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**BALANCING PRACTICAL EXPOSURE AND LEGAL TALENT IN
CIVIL JUDGE EXAMINATION: AN EMPIRICAL CRITIQUE OF
BHUMIKA TRUST V. UNION OF INDIA**

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Abstract

This research paper provides a comprehensive analysis of the landmark judgment in *Bhumika Trust v. Union of India* (2026 INSC 904), wherein the Supreme Court reviewed and modified its earlier decision that had mandated a three-year practice requirement for entry into the judicial service as Civil Judge (Junior Division). The paper traces the historical evolution of eligibility requirements through the AIJA cases, examines the competing considerations of maintaining judicial competence and attracting meritorious talent, and analyses the innovative framework adopted by the Court combining limited prior practice with structured post-selection training. The judgment addresses critical issues of inclusivity for persons with disabilities and women candidates, while grappling with the challenge of balancing institutional needs with practical fairness to aspiring judges. The paper concludes that the modified framework represents a pragmatic middle path that preserves the requirement for practical exposure while acknowledging the effectiveness of institutional training and the adverse impact of sudden regulatory changes.

Keywords: Judicial Recruitment, Civil Judge, Three Year Practice Rule, Judicial Training, Disability Justice, Gender Justice.

The Exordium

The appointment of judges at the entry level of the Indian judicial hierarchy has been a subject of considerable constitutional concern and litigation spanning nearly three decades. The fundamental question that has occupied the Supreme Court's attention across multiple

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decisions is deceptively simple yet extraordinarily complex in its ramifications: What qualifications and prior experience should a person possess before being allowed to compete for the position of Civil Judge (Junior Division)?

On 20 May 2025, a three-judge bench of the Supreme Court, in the context of the ongoing All India Judges' Association (AIJA) case, issued a landmark decision mandating that candidates must possess a minimum of three years' practice at the Bar before appearing for the Civil Judge (Junior Division) examination. This judgment sought to reverse a position that had been in place for more than two decades, following the Third AIJA Case of 2002, wherein fresh law graduates were permitted to enter the judicial service without any prescribed period of practice. However, the 2025 judgment triggered considerable concerns from multiple stakeholders, including civil society organizations representing persons with disabilities, candidates awaiting recruitment, legal academia, and several High Courts. These concerns centred on the sudden change in eligibility criteria, the disproportionate impact on women and economically disadvantaged candidates, and questions regarding whether a mandatory practice period was the most effective means of ensuring judicial competence. In response to these concerns, Bhumika Trust, an organization representing persons with disabilities, filed Writ Petition (Civil) No. 1110/2025, seeking exemptions from the three-year practice requirement. This petition, along with several review petitions filed against the 2025 judgment, came before a bench comprising Chief Justice Surya Kant and Justice Augustine George Masih. Through a detailed judgment dated 21 August 2026, the Court effected a significant modification to the 2025 decision, while maintaining the core principle that practical exposure to the functioning of courts is desirable for judicial officers. This research paper undertakes a comprehensive analysis of this evolving jurisprudence on judicial recruitment standards. It examines the historical underpinnings of the various positions taken by the Court, analyses the different stakeholder perspectives, and critically evaluates the modified framework adopted in the August 2026 judgment. The paper argues that while the Court's decision to require some prior exposure to courts is well-founded, the manner of its implementation requires careful calibration to ensure that it does not inadvertently exclude meritorious candidates or create barriers for marginalized communities.

Historical Evolution

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The genesis of judicial recruitment concerns in modern times can be traced to the First All India Judges' Association case, decided on 6 March 1992. While this case did not directly address the eligibility criteria for entry-level judges, it established important constitutional principles regarding judicial independence and the minimum standards necessary to secure an independent and impartial judiciary. The case dealt primarily with the conditions of service of judges, recognizing that judicial independence could not be maintained if judges were subjected to financial hardship or insecurity. The Court's observations in the First AIJA Case, however, set the conceptual foundation for later pronouncements. It distinguished between the work of judicial officers and executive officers, noting that while executive officers engage in significant physical movement and fieldwork, judicial officers perform largely sedentary, mentally demanding work. This distinction became relevant in subsequent discussions about the qualifications required for judicial office.

The Second AIJA Case, decided on 24 August 1993, represents the first substantive judicial intervention in the matter of eligibility criteria for entry-level judges. This decision arose from Review Petition No. 249/1992 and connected review petitions in Writ Petition No. 1022/1989, which is the foundational case within which all subsequent proceedings, including the present case, continue to operate. At that time, the Court observed significant variations in the qualifications prescribed and procedures adopted for recruitment of judges at the entry level across different States. In most States, the position of Civil Judge-cum-Judicial Magistrate First Class, Magistrate First Class, or Munsiff Magistrate required a minimum of three years' practice as a lawyer in addition to a law degree. However, in certain States, this practice requirement had been entirely dispensed with, allowing fresh law graduates to enter the judicial service with merely a law degree. To resolve this confusion and establish uniformity, the Court relied on the provisions of the Constitution itself. The Court noted that Article 233(2) of the Constitution mandates that no person is eligible for appointment as a District Judge unless he has been an advocate or pleader for not less than seven years. Similarly, Articles 217(2)(b) and 124(3)(b) require at least ten years' practice as an advocate for appointment as a High Court Judge and Supreme Court Judge respectively. The Court reasoned that if experience at the Bar was considered indispensable at higher levels of the judiciary, it would be incongruous to dispense with it at the grassroots level where adjudication first begins. Drawing this logical and constitutional parallel, the Court directed all States to prescribe three years' practice as a lawyer as an essential qualification for

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recruitment as a judicial officer at the entry level. The Court articulated that this requirement was 'calculated to ensure recruitment of competent, independent and honest judicial officers and thus to strengthen the administration of justice and the confidence of public in it.'

Following the directives of the Second AIJA Case, the Government of India constituted the First National Judicial Pay Commission on 21 March 1996 under the chairmanship of Justice K.J. Shetty. Although the commission was primarily tasked with examining the pay structure of judicial officers, its terms of reference were sufficiently broad to encompass questions related to qualifications for entry into judicial service. The Shetty Commission published its report on 11 November 1999, and significantly, it recommended that the requirement of three years' practice could be dispensed with. The Commission's reasoning reflected an important observation about the evolution of legal education in India. It noted that the original recommendation for prescribing a minimum period of practice had been based on the Law Commission's Fourteenth Report of 1958, made at a time when the LL.B. course was of two years' duration and practical training in law was not incorporated into the curriculum. However, by the time the Shetty Commission submitted its report, legal education in India had undergone significant transformation. The introduction of three-year LL.B. courses and integrated five-year courses such as B.A. LL.B. had incorporated substantial practical components into the curriculum. Furthermore, the very purpose of establishing law schools—to enrich the Indian Bar—was, according to the Commission, being defeated by insisting on three years' practice as a precondition for judicial service. The Shetty Commission suggested an alternative: if intensive induction training of approximately one year were provided to young law graduates, the necessity to insist on practice at all could be eliminated. This recommendation reflected a philosophical shift from emphasizing prior bar experience to emphasizing structured institutional training as the primary mechanism for equipping judges with the requisite skills and temperament.

The recommendations of the Shetty Commission came before the Supreme Court for consideration in the Third All India Judges' Association case, decided on 21 March 2002. In this landmark decision, the Court adopted the Shetty Commission's recommendations and reversed its own earlier position from the Second AIJA Case. The Court acknowledged that while the three-year practice requirement had been appropriately prescribed following the Second AIJA Case, the mandatory nature of this requirement was having the unintended consequence of deterring the most qualified candidates from entering judicial service. The

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Third AIJA Case represented a significant philosophical shift. Rather than mandating bar practice as a prerequisite, the Court recognized that fresh law graduates possessed the foundational knowledge required to enter judicial service, provided they underwent appropriate training. The Court recommended that such recruits should be imparted training for a period of not less than one year and preferably for two years to equip them for their judicial responsibilities. Following this decision, High Courts and State Governments amended their respective recruitment rules, and the three-year practice requirement was removed as a mandatory precondition for appearing in the examination. Fresh law graduates became eligible to compete for positions in the judicial service, provided they underwent the prescribed training program after selection.

The 2025 Requirement: Restoration Of The Three-Year Practice Rule

After more than two decades of permitting fresh law graduates to enter the judicial service without any prescribed prior practice, the Supreme Court once again reconsidered this position in 2023. In the judgment dated 20 May 2025 (hereinafter 'the Judgment under Review' or '2025 Judgment'), a three-judge bench decided that the requirement of three years' practice should be restored as a mandatory eligibility criterion for appearing in the examination for the post of Civil Judge (Junior Division). The Court's reasoning for this reversal centred on several key findings: First, the Court placed significant reliance on feedback from High Courts across the country. In their responses to the Court's queries, most High Courts reported that the experiment of recruiting fresh law graduates without bar experience had not been successful. The courts noted that such officers were often unfamiliar with court procedure and procedures, and were unable to handle proceedings properly. Particular difficulties were reported when urgent orders needed to be passed in crucial matters. Second, the Court found that officers appointed directly from law school frequently lacked familiarity with court decorum and took considerable time to acclimate themselves to the court environment. Routine behavioural complaints were being received concerning their attitudes towards advocates, litigants, superiors, and staff members. Third, the Court recognized that academic brilliance alone was insufficient to overcome these practical deficiencies. The Court observed that fresh law graduates with no exposure to the court environment are not 'steeped into the culture, etiquette, temper and conduct of the court proceedings,' and that this cultural and procedural knowledge could not be acquired through even the best institutional training program. Fourth, the Court drew upon its historical

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observations from the Second AIJA Case, noting that judges must deal from the very first day of their office with questions affecting life, liberty, property, and reputation of litigants. The Court reasoned that neither knowledge derived from books nor pre-service training could be an adequate substitute for first-hand experience of the working of the court system, which can only be acquired through legal practice. On the basis of these findings, the Court concluded that the endeavour to recruit fresh law graduates as judicial officers over the preceding two decades 'has not been a successful experience,' and that appointments of such officers had led to many of the problems enumerated in the affidavits of the High Courts. Accordingly, the Court directed that all High Courts and State Governments amend their recruitment rules to mandate a minimum of three years' practice as an eligibility criterion for appearing in the Civil Judge (Junior Division) examination.

The Stakeholder Inputs & Review Proceedings

Contentions Of The Petitioners

Bhumika Trust, representing several hundred persons with disabilities, filed Writ Petition (Civil) No. 1110/2025 seeking exemptions from the three-year practice requirement. The petitioners, through their learned counsel Ms. Pinky Anand, Ms. Vibha Makhija, and Mr. Colin Gonsalves, advanced several cogent arguments: First, they contended that the judgment had not adequately considered whether three years of practice was the most effective means of achieving the objective of ensuring judicial competence. They argued that while institutional training had been mentioned, it had not been given sufficient weight as an alternative mechanism. They pointed out that the quality and nature of practice at the bar varies considerably from candidate to candidate and is dependent on circumstances and opportunities available to individual candidates. In contrast, institutional training provides a structured and uniform mechanism for imparting requisite skills. Second, they highlighted the evolution of legal education and pre-service judicial training since 1993. They noted that as of 2026, almost every State had its own Judicial Academy, and the infrastructure for formal institutional training had expanded substantially. This development, they argued, provided an alternative pathway to securing the competence that the three-year requirement seeks to ensure. Third, they presented a compelling practical argument regarding the disproportionate impact of the requirement on different categories of candidates: (a) Impact on Women Candidates: The three-year requirement means that women candidates would ordinarily

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become eligible to sit for the examination only at about age twenty-seven. By this age, many women might have been married or subject to familial pressure to marry, leaving them with a comparatively short professional window. Additionally, women candidates frequently shoulder dual responsibilities—professional and household—making it difficult to sustain three years of practice while also preparing for competitive examinations. (b) Impact on Economically Disadvantaged Candidates: The legal profession, particularly outside metropolitan centers, offers little or no remuneration to junior advocates during their initial years of practice. For candidates from economically weaker backgrounds without established professional networks or family support, sustaining oneself for three years without assured income is economically prohibitive. This effectively creates a class-based barrier to entry into the judiciary. (c) Impact on Persons with Disabilities: Persons with disabilities may face particular difficulties in obtaining meaningful opportunities for practice at the bar, given existing barriers and discrimination in the legal profession. The requirement of three years' practice becomes particularly burdensome for this category. Fourth, they pointed out a critical practical difficulty: Civil Judge examinations are not conducted annually in all States but are held depending on vacancies. Consequently, a candidate might be required to practice for anywhere between four and seven years before the first opportunity to appear for the examination becomes available—effectively extending the timeline by which an aspiring judge can enter service. Fifth, they emphasized the issue of legitimate expectation. Candidates who completed their legal education when fresh graduates were eligible had prepared themselves on the basis of that eligibility. The sudden restoration of the requirement in 2025 altered 'the rules of the game midway,' causing substantial hardship to multiple cohorts of law graduates who had made educational and professional decisions based on the pre-2025 regime. Finally, they suggested alternative mechanisms, including structured post-selection training at Judicial Academies, monitored judicial clerkships, and attachments to District Judges as judges-in-training, which they argued could achieve the objectives of the three-year requirement without imposing its burdens.

Response From The High Courts

In response to the Court's order dated 15 January 2026 directing all High Courts to submit their views on the eligibility requirement, the responses revealed a divided judiciary: A larger number of High Courts—including those of Calcutta, Chhattisgarh, Delhi, Gauhati, Himachal Pradesh, Jammu & Kashmir and Ladakh, Jharkhand, Kerala, Madhya Pradesh, Odisha,

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Punjab & Haryana, and Telangana —strongly supported the three-year requirement and opposed any exemptions for specially-abled candidates. Their reasoning centred on the principle of uniform standards and the concern that exemptions for one category would invite parity claims from others, fragmenting the eligibility standard. However, a minority of High Courts took more nuanced positions: — The High Court of Meghalaya suggested a reduced period of practice (of unstated duration) for specially-abled candidates, coupled with an extension of the upper age limit by three to five years. — The High Courts of Uttarakhand and Sikkim proposed a relaxation to two years of practice. — The High Court of Tripura suggested complete dispensing with the requirement for specially-abled candidates. Notably, the High Courts of Manipur and Jharkhand proposed a broader reconceptualization of the experience requirement. They suggested that the underlying objective of ensuring meaningful exposure to the functioning of courts could be achieved through multiple pathways, including Law Clerkships, research attachments with Judges or Courts, apprenticeships with Senior Advocates or experienced practitioners, and other forms of structured legal engagement. This suggestion reflected a recognition that bar practice is merely one—albeit important—means of acquiring requisite experience, and that alternative mechanisms might serve the same purpose.

Suggestions From National Law Universities & Other Universities From Across India:

The responses from academic institutions revealed a more substantial critique of the three-year requirement and greater openness to alternative mechanisms: Several prominent national law universities proposed shorter periods of practice coupled with enhanced institutional training. The National Law University, Jodhpur, proposed a one-year practice requirement supplemented by structured Judicial Clerkships and intensive institutional training. The National Law School of India University, Bengaluru, similarly suggested that three years might be unnecessary given the importance of institutional training for selected candidates. The National Law University, Delhi, proposed a two-year model comprising academy-based instruction followed by rotational attachments to civil and criminal courts under judicial supervision. The Chanakya National Law University, Patna, suggested a similar two-year training framework with specific components for assessment of advocacy skills and court etiquette. Significantly, the academic responses emphasized that mere duration of practice is an unreliable measure of actual competence. The NALSAR University of Law, Hyderabad, characterized the three-year requirement as a potential economic barrier and submitted that

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competence should be assessed through structured training rather than formal duration of practice. Multiple universities noted that the quality of practice experience varies substantially depending on factors such as the chamber, court jurisdiction, mentoring available, and opportunities for meaningful advocacy work.

The Supreme Court's Modified Framework

After comprehensive consideration of the contentions of all parties and the extensive inputs from High Courts, Law Universities, and legal academia, the Supreme Court bench comprising Chief Justice Surya Kant and Justice Augustine George Masih crafted a nuanced framework that seeks to balance multiple competing interests. The framework comprises two distinct phases: a transitional period extending from the date of the 2025 judgment to 31 March 2027, and a post-transition period from 1 April 2027 onwards.

The transitional framework represents an innovative approach designed to minimize hardship to fresh and recent law graduates while preserving the principle of prior exposure to courts. The key features are: First, all law graduates are permitted to apply for the Civil Judge (Junior Division) examination, notwithstanding the three-year practice requirement mandated by the 2025 judgment. Given that more than one year had elapsed since the 2025 judgment when the review decision was rendered, such candidates are deemed to have completed one year of active practice for the purposes of their applications. Critically, they are not required to furnish a separate Certificate of Practice in support of this deemed period. Second, candidates selected during this transitional period are not immediately appointed as Civil Judges but are instead designated as 'Trainee Judicial Officers.' They undergo a compulsory one-year period of intensive training at the concerned State Judicial Academy. This period of institutional training is treated as equivalent to one year of practice at the Bar for the purposes of satisfying the three-year requirement. Third, following successful completion of the Academy training, the Trainee Judicial Officers undergo a further one-year period of structured Law Clerkship. The first six months are spent under the supervision of the Principal District/District and Sessions Judge or Members of the Higher Judicial Services, and the remaining six months under the supervision of a sitting Judge of the concerned High Court. This Law Clerkship period is also treated as equivalent to one year of practice at the Bar. Fourth, during both the Academy training and Law Clerkship periods, Trainee Judicial Officers are paid a fixed emolument equivalent to one-half of the remuneration payable to a

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Judicial Magistrate First Class in the concerned State, along with facilities and benefits ordinarily available to trainees. Fifth, at the conclusion of the Law Clerkship, the supervising High Court Judge submits a reasoned evaluation report assessing the trainee's performance and suitability for judicial office. Upon satisfactory evaluation, the Trainee Judicial Officer is appointed to the regular post and becomes entitled to regular pay scale and service benefits. This transitional framework cleverly addresses multiple concerns: It provides relief to candidates who prepared on the expectation that they would be eligible immediately after graduation. It minimizes the economic burden by ensuring that trainees receive compensation during their training and clerkship periods. It permits candidates to compete without producing certificates of practice. And it maintains the principle of prior exposure to courts through a combination of institutional training and supervised clerkship.

From 1 April 2027 onwards, a revised framework comes into effect, which represents a modified version of the 2025 mandate: First, candidates seeking to appear for the Civil Judge (Junior Division) examination must possess at least one year of actual practice from recognized sources. The practice must be verified through issuance of a Certificate of Practice, which is subject to verification of the candidate's presence and participation in effective judicial proceedings. Second, unlike the transitional period, applications from candidates without the requisite certificate will not be entertained. Third, candidates selected from this cycle onward will nonetheless undergo the same one-year intensive training at the State Judicial Academy followed by the same structure of Law Clerkship (six months under District/Sessions Judge level supervision and six months under High Court Judge supervision). The post-transition framework thus represents a middle ground: it reduces the mandatory prior practice requirement from three years to one year, thereby addressing concerns about economic hardship and barriers to women and marginalized candidates, while maintaining the principle that candidates should have some prior familiarity with the court system. The combination of one year of practice plus structured institutional training is expected to provide the requisite exposure and competence.

Gender Justice & Accessibility

One of the most compelling concerns raised before the Court was the disproportionate impact of a mandatory practice requirement on women candidates. The petitioners' arguments on this issue deserve careful examination: In the Indian social and professional context, particularly

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outside metropolitan centres, women face distinct challenges in establishing professional careers. These include limited access to quality legal work, discrimination in the assignment of cases, harassment in male-dominated professional spaces, and societal expectations regarding marriage and family. The requirement that women must practice for three years before appearing for the examination effectively means they would be at least twenty-seven years old before they could even compete for judicial positions. This creates a narrow window—often barely a decade—between eligibility for judicial service and retirement age. Furthermore, women frequently shoulder dual professional and household responsibilities. During the years they are expected to practice at the Bar while also preparing for competitive examinations, they may face significant familial and social pressure to marry, further compressing their available time and energy. The modified framework addresses this concern by reducing the mandated practice period from three years to one year during the transitional period, and to one year permanently from 2027 onwards. However, it does not create a separate, more favourable regime for women. The Court chose not to carve out distinct eligibility standards for different categories of candidates, reasoning that such fragmentation would undermine the principle of uniformity and would invite parity claims from other groups. This approach reflects an important principle: equality sometimes requires treating different categories differently to achieve substantive equality. However, the Court's rejection of category-specific exemptions suggests a preference for structural solutions (reducing the overall requirement) over exemptions (creating separate regimes). Whether this approach adequately addresses gender concerns remains debatable.

Disability Rights & Reasonable Accommodation

The Bhumika Trust case specifically concerns persons with disabilities. The petitioners argued that the three-year practice requirement creates particular hardships for persons with disabilities who may encounter barriers in obtaining meaningful professional opportunities in the legal field. The Supreme Court's judgment does not create a categorical exemption for persons with disabilities but instead emphasizes 'appropriate accommodation.' The Court observes in paragraph 77 that the directions issued 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.' The Court directed that the Accessibility Committees of High Courts be directed to secure 'meaningful professional engagement, assistive infrastructure' and engagement as Law Clerks for

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candidates with disabilities. The suggestion regarding engagement as Law Clerks is particularly significant because the judgment recognizes that work as a Law Clerk can count toward the practice requirement, thus providing an alternative pathway for persons with disabilities to acquire the necessary experience without necessarily appearing in traditional Bar practice. However, the effectiveness of this accommodation depends on actual implementation by High Courts. The judgment suggests mechanisms but does not create mandatory obligations or consequences for non-compliance. This places the burden on High Courts to take affirmative steps to create opportunities for persons with disabilities, which may or may not occur depending on each court's commitment to disability inclusion.

Conclusion

The *Bhumika Trust v. Union of India* judgment represents an important milestone in the ongoing evolution of judicial recruitment standards in India. The case demonstrates the dynamic nature of constitutional jurisprudence and the Supreme Court's willingness to revisit settled positions when evidence and evolving circumstances warrant such reconsideration. The judgment strikes a delicate balance between competing principles. On one hand, it acknowledges the importance of practical exposure to the functioning of courts and the limitations of pure institutional training in replicating the experiential learning that occurs in legal practice. On the other hand, it recognizes the legitimacy of concerns regarding sudden regulatory changes, disproportionate impact on vulnerable populations, and the potential of well-designed institutional training to develop requisite competencies. By reducing the mandatory prior practice requirement from three years to one year in the permanent framework, the Court partially retreats from the absolutism of the 2025 judgment while maintaining the principle that some prior exposure to courts is desirable. By recognizing that institutional training and Law Clerkship can contribute meaningfully toward developing the requisite experience, the judgment expands the pathways through which candidates can acquire necessary competencies. Perhaps most significantly, the judgment acknowledges that judicial recruitment is not a static, one-time decision but an evolving process requiring periodic assessment and recalibration. By imposing a five-year sunset clause and mandating a review of the scheme's working, the Court creates a mechanism for evidence-based adjustment based on empirical data regarding the quality of recruitment, performance of officers, and effectiveness of training. The judgment does not fully resolve all concerns. Questions remain regarding the actual implementation of provisions for persons with

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disabilities, the adequacy of the training infrastructure, the subjective nature of the evaluation at the conclusion of clerkship, and the long-term effects of the modified scheme on judicial competence and independence. However, by providing a framework that allows for experimentation and evidence-based adjustment, the Court has created space for continuous improvement. In conclusion, *Bhumika Trust v. Union of India* represents a significant contribution to the jurisprudence on judicial appointments in India. It exemplifies how judicial review can be used not merely to strike down regulations, but to craft nuanced, workable compromises that protect legitimate institutional interests while addressing concerns of fairness, inclusion, and equal opportunity. As the modified framework operates over the next five years, it will generate valuable empirical evidence about the relationship between prior professional experience, institutional training, and long-term judicial competence—evidence that will inform future decisions on this critical question.

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