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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 1549/2009

COURT ON ITS OWN MOTION .....Petitioner

Through: Mr. Rajeev K. Virmani, Sr. Adv. / Amicus Curiae with Ms. Shriya Gambhir & Ms. Diva Saigal, Advs.

Versus

STATE .....Respondent

Through: Mrs. Avnish Ahlawat, S.C. with Mrs. Tania Ahlawat, Mr. Nitesh Kr. Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advs. for GNCTD

Mr. Ravinder Agarwal, Mr. Manish Kr. Singh and Ms. Vasu Agarwal, Advs. for UPSC.

Mr. Ripudaman Bhardwaj, Mr. Kushagra Kumar & Mr. Amit Kumar Rana, Advs. for CBI.

Mr. Krishan Kumar and Mr. S. P. Nangia, Mr. Akshay Bhardwaj, Mr. Anubhav Kumar, Mr. Shivam Bedi, Mr. Manish Sharma, Advs. with Mr. Shubhra Goyal, Vice President, DPWA & Mr. Ankit Aggarwal, Joint Secretary, DPWA.

Mr. Abhishek Aggarwal, Adv. for R-16 and 27.

Mr. Jagdish Chandra & Ms. Maanya Sadena, Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 22.04.2026

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CRL.M.A. 18506/2013, CRL.M.A. 13869/2014, CRL.M.A. 14366/2014, CRL.M.A. 11196/2015, CRL.M.A. 3847/2023, CRL.M.A. 3961/2023, CRL.M.A. 13451/2024, CRL.M.A. 2535/2025 & CRL.M.A. 16892/2025

1. Pursuant to our order dated 15.04.2026, an Affidavit has been filed by the Government of NCT of Delhi (GNCTD) which is taken on record. The Affidavit filed by Union Public Service Commission (UPSC) is also taken on record. As per the said Affidavits, the post wise position which emerges is as under:

Public Prosecutor

2. The Recruitment Rules were notified on 19.12.2025. Thereafter, the requisition for initiating the process of recruitment is said to have been taken with the UPSC on 14.01.2026 and thereafter a proposal for promotion to the post has been submitted to the UPSC on 10.04.2026. In the Affidavit submitted by UPSC, it has been indicated that the proposal sent for promotion to the post of Public Prosecutor does not contain the relevant Annual Confidential Reports of the officers who fall within the zone of consideration to the said post.

3. Mr. Rajeev K. Virmani, learned Amicus Curiae has stated that any delay in promotion to the post of Public Prosecutor ultimately causes delay in disposal of the trails and accordingly, we direct that complete proposal including all the documents and requisite information shall be submitted by GNCTD to the UPSC within a week from today.

Additional Public Prosecutor / Assistant Public Prosecutor

4. The Recruitment Rules for Additional Public Prosecutor were notified on 02.04.2026. The proposal for promotion is under preparation with the Directorate of Prosecution, GNCTD. For the post of Assistant Public

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Prosecutor, the Recruitment Rules are said to have been notified on 19.01.2026 and requisition for initiating the process of recruitment is said to have taken up with the UPSC on 18.02.2026. The proposal for appointment to the post of Assistant Public Prosecutor is said to have been sent to UPSC on 15.04.2026.

5. Mr. Rajeev K. Virmani, learned Amicus Curiae has informed that insofar as Additional Public Prosecutors are concerned, there are 183 Courts of Magistrate in Delhi and 157 courts of Additional Sessions Judges. As against the aforesaid number of posts, 145 Additional Public Prosecutors and 150 Assistant Public Prosecutors are working. The proposal for recruitment against the post of Assistant Public Prosecutor is in respect of 140 Additional / Assistant Public Prosecutors. As a result of the inadequate number of Assistant and Additional Public Prosecutors, each Court of Magistrates and that of Additional Sessions Judges are not even manned by one such Assistant Public Prosecutor / Additional Public Prosecutor. As a result, one Assistant Public Prosecutor or Additional Public Prosecutor is supposed to take care of the work of two Courts and sometimes of more than two courts. Such a situation in our opinion adds to the delay in trial which cannot be accepted. In these circumstances, we expect the Delhi Government to be alive to the situation and take appropriate, prompt and adequate steps to ensure that the vacancies against the posts of Additional Public Prosecutors / Assistant Public Prosecutors are filled in immediately.

6. We issue directions accordingly.

7. We also direct that the requisite documents, information, proposals etc. for initiating the process of recruitment shall be submitted by GNCTD in physical form as well for initiating the process of appointment for the

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posts of Public Prosecutor / Assistant Public Prosecutor within a fortnight.

8. The status report filed by Central Bureau of Investigation (CBI) is taken on record. As per the said status report, the Department of Personnel & Training (DoPT) has required the CBI to furnish a revised proposal with all requisite details. The said revised proposal has also been submitted by the CBI in this month. Accordingly, we direct that the requisite action which may be warranted on this revised proposal submitted by the CBI shall be taken by the DoPT at the earliest.

9. List on 24.07.2026.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

APRIL 22, 2026
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