and Doctrinal Lineage

The 2025 judgment must be read as continuation of a sustained judicial dialogue on judicial recruitment and promotion spanning the AIJA judgments, the Shetty Commission's recommendations and Law Commission reports.⁵ The Shetty Commission (First National Judicial Pay Commission, 1999) recommended a 75:25 split favouring promotion but with direct recruitment from the Bar at 25% for the Higher Judicial Service; it also endorsed institutional training and testing. The AIJA trilogy thereafter elaborated mechanics: in *All India Judges Association* (2002) the Court prescribed a tripartite recruitment model 50% promotion via merit-cum-seniority (with suitability testing), 25% LDCE (merit), and 25% direct recruitment from the Bar. Subsequent (2010) adjustments reduced the LDCE quota

³*All India Judges Association and Others v Union of India and Others* (2002) 4 SCC 247 (SC); *All India Judges Association and Others v Union of India and Others* (2010) 15 SCC 170 (SC)

⁴*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 7–12

⁵ First National Judicial Pay Commission (Shetty Commission), Report (11 November 1999); Law Commission of India, Training of Judicial Officers (117th Report, 28 November 1986)

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from 25% to 10% because many High Courts were unable to fill the LDCE seats and unfilled vacancies impaired administration of justice. The 2025 judgment revisits these calibrations and restores LDCE quota to 25% while simultaneously lowering minimum departmental experience requirements⁶ and reinstating prior practice requirements for entry-level posts.⁷

The judgment also engages the Law Commission's historical view, 117th Report, 1986 on training and practice, which had supported intensive institutional training as an alternative to bar experience for recruits; the Shetty Commission had similarly emphasised institutional training as a substitute for prior Bar years. The Supreme Court's 2002 position had accepted such reasoning and relaxed the three-year Bar practice rule; the 2025 judgment reverses course⁸ by reinstating a minimum three-year practice requirement for Civil Judge (Junior Division) recruitment while permitting fresh law graduates in exceptional and state-specified training schemes.

Judicial Reasoning:

The 2025 Court advances several interlocking holdings and directions:

1. Restoration of LDCE quota to 25% for promotion to District Judge cadre: the Court reasons that raising the LDCE quota restores incentives for meritorious Civil Judges (Senior Division) and is justified so long as unfilled LDCE posts can revert to regular promotion in the same year, thereby guarding administration⁹.
2. Reduction of LDCE qualifying experience: the Court reduces the Senior Division qualifying threshold from five years to three years and fixes overall cumulative judicial experience at seven years (Junior + Senior), to enlarge the LDCE candidate pool and preserve the channel's incentive function¹⁰.

⁶*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 13–20

⁷ *All India Judges Association v Union of India* (2025) INSC 735 (SC), para 87; H M Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 2013) vol 3, 3051–3052

⁸*All India Judges Association and Others v Union of India and Others* (2002) 4 SCC 247 (SC), para 32; *All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 84–86

⁹*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 24–28; Abhinav Chandrachud, 'Judicial Promotions and the Merit Debate in India' (2020) 8 NUJS Law Review 1

¹⁰ *ibid* para 29; Arun K Thiruvengadam, 'Reforming India's Judiciary: Why and How?' (2016) 11 Indian Journal of Constitutional Law 45

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3. Establishment of an LDCE quota at lower levels: 10% of Senior Division Civil Judge positions will be set aside for accelerated promotion from the Junior Division (LDCE), provided that candidates have at least three years of Junior Division experience. Early on in the career ladder, merit incentives are intended to be established.

4. Suitability testing for merit-cum-seniority channel: the judgment reiterates prior dicta that promotion on merit-cum-seniority (the 65% band) must be accompanied by objective suitability assessments (evaluation of judgments, ACRs, disposal rates, viva performance and communication skills)¹¹, and directs High Courts lacking rules to frame them.

5. Reinstatement of minimum practice for Civil Judge (Junior Division): the Court restores a three-year minimum practice requirement, to be counted from provisional Bar enrolment (not from AIBE pass date), with safeguards in the form of certificates and endorsements. The Court justifies the restoration by empirical reports from High Courts that many recruits without practice have struggled administratively and temperamentally¹².

6. Uniformity and federal directions: the Court mandates High Courts to amend service rules within specified timelines to achieve national uniformity in quota calculations (based on cadre strength) and to provide for training and suitability mechanisms.

These holdings attempt to thread a needle: incentivise merit while preventing administrative shortfalls that earlier led to LDCE under-utilisation.

Critical Analysis

1. Normative balance: Merit, Seniority and Institutional Capacity

The 2025 AIJA judgment squarely endorses merit as a corrective to automatic seniority. Restoring LDCE to 25% and creating an earlier LDCE channel signal a commitment to reward performance. This is normatively salutary: promotions should incentivise learning, quality judgments and professional excellence.¹³ Yet the Court's instrumental

¹¹*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 49–52; G Mohan Gopal, 'The Indian Judiciary and the Politics of Accountability' (2014) 7 Indian Journal of Constitutional Law 1; Nick Robinson, 'Judicial Architecture of Accountability in India' (2018) 51(2) Economic and Political Weekly 25

¹²*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 63–71; Law Commission of India, Training of Judicial Officers (117th Report, 1986) para 4.6

¹³ Law Commission of India, Training of Judicial Officers (117th Report, 1986) para 4.6; Abhinav Chandrachud, 'Judicial Promotions and the Merit Debate in India' (2020) 8 NUJS Law Review 1

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reliance on quotas as the primary incentive mechanism underestimates other leversstructured continuous judicial education, transparent appraisal metrics, and career-long performance managementthat might sustainably raise quality without quota volatility.

Moreover, the Court's faith in LDCEs presumes that examinations and viva voce can validly and reliably differentiate superior judicial aptitude. Although the ruling logically mandates that High Courts implement appropriate tests for the merit-cum-seniority channel, it provides minimal guidance on psychometric validity, protections against coaching cultures, or uniform standards among jurisdictions. Without these protections, LDCEs and suitability tests run the risk of turning into formalistic obstacles that reward exam-taking prowess rather than judgmental skills.

2. Administrative Pragmatism vs. Federal Diversity

The 2010 cut to 10% resulted from the administrative fact that many High Courts were unable to fill LDCE seats. After gathering amicus information and State responses, the 2025 Court reexamines that stance; it bases restoration on the clause that unfilled LDCE seats return to regular promotion that same year. This practical compromise preserves administrative capacity in theory. However, since some High Courts have trouble finding qualified applicants and others encounter delays in the LDCE process, it might not address the root causes of non-filling. Token LDCE procedures or unduly accelerated promotions as a result of formal compliance without substantial capacity-building are risks associated with quickly enforcing rule changes across federated High Courts.

Although the Court's order to calculate the LDCE quota uniformly based on cadre strength encourages standardization, it conflicts with the lawful diversity of state staffing practices and vacancy volatility. A phased restoration with quantifiable benchmarks (such as minimum candidate pool statistics, pass-rate thresholds, and capacity-building milestones) prior to full restoration to 25% would have been a better strategy.

3. The Return of the Three-Year Practice Rule: Strengths and Risk

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Restoring a three-year practice requirement for Civil Judges (Junior Division) is in line with long-standing concerns: courtroom experience develops temperament, procedural fluency, and an understanding of the realities faced by litigants. Given AIBE timing variations, the Court's decision to count experience from the date of provisional enrollment makes administrative sense, and the use of endorsements aims to stop fraudulent enrolments.

However, there are two potential drawbacks to reintroduction. First, it reduces diversity by favoring those who can access early practice opportunities, which vary by region and socioeconomic line. Second, it might contradict the findings of the Shetty Commission and the 2002 logic, which acknowledged that contemporary legal education and training could partially replace bar practice.

To mitigate these risks, the Court could have explicitly authorised alternative paths: structured pre-service institutional training, apprenticeships in High Court-sponsored clinics, and reserved slots¹⁴ within judicial recruitment for outstanding graduates who commit to extended induction training.

4. Suitability Tests: Necessity, Ambiguity and Risk of Subjectivity

The Court reiterates the need for objective suitability testing for promotions, listing metrics such as quality of judgments, ACRs and disposal rates. These criteria are sensible but fraught. ACRs are sometimes opaque and subject to administrative bias; disposal rates can encourage quantity over quality; and "quality of judgments" is notoriously hard to quantify. The Court's fall-back to local rule-making without minimum standards risks uneven application and capture by senior administrative actors¹⁵.

¹⁴ First National Judicial Pay Commission (Shetty Commission), Report (11 November 1999) Chapter VIII, paras 8.30–8.36; V Sudhish Pai, *Judicial Process: Constraints and Choices in India* (Eastern Book Company 2008) 145

¹⁵ *All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 49–52; G Mohan Gopal, 'The Indian Judiciary and the Politics of Accountability' (2014) 7 *Indian Journal of Constitutional Law* 1

A stronger approach would have included minimum procedural protections like (i) anonymous peer review of chosen judgments, (ii) published scoring rubrics for assessment panels, (iii) selection committees with multiple members and outside legal academic representation, and (iv) an appellate supervisory role by a judicial oversight body to check for compliance. The judgment's lack of such protections leads to local inconsistencies and unfair procedures.

5. Potential for Gaming and Perverse Incentives

With quotas and reduced qualifying years, candidates and local administrations may game selection processes e.g., tactical transfers to create eligibility, manipulation of ACRs, or selective case assignment to inflate disposal figures. The Court's endorsement of certificate-based verification of practice is a modest safeguard but insufficient to deter systemic gaming. The solution requires transparent data systems (case assignments, hearing logs), independent verification, and disciplinary accountability for false certifications measures the judgment urges indirectly¹⁶ but does not robustly mandate.

6. Procedural Timelines and Transitional Fairness

The Court sets deadlines for changes to the rules (three months plus three months for state approvals) and lets people who are already in the process of hiring continue to do so under the old rules. These transitional rules are almost required. But the fact that structural rule changes need to happen quickly across 24 or more High Courts could lead to rushed drafting and litigation. The Court could have better used a staggered timetable with interim implementation guidance and a requirement for States to publish draft rules for stakeholder consultation.

Comparative and Institutional Perspectives

Comparative judicial administration suggests that promotion systems combining seniority, objective assessment and selective competitive promotion tend to perform well when paired with:

¹⁶*All India Judges Association v Union of India* (2025) INSC 735 (SC), paras 88–89; Anirudh Burman, 'Judicial Capacity and the Quality of Judging in India' (2019) Carnegie India Paper Series

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- a) longitudinal performance data systems;
- b) independent judicial training academies; and
- c) transparent selection panels.¹⁷ The judgment gestures to these instruments (calling for Judicial Academy strengthening and suitability rules), but the absence of an implementation framework detailing accountable bodies, auditing mechanisms and capacity-building budgets leaves the reform aspirations vulnerable.

Conclusion and Recommendations

The 2025 AIJA judgment is an ambitious attempt to restore incentives for meritorious judicial advancement while safeguarding judicial administration. Its principal virtues are normative clarity (merit matters), institutional uniformity (cadre-based quota calculation) and realism (reversion of unfilled LDCE posts to promotion).” However, the success of the decision depends on how it is implemented, which is an area where the Court's instructions are required but insufficient.

The following actions are suggested in order to turn the judgment's promise into long-lasting reform:

1. Phased Restoration with Benchmarks: Bring back 25% LDCE in phases based on objective benchmarks like the size of the candidate pool, pass rates, and timely conduct of LDCEs.
2. Standardized Suitability Framework: Model rules, including how to evaluate the "quality of judgments," standard ACR formats, anonymous peer review processes, and minimal standards for selection panels, should be developed by the Supreme Court (or a national committee selected by the Supreme Court).
3. Data and Transparency: Demand that High Courts make their anonymous scores, shortlists, and selection criteria publicly available; mandate digital case and performance dashboards that are open to auditing.

¹⁷ Peter H Russell and David M O'Brien (eds), *Judicial Independence in the Age of Democracy: Critical Perspectives from Around the World* (University of Toronto Press 2001); Carlo Guarnieri and Patrizia Pederzoli, *The Power of Judges: A Comparative Study of Courts and Democracy* (OUP 2002)

4. Alternative Entry Pathways: Allow a small number of judicial entrants to come in through an extended institutional induction route (meritocratic campus recruits) to keep the door open for outstanding graduates.
5. Anti-gaming safeguards: Make it harder to get practice certificates and make it a crime to give false certification.

If implemented with these accompanying safeguards, the 2025 AIJA judgment could meaningfully align incentives to judicial quality without sacrificing administrative stability or fairness¹⁸. Absent such follow-through, the reforms risk being procedural form rather than substantive institutional transformation.



¹⁸*All India Judges Association v Union of India* (2025) INSC 735 (SC), para 89; Law Commission of India, Reforms in the Judiciary: Some Suggestions (230th Report, August 2009); C J Dias, 'Administrative Reforms in the Indian Judiciary: Prospects and Challenges' (2021) 5 Indian Law Review 98

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