

SUPREME COURT OF INDIA

The Collegium of the Supreme Court recommended the names of the following seven District Judges for appointment as Judges of the High Court of Madhya Pradesh:

- (i) Shri Roopesh Chandra Varshney,
- (ii) Ms. Anuradha Shukla,
- (iii) Shri Sanjeev Sudhakar Kalgaonkar,
- (iv) Shri Prem Narayan Singh,
- (v) Shri Achal Kumar Paliwal,
- (vi) Shri Hirdesh, and
- (vii) Shri Avnindra Kumar Singh.

On 23 November 2022, the Chief Justice of the High Court of Madhya Pradesh recommended the elevation of the above seven Judicial Officers as Judges of the High Court of Madhya Pradesh in consultation with his two senior-most colleagues. The Chief Minister and the Governor of the State of Madhya Pradesh have endorsed the recommendations. The file was received in the Supreme Court from Department of Justice on 7 April 2023.

In terms of the Memorandum of Procedure, in order to ascertain the fitness and suitability of the candidates for elevation to the High Court, the Judge of the Supreme Court conversant with the affairs of the High Court of Madhya Pradesh has been consulted.

For the purpose of assessing the merit and suitability of the above-named candidates for elevation to the High Court, we have scrutinized the material placed on record including the observations made by the Department of Justice in the file as well as the complaints received against the candidates.

1. Shri Roopesh Chandra Varshney (Sl. No. (i) above)

The candidate joined judicial service on 28 September 1987 and is a senior member of the Madhya Pradesh Higher Judicial Service. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. His judicial performance, as assessed by the Evaluation Committee of Judges, is very good. The annual confidential reports of the candidate are noteworthy. On the date of the recommendation by the Collegium of the High Court, he was about 59.10 years of age. He has since retired from judicial service on reaching the age of superannuation. However, on the date of the vacancy against which his name has been recommended, his age was 58.03 years and thus qualifies with reference to the prescribed age criterion. Having regard to the above and the legitimate expectation based on the long period of service rendered by him, the Collegium is of the considered opinion that Shri Roopesh Chandra Varshney is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

2. Ms. Anuradha Shukla (Sl. No. (ii) above)

The candidate joined judicial service on 17 September 1990 and is a member of the Madhya Pradesh Higher Judicial Service. The

Intelligence Bureau has reported that she has good personal and professional image and that nothing adverse has come to notice against her integrity. We have considered the opinion of our consultee-colleague. Her judicial performance, as assessed by the Evaluation Committee of Judges, is very good. The annual confidential reports of the candidate are noteworthy. Having regard to the above, the Collegium is of the considered opinion that Ms. Anuradha Shukla is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

3. Shri Sanjeev Sudhakar Kalgaonkar (Sl. No. (iii) above)

The candidate joined judicial service on 24 May 1994 and is a member of the Madhya Pradesh Higher Judicial Service. He is presently functioning, on deputation, as the Secretary General of the Supreme Court. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. The judicial performance of Shri Sanjeev Sudhakar Kalgaonkar, as assessed by the Evaluation Committee of Judges, is excellent/ very good. The annual confidential reports of the candidate are noteworthy. Having regard to the above, the Collegium is of the considered opinion that Shri Sanjeev Sudhakar Kalgaonkar is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

4. Shri Prem Narayan Singh (Sl. No. (iv) above)

The candidate joined judicial service on 16 July 1990 and is a senior member of the Madhya Pradesh Higher Judicial Service. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. His

judicial performance, as assessed by the Evaluation Committee of Judges, is excellent/very good. Shri Prem Narayan Singh on the date of recommendation by the Collegium of the High Court was about 59.03 years of age. As on date, he is 59.07 years of age and is due to retire shortly from judicial service on attaining the age of superannuation. However, on the date of vacancy against which his name has been recommended, his age was 58.03 years and thus he qualifies in terms of the prescribed age criterion. The annual confidential reports of the candidate are noteworthy. Having regard to the above and the legitimate expectation based on the long period of service rendered by him, the Collegium is of the considered opinion that Shri Prem Narayan Singh is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

5. Shri Achal Kumar Paliwal (Sl. No. (v) above)

The candidate joined judicial service on 14 July 1990 and is a senior member of the Madhya Pradesh Higher Judicial Service. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. His judicial performance, as assessed by the Evaluation Committee of Judges, is very good/good. Shri Achal Kumar Paliwal on the date of recommendation by the Collegium of the High Court was about 58.10 years of age. As on date, he is 59.03 years of age. However, on the date of vacancy against which his name has been recommended, his age was 58.03 years and thus he qualifies in terms of the prescribed age criterion. The annual confidential reports of the candidate are noteworthy. Having regard to the above and the legitimate expectation based on the long period of service rendered by him, the Collegium is of the considered

opinion that Shri Achal Kumar Paliwal is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

6. Shri Hirdesh (Sl. No. (vi) above)

The candidate joined judicial service on 05 July 1990 and is a member of the Madhya Pradesh Higher Judicial Service. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. The judicial performance of Shri Hirdesh, as assessed by the Evaluation Committee of Judges, is very good/good. The annual confidential reports of the candidate are noteworthy. Having regard to the above, the Collegium is of the considered opinion that Shri Hirdesh is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

7. Shri Avnindra Kumar Singh (Sl. No. (vii) above)

The candidate joined judicial service on 31 May 1990 and is a member of the Madhya Pradesh Higher Judicial Service. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice against his integrity. The judicial performance of Shri Avnindra Kumar Singh, as assessed by the Evaluation Committee of Judges, is very good. The annual confidential reports of the candidate are noteworthy. Having regard to the above, the Collegium is of the considered opinion that Shri Avnindra Kumar Singh is suitable for appointment as a Judge of the High Court of Madhya Pradesh.

We have also taken note of the fact that the above proposal involves non-recommendation of two senior Judicial Officers. In this regard, the High Court Collegium has duly recorded reasons for not recommending the names of these Judicial Officers. We are in agreement with the justification given by the High Court Collegium in its Minutes for not recommending these senior Judicial Officers.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Roopesh Chandra Varshney, (2) Ms. Anuradha Shukla, (3) Sanjeev Sudhakar Kalgaonkar, (4) Prem Narayan Singh, (5) Achal Kumar Paliwal, (6) Hirdesh, and (7) Avnindra Kumar Singh, Judicial Officers, be appointed as Judges of the High Court of Madhya Pradesh. Their *inter se* seniority be fixed as per the existing practice.

(Dhananjaya Y Chandrachud), C.J.I.

(Sanjay Kishan Kaul), J.

(K.M. Joseph), J.

April 12, 2023

SUPREME COURT OF INDIA

The Supreme Court Collegium recommended the name of Shri Sanjay Kumar Jaiswal, Judicial Officer for appointment as a Judge of the High Court of Chhattisgarh in the following terms:

On 02 September 2022, the then Chief Justice of the High Court of Chhattisgarh in consultation with his two senior-most colleagues made the recommendation. The file was received in the Supreme Court from Department of Justice on 01 April 2023.

As regards views of the State Government, the Department of Justice has recorded in the file that the constitutional authorities have not given any input so far in respect of the above recommendation made by the High Court Collegium. The proposal has been processed by invoking Para 14 of the Memorandum of Procedure which provides that if the comments of the Governor as advised by the Chief Minister are not received within six weeks from the date of receipt of the proposal from the Chief Justice of the High Court, it shall be presumed by the Union Minister of Law and Justice that the constitutional authorities in the State have nothing to add to the proposal and proceed accordingly.

At present, there is no Judge in the Supreme Court conversant with the affairs of the High Court of Chhattisgarh to assist us in the process of ascertaining suitability of the candidate.

For the purpose of assessing the merit and suitability of the candidate for elevation to the High Court, we have scrutinized and evaluated the material placed on record. We have also perused the observations made by the Department of Justice in the file as well as complaint received against the candidate.

The Intelligence Bureau has reported that he enjoys good personal and professional image and that nothing adverse has come to notice against his integrity. Shri Sanjay Kumar Jaiswal is about 58 years of age. On the date of vacancy against which his name has been recommended, his age was 57 years. Department of Justice has not pointed out anything adverse in regard to his suitability for elevation. He belongs to the OBC category. Having regard to these aspects, the Collegium is of the considered opinion that Shri Sanjay Kumar Jaiswal is suitable for appointment as a Judge of the High Court of Chhattisgarh.

While considering the above proposal, we have also taken note of the fact that the above proposal involves non-recommendation of a senior Judicial Officer. In this regard, we are in agreement with the justification given by the High Court Collegium in its Minutes for not recommending the name of the senior Judicial Officer.

In view of the above, the Collegium resolves to recommend that Shri Sanjay Kumar Jaiswal, Judicial Officer, be appointed as a Judge of the High Court of Chhattisgarh.

(Dhananjaya Y Chandrachud), C.J.I.

(Sanjay Kishan Kaul), J.

(K.M. Joseph), J.

April 12, 2023

SUPREME COURT OF INDIA

The Collegium of the Supreme Court recommended the names of the following three Advocates and a Judicial Officer for appointment as Judges of the High Court of Uttarakhand:

Advocates:

- (i) Shri Rakesh Thapliyal,
- (ii) Shri Pankaj Purohit, and
- (iii) Shri Subhash Upadhyay.

Judicial Officer:

- (iv) Shri Vivek Bharti Sharma.

On 07 September 2022, the Chief Justice of the High Court of Uttarakhand made the above recommendation in consultation with his two senior-most colleagues. The Chief Minister and the Governor of the State of Uttarakhand have concurred with the recommendation. The file was received in the Supreme Court from Department of Justice on 01 April 2023.

In terms of the Memorandum of Procedure, in order to ascertain the suitability of above-named candidates for elevation to the High Court, the Judges of the Supreme Court, conversant with the affairs of the High Court of Uttarakhand, were consulted.

For the purpose of assessing the merit and suitability of the above-named candidates for elevation to the High Court, we have scrutinized and evaluated the material placed on record including certain complaints. We have also perused the observations made by the Department of Justice in the file as well as complaints received against the candidates.

1. Shri Rakesh Thapliyal, Advocate (Sl. No.(i) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s. He is reported to be a designated senior advocate practising with domain expertise in service and criminal law. Though he has crossed the age of 55 years, the Collegium of the High Court has recommended his name looking into his credentials, reputation and performance in the court and considering the fact that Collegium is not able to identify other suitable names from the Bar. Keeping in mind the above aspects, the Collegium is of the considered opinion that Shri Rakesh Thapliyal is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

2. Shri Pankaj Purohit, Advocate (Sl. No.(ii) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s. He is reported by the consultee-Judges to be deserving and suitable for elevation. He fulfils the age and income

criteria. In view of the above, the Collegium is of the considered opinion that Shri Pankaj Purohit is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

3. Shri Subhash Upadhyay, Advocate (Sl. No.(iii) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s who have found him suitable for elevation. He is reported to be a competent counsel practising with domain expertise in service law. The Collegium has considered the fact that it is difficult to identify other suitable names from the Bar. Keeping in mind the above aspects, the Collegium is of the considered opinion that Shri Subhash Upadhyay is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

4. Shri Vivek Bharti Sharma, Judicial Officer (Sl. No.(iv) above)

He joined judicial service in the year 2006 and has considerable experience on the judicial side. He is the senior-most member of the Uttarakhand Higher Judicial Service and is presently posted as Registrar General in the High Court. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s who have found him suitable for elevation. The Collegium of the High Court has recommended his name though on the date of occurrence of vacancy, he had crossed the age limit of 58½ years, considering his outstanding assessment as judicial officer and as

Registrar General. Keeping in view the above, this Collegium is of the considered opinion that Shri Vivek Bharti Sharma is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Rakesh Thapliyal, (2) Pankaj Purohit, (3) Subhash Upadhyay, Advocates and (4) Shri Vivek Bharti Sharma, Judicial Officer, be appointed as Judges of the High Court of Uttarakhand. Their *inter se* seniority be fixed as per the existing practice.

(Dhananjaya Y Chandrachud), C.J.I.

(Sanjay Kishan Kaul), J.

(K.M. Joseph), J.

April 12, 2023

