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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. Advocate (Amicus Curiae) with Ms. Shreya Gambhir, Ms. Diva Saigal and Ms. Saloni Sharma, Advocates.

versus

STATE .....Respondent

Through: Ms. Avnish Ahlawat, Standing Counsel (Services) with Mr. Nitesh Kumar Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.
Mr. Jagdish Chandra, CGSC with Ms. Maanya Saxena and Mr. Siddharth Bajaj, Advocates for UOI.
Mr. Ravinder Agarwal, Mr. Manish Kumar Singh and Mr. Vasu Agarwal, Advocates for R-5/UPSC.
Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar and Mr. Amit Kumar Rana, Advocates for CBI.
Ms. Shagun Shahi Chugh, Mr. Varun Chugh and Ms. Kavya Choudhury, Advocates for Delhi Police.
Ms. Santosh, Advocate and Mr. Jamshed Ansari, Addl. P.P., Secretary, DPWA.
Mr. Jayant Sood, Senior Advocate with Mr. Abhishek Aggarwal, Mr. Vinayak Bhardwaj and Mr. Sahib Kochhar, Advocates for Intervenor Nos. 16 and 21.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

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O R D E R

% 22.12.2025

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 18.12.2025, Mr. Ravinder Agarwal, learned counsel appearing for the Union Public Service Commission (hereinafter referred to as "UPSC") has been instructed by the Under Secretary of the Commission to state that recruitment process normally takes a period of 9 to 12 months to complete, depending upon various factors.

2. The said instructions are contained in the letter of the Under Secretary of the Commission dated 20.12.2025, which is taken on record.

3. We appreciate the stance taken by the UPSC where it has acknowledged the urgency of the matter. However, having regard to the pressing need of the recruitment of the Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors, we direct that the commission shall make all its endeavour to complete the process within six months from the date it receives the requisition from Delhi Government.

4. Our attention has been drawn regarding vacancy in the office of Director, Deputy Director and Assistant Director in the Directorate of Prosecution. We have been informed that Recruitment Rules for making appointment against the said posts are in the process of being finalized.

5. So far as the appointment of Director, Deputy Director and Assistant Director in the Directorate of Prosecution is concerned, in terms of the requirement of Section 20 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") cadre restructuring is to take place which, according to the note presented today by Ms. Avnish Ahlawat, learned Standing Counsel representing the GNCTD has been done *vide* order dated

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25.11.2024 and, accordingly, two new posts that is the post of Deputy Director (Prosecution) and Assistant Director (Prosecution) in addition to Director of Prosecution have been created which is in tune with the requirement of Section 20 of BNSS, 2023. The note further states that the draft recruitment rules for appointment to the post of Director, Deputy Director and Assistant Director are in the process of being finalized and in the meantime, "*in consonance with Section 20 of BNSS, 2023, a proposal for formation of Search Committee for recruitment of Directorate of Prosecution was forwarded to the Services Department, GNCTD in August, 2025*".

6. When we asked as to for what purpose this Search Committee has been constituted, it has been stated by Ms. Ahlawat that the Search Committee has been formed for the purposes of finalising the Recruitment Rules. We find it difficult to accept such an explanation. The formation of Search Committee is a stage which may arise only once the recruitment rules are finalized.

7. It has been two years since the BNSS, 2023 has been enforced and the cadre restructuring was also done about a year ago, to be specific, on 25.11.2024. However, for want of finalization of Recruitment Rules neither the Director nor the Deputy Director nor even the Assistant Director in the Prosecution of Directorate have been appointed as per the requirement of Section 20 of BNSS, 2023. As a result of vacancies on these higher posts in the Directorate of Prosecution, it is needless to observe that prosecution in the State is suffering at large.

8. In these circumstances, we direct that Recruitment Rules for appointment to the post of Director, Deputy Director and Assistant Director in the Directorate of Prosecution, GNCTD shall be finalized within a maximum period of ten weeks from today. Once the rules are finalized, further steps shall be taken for initiating the recruitment against these posts.

9. An affidavit on behalf of GNCTD shall be filed detailing therein the

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steps which might be taken in the meantime to ensure compliance of this order.

10. The note tendered today to the Court by Ms. Ahlawat is taken on record.

11. List on 14.01.2026. Matter to be placed, 'High on Board'.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 22, 2025
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