

## SUPREME COURT OF INDIA

### **Re: Filling up vacancies of judges in the Supreme Court.**

The Supreme Court of India has a sanctioned strength of thirty-four Judges and is presently functioning with thirty-two Judges. Thus, there are two clear vacancies. With four more vacancies which are going to arise by the second week of July the working strength of Judges would come to twenty-eight. The Collegium has, however, unanimously resolved to recommend, for the present, names to fill up the two existing vacancies.

The Collegium deliberated on and discussed the names of Chief Justices and senior puisne Judges of the High Courts eligible for appointment to the Supreme Court.

While recommending appointments to the Supreme Court the Collegium has taken into consideration the following aspects:

- a. The seniority of Chief Justices and senior puisne Judges in their respective parent High Courts as well as overall seniority of the High Court Judges;
- b. The merit, performance and integrity of the judges under consideration; and
- c. The need to ensure diversity and inclusion in the Supreme Court by:
  - (i) representation of High Courts which are not represented or are inadequately represented, in the Supreme Court;
  - (ii) appointment of persons from marginalized and backward segments of society;
  - (iii) gender diversity; and
  - (iv) representation of minorities.

After carefully evaluating the merit, integrity and competence of eligible Chief Justices and senior puisne Judges of the High Courts and also accommodating a plurality of considerations, the Collegium finds Mr. Justice Prashant Kumar Mishra, Chief Justice, Andhra Pradesh High Court (PHC: Chhattisgarh) to be more deserving and suitable in all respects for being appointed as a Judge of the Supreme Court of India

The Collegium unanimously resolves to recommend that Mr Justice Prashant Kumar Mishra be appointed as a Judge of the Supreme Court of India.

Justice Prashant Kumar Mishra was appointed as a judge of the High Court of Chhattisgarh on 10 December 2009. He was appointed as the Chief Justice of the High Court of Andhra Pradesh on 13 October 2021. There is no representation to the High Court of Chhattisgarh in the present composition of the Supreme Court of India.

Justice Prashant Kumar Mishra has served as a judge of the High Court for over thirteen years and ranks at serial number 21 in the All-India Seniority List of judges of the High Courts. During his tenure of nearly twelve years as a judge of the High Court of Chhattisgarh, Justice Mishra has acquired significant experience in diverse fields of law. His judgments cover wide ranging issues pertaining to law and justice. Besides according representation to the State of Chhattisgarh, the appointment of Justice Prashant Kumar Mishra will provide a value addition in terms of his acquired knowledge and experience. Justice Mishra is a judge with integrity.

The Collegium is conscious of the fact that the present Chief Justice of the Allahabad High Court who was appointed as a judge on 31 March 2009 is

drawn from the parent High Court of Chhattisgarh and ranks senior to Justice Prashant Kumar Mishra. However, having considered all relevant factors, the Collegium is of the view that Justice Prashant Kumar Mishra is worthy of appointment as a judge of the Supreme Court.

Having regard to the fact that at present there is only one member from the Bar directly appointed to the Supreme Court Bench, the Collegium has also considered the names of eminent members of the Bar. In their considered opinion, Mr K V Viswanathan, Senior Advocate is eminently suitable for being appointed as a Judge of the Supreme Court. The appointment of Shri K V Viswanathan will enhance the representation to the Bar in the composition of the Supreme Court. Shri Viswanathan is a distinguished member of the Bar of the Supreme Court. His wide experience and profound knowledge will provide a significant value addition to the Supreme Court.

Shri K V Viswanathan completed the five-year integrated law degree from Coimbatore Law College, Bharathiyar University and enrolled with the Bar Council of Tamil Nadu in 1988. After practising before the Supreme Court for over two decades, he was designated as a senior advocate in 2009.

Shri Viswanathan has appeared in a wide range of cases on diverse subjects including Constitutional law, criminal law, commercial law, the law of Insolvency, and Arbitration. His stature as an eminent member of the Bar has been recognised by the Supreme Court in numerous cases where he was appointed to assist the Court as *amicus curiae*.

Shri Viswanathan has a sound understanding of law and is known in the legal fraternity for his integrity and as an upright senior member of the Bar.

Shri K V Viswanathan was born on 26 May 1966 and on his appointment as a judge of the Supreme Court would serve in that capacity until 25 May 2031. On the retirement of Justice Jamshed Burjor Pardiwala on 11 August 2030, Shri Viswanathan would be in line to assume office as the Chief Justice of India till his retirement on 25 May 2031.

In view of the foregoing, the Collegium further resolves to recommend that the appointments of the above persons be made in the following order of seniority:

- i. Mr Justice Prashant Kumar Mishra,
- ii. Mr K V Viswanathan.

( Dhananjaya Y Chandrachud ), CJI

( Sanjay Kishan Kaul ), J

( K.M. Joseph ), J

( Ajay Rastogi ), J

( Sanjiv Khanna ), J

16 May 2023.