

**APPOINTMENT OF JUDGES  
OF THE HIGH COURTS**



## High Court Collegium (Chief Justice + J-1 + J-2)

Consultation with eminent  
Members of the Bar

Consultation with  
other Judges

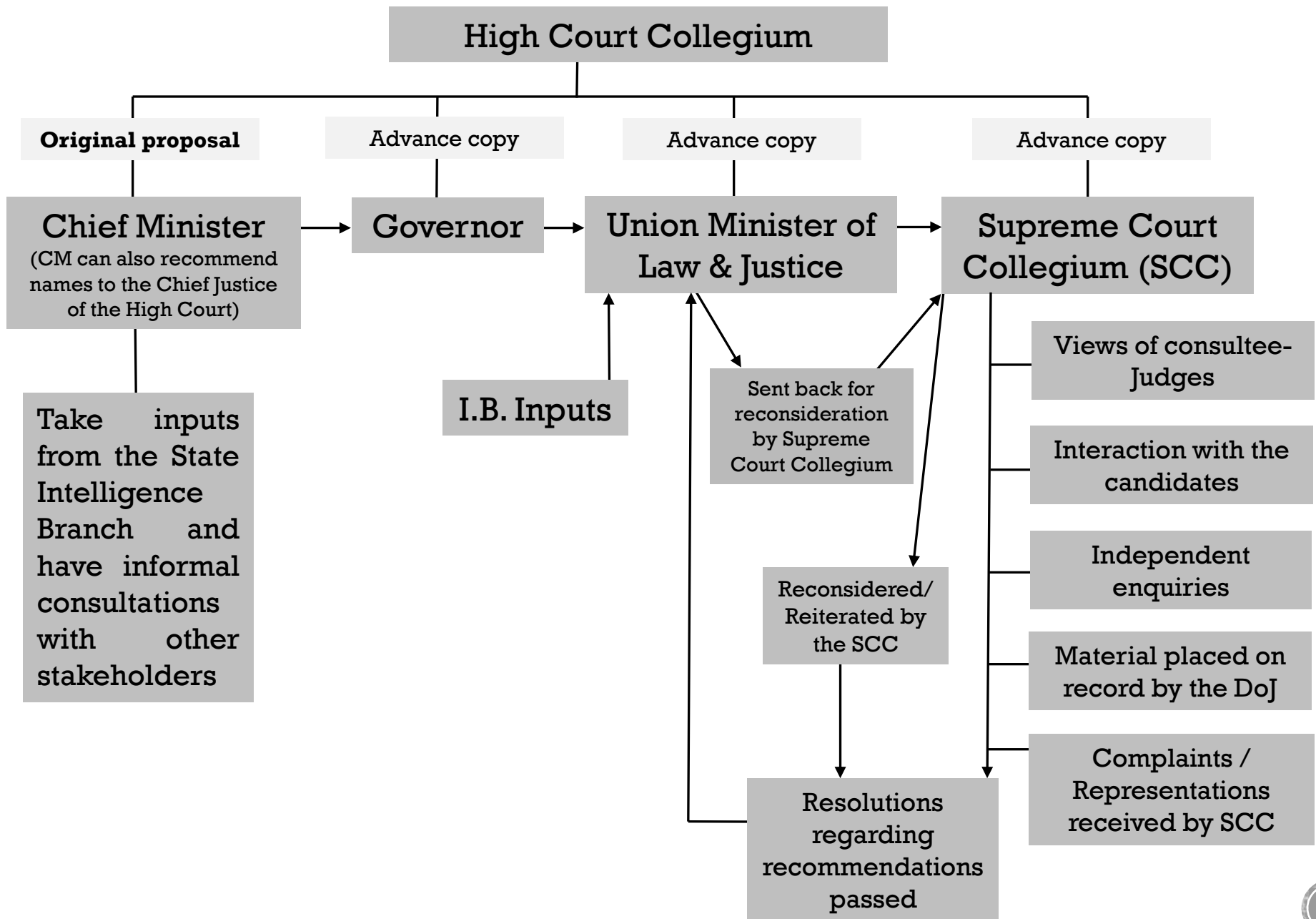
In case of Judicial Officers,  
assessment of their  
judgments by a Committee  
of senior Judge(s) who are  
not a part of the Collegium

### Factors to be taken into consideration:

- $66\frac{2}{3}$  posts for Members of Bar and  $33\frac{1}{3}$  posts for Judicial Officers.
- Merit and integrity as the prime criteria.
- Candidates from the Bar– Age between 45- 55 years, on the date of recommendation (relaxation may be made if the person is otherwise of outstanding merit).
- Advocate should be an income tax assessee for the preceding 10 years, if not exempted from paying income tax.
- Average net professional income– minimum Rs. 7 lakhs per annum during the preceding five years.
- Adequate number of reported judgments.
- Pro-bono work of the Advocates in the courts.
- Performance of the advocates in the courts.
- Age for Judicial Officers – Within  $58\frac{1}{2}$  years on the date when the vacancy arises.
- Due weightage to *inter se* seniority of Judicial Officers.
- Social diversity and representation to women and other marginalized sections of the society.

### Criteria for assessment of judgments:

- Command over language
- Marshalling of facts and issues
- Reasoning for conclusion
- Appreciation of evidence
- Knowledge of procedural and substantive law
- Application of law with reference to precedents



# INITIATION OF THE PROPOSAL

- The proposal is initiated by the High Court Collegium, consisting of the Chief Justice and two senior-most Judges of that High Court.
- In case of proposals for appointment of **members of the Bar**, the members of the High Court Collegium consult various stakeholders such as other Judges of that High Court and eminent members of the Bar of the High Court.
- After consultations, a list of shortlisted candidates is prepared keeping in view various criteria such as standing at the Bar, areas of practice, knowledge of substantive and procedural law, performance in the courts, pro-bono work, integrity etc. Social diversity and representation to woman and other marginalised sections of the society are also taken into consideration.
- The High Court Collegium may also call the candidates for a personal interaction to assess their suitability.

# INITIATION OF THE PROPOSAL (Contd.)

- In case of proposals for appointment of **Judicial Officers**, candidates are shortlisted primarily on the basis of merit and integrity while maintaining their *inter se* seniority.
- The High Court Collegium also takes into consideration their ACRs, disciplinary proceedings, disposal record, report of the Judgment Evaluation Committee of senior Judge(s) who are not a part of the Collegium, general reputation of the Judicial Officer etc.
- The High Court Collegium calls for bio-data of the candidates in the format prescribed [Annexure I (i)] according to the Memorandum of Procedure. In case of members of Bar, other documents such as Certificate of Chartered Accountant showing net professional income over the last five years, list of reported and unreported judgments in the matters in which the candidates have argued/appeared before the High Court are also called.
- The candidate must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance. In addition, he must have moral vigour, ethical firmness, imperviousness to corrupting or venal influences, humility, lack of affiliations, judicial temperament, zeal and capacity to work.

# **FURTHER PROCESS (role of Chief Minister, Governor and Union Minister for Law & Justice)**

- The Chief Justice of the High Court forwards the proposal containing the Minutes of the High Court Collegium meetings/ deliberations and all the documents collected from the recommendees to the Chief Minister of the State.
- Simultaneously, an advance copy of the entire proposal is forwarded to the Governor of the State, Union Minister of Law & Justice and the Chief Justice of India.
- The Chief Minister, after appropriate verification and consideration, forwards the original proposal along with his views about the proposal to the Governor of the State (sometimes enclosing the report of the State Intelligence Branch in respect of each recommendee), who then forwards the proposal to the Union Minister of Law & Justice along with his views.
- If the comments are not received within six weeks from the Constitutional Authorities of the State, it is presumed that the Governor (i.e. Chief Minister) has nothing to add to the proposal.
- The Union Minister of Law & Justice forwards the proposal along with the views of the Union Government on the proposal and the report of the Intelligence Bureau in respect of each of the recommendees, to the Chief Justice of India for his advice.

# ROLE OF SUPREME COURT COLLEGIUM

- The Chief Justice of India seeks views of the Judges of the Supreme Court, outside the Collegium, who are conversant with the affairs of the concerned High Court.
- The members of the Supreme Court Collegium also make independent enquiries from various sources regarding suitability of the candidates.
- The Supreme Court Collegium holds personal interaction with the recommendees.
- After considering each and every aspect of the proposal, the Supreme Court Collegium forwards their recommendation to the Union Minister of Law & Justice.

# FACTORS WHICH ARE TAKEN INTO CONSIDERATION WHILE RECOMMENDING NAMES OF JUDICIAL OFFICERS FOR ELEVATION TO HIGH COURTS:

- Merit and integrity are the prime criteria for recommendation.
- Due weightage given to *inter se* seniority of Judicial Officers.
- Due weightage given to ACRs, disciplinary proceedings, disposal records, report of the Judgment Evaluation Committee, general reputation of the Judicial Officer etc.
- **Criteria for assessment of judgments written by the Judicial Officers:**
  - Command over language.
  - Marshalling of facts and issues.
  - Reasoning given for the conclusion arrived at.
  - Appreciation of evidence.
  - Knowledge of procedural and substantive law.
  - Application of law with reference to legal principles.
- Due weightage also given to the views of the consultee-Judges in the SC.
- Due weightage given to the material placed on record by the Department of Justice
- Due weightage also given to Intelligence Inputs.
- Due weightage also given to complaints/ representations received by the Supreme Court Collegium.
- Due weightage also given to informal consultations with other stakeholders.
- Interaction is also done with the Judicial Officers to assess their depth of knowledge of law; style of articulating their opinion; manner of conducting oneself, viz., sobriety, temperament, sensitivity towards human cause, ability to consider divergent arguments.
- Assessment is made as to potential to put in hard work and commitment to work etc.



## **FACTORS WHICH ARE TAKEN INTO CONSIDERATION WHILE RECOMMENDING NAMES OF ADVOCATES FOR ELEVATION TO HIGH COURTS:**

- Due weightage is given to the bio-data of the candidates as sought in the format prescribed [Annexure I (i)] according to the Memorandum of Procedure.
- Nature of cases handled, arguments raised etc. are weighed and looked into.
- List of reported and unreported judgments in the matters in which the candidates have argued/appeared before the High Court are called for and considered.
- Due weightage is given to the candidate's standing at the Bar, his areas of practice, knowledge of substantive and procedural law, performance in the courts, pro-bono work, integrity etc., based on consultation with different stakeholders.
- Documents such as Certificate of Chartered Accountant showing net professional income over the last five years,
- Due weightage also given to the views of the consultee-Judges in the SC.
- Due weightage given to the material placed on record by the Department of Justice
- Due weightage also given to Intelligence Inputs.
- Due weightage also given to complaints/ representations received by the Supreme Court Collegium.
- Due weightage also given to informal consultations with other stakeholders.
- Interaction is done with the prospective candidates to assess whether he possesses serenity, legal soundness, ability, temperament and endurance. In the course of interaction, discussion is made to do a qualitative assessment of the advocate's depth of knowledge of law; reasoning; manner of conducting oneself; sensitivity towards human cause; ability to counter points raised; decency and dignity in replying to queries posed by the Bench; pro bono work; potential to put in hard work and commitment to work; domain of law he has specialised in; and a reasonable estimation of being capable to deliver justice while being on the Bench.

# **ROLE OF THE UNION GOVERNMENT**

- After receiving the proposal from Supreme Court Collegium, where it is considered expedient or a particular recommendation is not considered in public interest or unsuitable, the Union Government refers back the proposal to the Supreme Court Collegium for reconsideration.
- If further inputs having national security implications or which may be of overriding public interest are received, the Government at any stage before the elevation of the concerned candidate, may require Supreme Court Collegium to reconsider the recommendation.
- If Supreme Court Collegium reiterates its recommendation, the same is to be accepted by the Government as per Memorandum of Procedure.
- Thereafter, the Union Minister for Law & Justice puts up the proposal before the Prime Minister.
- The Prime Minister gives advice to the President in the matter.
- Finally, the President approves the proposal and the Department of Justice, Ministry of Law & Justice issues a gazette notification for appointment of Judges of the High Courts after obtaining from the persons selected (i) a Certificate of physical fitness as in Annexure-II signed by a Government Surgeon or District Medical Officer and (ii) a Certificate of date of birth as in Annexure-III, through the Chief Justice of the High Court.

# FORMAT OF BIO-DATA OF RECOMMENDEES [ANNEXURE-I(i)]

## Annexure I(i)

### FORMAT TO BE FILLED FOR APPOINTMENT AS A JUDGE OF THE HIGH COURT

Affix signed recent Passport size photograph (5 cms. X 7 cms.)		
1.	Name in full (in block capitals) <u>With aliases, if any (Please indicate if you have added or dropped part of your name or surname):</u>	<u>SURNAME</u> <u>NAME</u>
2.	SEX	
3.	(i) Date of Birth  (ii) <u>Present age</u>	
4.	<u>Nationality</u>	
5.	(a) <u>Religion</u>  (b) <u>Are you a member of a Scheduled Caste / Scheduled Tribe / OBC</u>	
6.	(i) <u>Present Address in full</u>  (ii) <u>Permanent Address in full</u>	
7.	<u>Particulars of places (with periods of residence) where you have resided for more than one year at a time during the preceding five years.</u>	
	<u>From</u>	<u>To</u> <u>Residential Address in full</u>
8.	Marital status:	

9.	Family background:				
	<u>Name (in full &amp; aliases if any)</u>	<u>Nationality</u>	<u>Place of Birth</u>	<u>Occupation, if employed, give designation &amp; official address</u>	<u>Present postal address</u>
	a) <u>Father</u>				
	b) <u>Mother</u>				
	c) <u>Spouse</u>				
	d) <u>Son(s)/daughter(s)</u>				
	e) <u>Brother(s)</u> f) <u>Sister(s)</u>				
10.	Educational qualification(s): (Mention award of prize, scholarship, fellowship or any other distinction.)				
11.	Contact Details: (Landline No., Mobile No., Email and social media accounts, if any)				
12.	<u>Practice:</u>				
	(a) Date of enrolment/ Date of Entry in Judicial Service				
	(b) Actual number of years of practice				
	(c) Places and / or the courts before whom practised and the period				
	(d) Nature of practice – (Civil, Criminal, Constitutional, Taxation, Labour, Company, Service, etc.)				
	(e) The field of specialization, if any				
	(f) (i) Professional income: [Average (net) professional annual income and taxable income for the preceding five years. (To be certified by a Chartered Accountant)]				
(ii) Year in which first assessed to Income Tax (Gross professional income in that year be furnished)					

# FORMAT OF BIO-DATA OF RECOMMENDEES [ANNEXURE-I(i)]

	(g) <u>Details of immovable property held either in the name of applicant or spouse and dependent children</u>	
	(h) No. of Reported judgments of Supreme Court and High Courts, in which argued independently (only authenticated list of citations to be provided)	
	(i) No. of Unreported judgments of Supreme Court and High Courts, in which argued independently. [Only authenticated list of cases along with soft-copy (CD/DVD etc.) of Judgments to be provided]	
	(j) <u>Details of Pro-bono work during the last ten years</u>	
13.	Association, if any, with any political party:	
	(a) Name of the party	
	(b) Period of association	
	(c) Whether held any organizational office and, if so, period.	
	(d) Whether held elective office in any legislative or local authority and, if so, the period.	
14.	Whether held any position in the Bar Council and the Bar Association(s) and the period.	
15.	Whether member of any club or educational, cultural or social organization (give particulars).	
16.	Whether held any office as Advocate General, Government Advocate or Standing Counsel for the State or Union or any statutory authority or public Undertakings (give particulars).	
17.	In the case of a Judicial Officer, details of the posts held during the last ten years with dates, any departmental inquiry held or contemplated, with particulars as to the nature of charges and period or periods involved and the outcome thereof, should be indicated.*	
18.	Whether spouse or any blood relation is practising in this High Court or any Court subordinate to it. If so, give particulars	
19.	Whether spouse or any blood relation is working with a law firm having office(s) within the jurisdiction of this High Court. If so, give particulars.	

20.	Whether spouse or any blood relation practising in this High Court or a Court subordinate to it or working with a law firm having its office(s) within the jurisdiction of this High Court is living with you. If so, give particulars.	
21.	Whether related to any sitting Judge of High Court / Supreme Court. If so, state relationship.	
22.	Whether party to any civil, criminal or other litigation. If so, the nature of involvement.	
23.	Whether employed at any time either on part-time or full-time basis. If so, give status and period and the reasons for leaving.	
24.	Whether appointed as Receiver/Commissioner/Observer/Court Officer in any case. If so, give full particulars thereof.	
25.	(i) (a) Have you ever been arrested?	
	(b) Have you ever been prosecuted?	
	(c) Have you ever been kept under detention?	
	(d) Have you ever been bound down?	
	(e) Have you ever been fined by a Court of Law?	
	(f) Have you ever been convicted by a court of Law for any Offence?	
	(g) Have you ever been debarred from any examination or rusticated by any University or any other educational authority/institution?	
	(h) Have you ever been debarred / disqualified by any Public Service Commission?	
	(i) Is any case pending against you in any Court of Law at the time or filling up this Form?	
	(ii) If the answer to any of the above-mentioned question is 'Yes' give full particulars of the case / arrest / detention / fine / conviction / sentence / punishment etc. and / or the nature of the case pending in the Court / University / Educational Authority etc. at the time of filling up this form.	
26.	In case of a Judicial Officer, whether committed breach of any Conduct-Rule. If so, give particulars.	

# FORMAT OF BIO-DATA OF RECOMMENDEES [ANNEXURE-I(i)]

27.	Whether any proceedings were initiated or are pending against you before Bar Council of India or State Bar Council. If so, particulars thereof.	
28.	General state of health.	
29.	Name of the High Courts (other than this High Court) in order of preference for appointment.**	
<p><b>DECLARATION:</b></p> <p>The information furnished above is true and correct to my knowledge and belief. Nothing material is concealed or suppressed therefrom. I understand that furnishing of false information or suppression of any factual information would render me unfit for appointment.</p> <p style="text-align: right;">[ Signature of the candidate ]</p>		
* Confidential Reports of last 15 years, to the extent written, should invariably be annexed by the High Court.		
** Preference indicate, however, would not restrict appointment / transfer to any other High Court.		
<p><b>Note:</b></p> <p>The following documents should invariably be sent along with the recommendation:</p> <ol style="list-style-type: none"> <li>1. In case of Judicial Officers, the Report of the Judgment Committee.</li> <li>2. In case of Judicial Officers, seniority list of all the members or 50 senior-most officers of Higher Judicial Service, whichever be less, along with their date of birth.</li> <li>3. In case of Judicial Officers, summary of Overall Grading recorded in the ACRs for last 15 years, duly certified by a senior Officer of the Registry of the High Court; specific reasons for non-availability of ACRs for last 15 years; sufficient reasons to ignore 'Average' remarks (if any).</li> <li>4. In case of spouse or any other blood relation of the candidate is an Advocate, an undertaking from the spouse / blood relation to the effect that he / she will not practice in the concerned High Court or in a court subordinate to it for at least two years from the date of his / her appointment.</li> </ol>		

# SPECIMEN OF CERTIFICATE OF THE CHARTERED ACCOUNTANT — TO BE FURNISHED BY CANDIDATES FROM BAR

**FORMAT FOR PROVIDING NET PROFESSIONAL INCOME, DULY CERTIFIED BY A CHARTERED ACCOUNTANT,  
TO BE SUBMITTED BY AN ADVOCATE RECOMMENDED FOR ELEVATION TO THE HIGH COURT BENCH  
[IN TERMS OF ITEM 12 (f) (i) OF ANNEXURE-I (i) OF REVISED MEMORANDUM OF PROCEDURE]**

**STATEMENT OF NET PROFESSIONAL INCOME OF**

**MR./MS. \_\_\_\_\_ FOR THE PRECEDING FIVE FINANCIAL /ASSESSMENT YEARS**

	FINANCIAL /ASSESSMENT YEAR 1 <sup>st</sup> YEAR	FINANCIAL /ASSESSMENT YEAR 2 <sup>nd</sup> YEAR	FINANCIAL /ASSESSMENT YEAR 3 <sup>rd</sup> YEAR	FINANCIAL /ASSESSMENT YEAR 4 <sup>th</sup> YEAR	FINANCIAL /ASSESSMENT YEAR 5 <sup>th</sup> YEAR
TOTAL FEES RECEIVED DURING THE YEAR <b>(A)</b>					
PROFESSIONAL EXPENSES INCURRED DURING THE YEAR <b>(B)</b>					
NET PROFESSIONAL INCOME {[A] minus (B)}					
TOTAL TAXABLE INCOME					

CERTIFIED THAT THE AVERAGE OF NET PROFESSIONAL INCOME (AFTER DEDUCTING EXPENDITURE INCURRED IN CONNECTION WITH LEGAL PROFESSIONAL FROM THE GROSS RECEIPTS/FEES RECEIVED) FOR THE PRECEDING 5 FINANCIAL / ASSESSMENT YEARS IS RS. \_\_\_\_\_ [Rupees \_\_\_\_\_].

-----  
SIGNATURE WITH SEAL OF THE CHARTERED ACCOUNTANT

DATED: \_\_\_\_\_

PLACE: \_\_\_\_\_

**SPECIMEN OF UNDERTAKING TO BE FURNISHED BY CANDIDATES  
WHOSE RELATIVES PRACTISE IN THE SAME HIGH COURT OR  
COURTS SUBORDINATE TO THAT HIGH COURT**

**UNDERTAKING**

I, \_\_\_\_\_ Son / father /husband/ wife of \_\_\_\_\_, do  
hereby undertake that in the event of appointment of Mr./Ms. \_\_\_\_\_  
(Recommendee), my \_\_\_\_\_ (relationship) as Judge,  
\_\_\_\_\_ High Court, I will not practise in \_\_\_\_\_ High Court or  
in a court subordinate to it for at least two years from the date of his/her  
appointment.

Date:  
Place:

(\_\_\_\_\_)

# SPECIMEN OF REPORT OF JUDGMENT EVALUATION COMMITTEE

## (IN CASE OF JUDICIAL OFFICERS)

<b>Name of the Judicial Officers</b>	<b>Appreciation of Facts (out of 20)</b>	<b>Knowledge of Law (out of 20)</b>	<b>Reasoning in the Judgment (out of 20)</b>	<b>Ability of Expression [Language] (out of 20)</b>	<b>Ultimate Conclusion (out of 20)</b>	<b>Total (out of 100)</b>

*Some of the High Courts assess the quality of judgments on the ratings “Average/ Good/ Very Good/ Outstanding”.*



# SPECIMEN-I

## RESOLUTION OF HIGH COURT COLLEGIUM

Based on information so gathered from different sources and the views and suggestions obtained from colleagues and the consideration made by the members of the Collegium, besides considering the names received back for fresh consideration by the Collegium, a pool of candidates was drawn up. After thorough consideration/re-consideration of the recommendations made earlier, along with considerable number of other candidates, the Chief Justice and Collegium members, having consulted their colleagues and senior advocates and having regard to the performance of the advocates in the courts, recommend the name of following advocates in order of their seniority for their elevation as Additional Judges/ Judges of High Court of xxxxxxxxxxxx:

1. Shri .....

2. Shri .....

## SPECIMEN-II

### RESOLUTION OF HIGH COURT COLLEGIUM

For the purpose of recommendation, the members of the Collegium have taken into account various factors which, inter alia, include, to the extent possible, the qualitative assessment of the concerned advocate's depth of knowledge of law; style of advancing arguments; manner of conducting oneself in Court, viz., poise, sobriety, temperament, respect for the Court as well as the adversary; sensitivity towards human cause; ability to counter points raised at the Bar; decency and dignity in replying to queries posed by the Bench; pro bono work; feedback about integrity and input about reputation; potential to put in hard work and commitment to work; domain of law he has specialised in; and a reasonable estimation of being capable to deliver justice while being on the Bench.

## SPECIMEN-III

### RESOLUTION OF HIGH COURT COLLEGIUM

Mr. xxxxxxxxxxxx has extensive practice and considerable experience of xxxxxx years and his areas of practice are civil, criminal, constitutional, taxation, labour, company, service etc. including international and domestic arbitration, information technology law, corporate and commercial law, securities law, electricity law and competition law. His area of specialization is international commercial arbitration and information technology laws.

The list of reported and unreported judgments reveals that Mr. xxxxxxxxxxxx has appeared in a number of cases in the Supreme Court of India, xxxxxxxxxxxx High Court and other High Courts. This shows his aptitude in a wide range of subjects.

Mr. xxxxxxxxxxxx has displayed legal intelligence and skill in his submissions, capacity to hard work, commitment, clarity and good decorum in his presentations and Court appearances. He enjoys good reputation at the Bar.

## SPECIMEN-IV

### RESOLUTION OF HIGH COURT COLLEGIUM

The officer has been mostly graded as good, very good or outstanding since 2009-2010.

On the basis of command over language, discussion of facts and issues, reasoning for conclusion, appreciation of evidence and knowledge & application of law, the Judgment Evaluation Committee has assessed the overall quality of judgement as Good.

A complaint is pending against this officer as on date. The complaint is not supported with affidavit and no direct imputation against this officer has been made and the complaint is not supported with any verifiable material and thus is not having any substance and is consigned accordingly. No vigilance inquiry or departmental enquiry is pending against the officer. The officer enjoys a good reputation and his integrity is certified and in certain early years considered as beyond doubt.

Accordingly, the officer is **found fit** for and is hence recommended for appointment as a Judge of the High Court.

# SPECIMEN-V

## RESOLUTION OF HIGH COURT COLLEGIUM

The Collegium perused the report of the above Committee, considered the service record and ACRs of all the officers and also the general reputation enjoyed by them at the Bar and their competence as Judicial Officers.

We have made discreet enquiries by interacting with sitting and former Judges and cross sections of bar, particularly advocates of long standing and practicing in various jurisdictions, about the reputation, work, conduct, integrity and credibility of the judicial officers falling in the zone of consideration. We have also considered the confidential records and the view of the Judgment Evaluation Committee.

After considering the comparative merits of the candidates the Collegium finds that the following officers are suitable for being appointed as Judges from the service quota:

1. Mr. xxxxxxxxxxxx

2. Mr. xxxxxxxxxxxx

## SPECIMEN-VI

### RESOLUTION OF HIGH COURT COLLEGIUM

Therefore, considering the Report of the Judgment Committee and on meticulous scrutiny of the Annual Confidential Reports, the personal files and other relevant factors, the Collegium is of the considered view that (1) Shri xxxxxxxxxxxx (2) Shri xxxxxxxxxxxx , (3) Shri xxxxxxxxxxxx and (4) Shri xxxxxxxxxxxx, are the most meritorious and suitable Judicial Officers, fit to be recommended for elevation as Judges of this High Court.

# ANNEXURE-I(ii) TO BE FURNISHED BY THE CHIEF JUSTICE OF HIGH COURT

## Annexure- I (ii)

1. Age
2. Academic attainments
3. Standing and experience
4. Specialisation, if any
5. Average (net) professional annual income for the preceding five years.
6. Competence:
  - (i) Equipment in law
  - (ii) Perception
  - (iii) Ability to deal with complex legal problems
  - (iv) Grasping capacity
  - (v) May be treated as :  
(Excellent, Very Good, Good, Average)
7. Judicial Potential :
  - (a) Maturity
  - (b) Poise and equanimity of temperament
  - (c) Does he subscribe to the Constitutional values
  - (d) Capacity to persuade and to be persuaded
  - (e) Patience
  - (f) Team Spirit
  - (g) Objectivity
  - (h) Analytical mind
  - (i) Fairness

(May be rated as: Excellent; Very Good; Good; Average)

8. Integrity and Character
  - (a) Reputation
    - (i) In legal fraternity
    - (ii) In Society
  - (b) Antecedents
  - (c) Any affiliation/association which renders him unsuitable for the office of a Judge
  - (d) Any habits or aberrations which render him unsuitable for the office of a Judge.
9. Need of the court of a Judge in any specialised branch against the background of the present composition
10. Need to maintain the conventional ratio between Bar and Service Judges and Appellate and Original side Judges.
11. Any other matter to be borne in mind having regard to the peculiar circumstances of the court/person under consideration.

(Chief Justice of the High Court)

# SPECIMEN-I

## I.B. REPORT

<u>SECRET</u>		
7. Full name of the Candidate –		
1.	Date of Receipt	[REDACTED]
2.	Date of Birth of the Candidate	[REDACTED]
3.	(a) Details of practice as an Advocate.	He got enrolled as an Advocate with the Bar Council of [REDACTED] in January [REDACTED]. Presently, he is practising in [REDACTED] Bench of [REDACTED] High Court.
	(b) Details of appointment as Judicial Officer	-
4.	(a) Spouse/Relations (including Blood Relations) practising in the High Court/Subordinate Courts.	His sister [REDACTED] and her husband [REDACTED] are practising in Civil Court, [REDACTED]
	(b) Spouse/Relations (including Blood Relations) working with a law firm having office (s) within the jurisdiction of the High Court. If yes, whether such person is living with the recommendee.	Nil
5.	Spouse/Relations (including Blood Relations) serving or retired as a Judge.	(i) His brother Justice [REDACTED] is a sitting judge of [REDACTED] High court. (ii) His father late [REDACTED] was former Judge of [REDACTED] High Court.
6.	(a) Civil/Criminal/Vigilance proceedings filed/pending against the candidate, if any.	As per Column No. 22 of bio-data.
	(b) Any case of moral turpitude pending against the candidate.	Nil
	(c) Comment on assets	As per bio-data.
<u>SECRET</u>		

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<u>SECRET</u>		
	acquired in the name of self and family members in the last 5 years.	
7.	(a) General reputation of the candidate-legal competence and integrity.	In legal circles, his professional competence is viewed to be average.  Nothing adverse has come to notice about his integrity.
	(b) Comments on the contents of the Bio-data/CV.	Contents of the bio-data/CV verified.
	(c) Comments on the complaint (s), if any.	Nil
8.	Political affiliation, links with communal organisations, membership of social organisations and clubs (including contesting elections for any post).	(i) [REDACTED] is not associated with any political party. (ii) He had served as Joint Secretary, [REDACTED] Bar Association, [REDACTED]
9.	Present State of Health	Satisfactory
10.	General remarks	Nil
<u>SECRET</u>		



# SPECIMEN-II

## I.B. REPORT

SECRET

3. Full name of the Candidate – [REDACTED]

1.	Date of Receipt	[REDACTED]
2.	Date of Birth of the Candidate	[REDACTED]
3.	(a) Details of practice as an Advocate.	He got enrolled as an Advocate with the Bar Council of [REDACTED] in MM/YYYY. Presently, he is practising in [REDACTED] High Court, [REDACTED]. He also worked as [REDACTED].
	(b) Details of appointment as Judicial Officer	-
4.	(a) Spouse/Relations (including Blood Relations) practising in the High Court/Subordinate Courts.	Nil
	(b) Spouse/Relations (including Blood Relations) working with a law firm having office (s) within the jurisdiction of the High Court. If yes, whether such person is living with the recommendee.	Nil
5.	Spouse/Relations (including Blood Relations) serving or retired as a Judge.	Nil
6.	(a) Civil/Criminal/Vigilance proceedings filed/pending against the candidate, if any.	As per column no. 22 of bio-data.
	(b) Any case of moral turpitude pending against the candidate.	Nil
	(c) Comment on assets acquired in the name of self and family members in the last 5 years.	As per bio-data.

SECRET

6

SECRET

7.	(a) General reputation of the candidate-legal competence and integrity.	In legal circles, he is considered to be professionally competent. However, his integrity is considered to be doubtful. He allegedly earned good money through his liaison work. He is also engaged in land deals and commercial/ business activities with his brother.
	(b) Comments on the contents of the Bio-data/CV.	Contents of the bio-data/CV verified.
	(c) Comments on the complaint (s), if any.	Nil
8.	Political affiliation, links with communal organisations, membership of social organisations and clubs (including contesting elections for any post).	(i) [REDACTED] is perceived to have [REDACTED] leanings. (ii) He is life-Member, [REDACTED] Club and Member Indian Law Institute, [REDACTED].
9.	Present State of Health	Satisfactory
10.	General remarks	Nil

SECRET

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# SPECIMEN-I

## FILE NOTING BY THE GOVERNMENT OF INDIA

8. It may be relevant to mention that the IB while conveying their comments on the recommendation of the xxxxxxxxxxxx High Court has requested that the source of information may not be divulged to any authority outside the Ministry.

9. It may be mentioned that this recommendation of High Court Collegium lacks social diversity as there is only one recommendee who belongs to the OBC category. It is desirable to recommend eligible advocates from the Scheduled Tribes/Scheduled Castes and Minority communities for appointment as High Court Judges. The Union Minister of Law and Justice has on various occasions written to the Chief Justice of High Courts to consider giving representation to members of marginalized communities while sending proposal of appointment of Judges in order to bring diversity in the High Court Benches.

10. Based on the IB Report, information given in the bio-data and other relevant records, important points regarding assessment of the recommendees are as follows:

(i) Shri xxxxxxxxxxxx: IB has reported that he enjoys good personal and professional image and nothing adverse has come to notice about his integrity. He is not associated with any political party.

(ii) Shri xxxxxxxxxxxx: it is observed that he has limited practice and experience which is reflected in the few reported cases he has furnished and in his returns. The mainstay of his practice for xxxxxx years appears to be the xxxxxxxxxxxx. These facts do not inspire confidence of the Government for his appointment to the high constitutional post of a High Court Judge.

(iii) Shri xxxxxxxxxxxx: IB has reported that he enjoys good personal and professional image and nothing adverse has come to notice about his integrity. He is not associated with any political party.

11. In the light of the bio-data, IB report, other material on record and general assessment of the recommendees in the preceding paragraphs, Government of India as an important consultee in the process of appointment of High Court Judges is of the considered view that the Supreme Court Collegium may consider the names of S/Shri (i) xxxxxxxxxxxxxxxx, and (ii) xxxxxxxxxxxxxxxx, Advocates for appointment as Judges of the High Court of xxxxxxxxxxxxxxxx.

12. The proposal may accordingly be referred to the Chief Justice of India

# SPECIMEN-II

## FILE NOTING BY THE GOVERNMENT OF INDIA

7. The xxxxxxxx High Court is one of the largest High Courts in the country and would have a large pool of highly experienced and qualified Advocates. An examination of the profile of the recommendees indicates that relatively more experienced Advocates could have been considered by the High Court Collegium for elevation to the High Court. In this context, the following aspects are particularly relevant:

- i) xx recommendees namely S/Shri (i) xxxxxxxx, (ii) xxxxxxxx, (iii) xxxxxxxx, (iv) xxxxxxxx and (v) xxxxxxxx are relatively young and need to acquire more experience before being considered.
- ii) There is no woman candidate in the instant recommendation. In order to achieve more diversity and in the interest of social justice, eligible women candidates also need to be considered. xxxxxxxx High Court is expected to have a large pool of experienced women Advocates, who would meet the eligibility criteria.
- iii) Most of the recommendees have very few reported judgements. In a High Court such as xxxxxxxx, Advocates with better record would be available.
- iv) None of the recommendees is a Senior Advocate and it is unclear from the High Court Collegium Recommendation, whether any were considered.
- v) Relatives of xx recommendee are practising advocates but have not given the requisite undertaking. The Minutes of the High Court Collegium are silent on this important aspect.

8. In view of the position detailed above, it does not inspire confidence in Government of India to recommend any of the above xxxxxxxx advocates for appointment to the high Constitutional post of a High Court Judge. Government of India, as an important consultee in the process of appointment of Judges of the High Courts, is of the considered view that the complete proposal needs to be sent back to the High Court with a request to send fresh recommendation.

9. The proposal may accordingly be referred to the Chief Justice of India for advice.

# SPECIMEN-I

## LETTER OF OPINION FROM THE CONSULTEE-JUDGE OF SUPREME COURT

[REDACTED]

*Judge*  
*Supreme Court of India*

Confidential

[REDACTED]

Respected Chief Justice,

This is with reference to your letter No. [REDACTED] Dated [REDACTED]

Mr. [REDACTED] and Mr. [REDACTED] are good advocates with sizeable practice on civil side in the High Court. Both enjoy a good reputation, are temperate and competent..

Mr. [REDACTED] primarily practises in the Supreme Court. He had occasionally appeared before me in the [REDACTED] High Court and is a competent advocate with good knowledge of law.

Mr. [REDACTED] was earlier associated with [REDACTED] and has extensive experience in commercial law. He has good drafting skills, is articulate and enjoys a good reputation.

Mr. [REDACTED] primarily represents and appears for government bodies, which could be the reason for the low net average annual income. He is competent, extremely hardworking and has an excellent reputation.

Both Mr. [REDACTED] and Mr. [REDACTED] do not have a legal background and achieved success and prominence by their own efforts.

Mr. [REDACTED] is ex-secretary of the [REDACTED] High Court Bar Association and practises on criminal side. He has a pleasing nature and has good reputation. However, he had not appeared and argued before me, therefore I cannot comment on his legal acumens.

With warm regards,

Yours sincerely,

[REDACTED]

Hon'ble Shri [REDACTED]  
Chief Justice of India,  
[REDACTED]

# SPECIMEN-II

## LETTER OF OPINION FROM THE CONSULTEE-JUDGE OF SUPREME COURT

██████████  
██████████  
**Judge**  
**Supreme Court of India**

Confidential

Respected Chief Justice,

This is with reference to confidential letter No. ██████████ dated ██████████, inviting my views with regard to the suitability of ██████████ Advocates for being appointed as Judges of the ██████████ High Court

As regards the candidates under consideration, my views are as follows: -

**1. Shri ██████████**

Though, I have had a very few occasions to assess the performance of Shri ██████████, who is mainly practising at ██████████ but, whenever he appeared before me, he was found to be a reasonably efficient and upcoming lawyer. The inputs regarding his current performance and conduct from dependable sources, including the sitting Judges of the High Court, are also to the effect that he has developed as an efficient lawyer and his elevation shall be a meaningful addition to the Bench. Though he is said to have remained involved in the Bar Association activities but, nothing adverse as regards his conduct has come to my notice.

Hence, in my view, Shri ██████████ is suitable for being appointed as a Judge of the High Court.

**2. Shri ██████████**

As regards Shri ██████████ too, who is mainly practising at ██████████, I have had a very few occasions to assess his performance as a lawyer. The inputs received from dependable sources, including the sitting Judges of the High Court, are to the effect that his integrity remains seriously in question; that he was essentially having the practice in subordinate Courts but, with his proximity to some of the politicians in the present dispensation in the State, he has been given important assignments without possessing the requisite merit. He is reported to be lobbying with caste and political equations. Nothing appreciable or encouraging input regarding him has been received from any source and it is difficult to endorse his candidature.

Hence, in my view, Shri ██████████ is not suitable to be appointed as a Judge of the High Court.

With warm regards,

Yours sincerely,  
██████████

Hon'ble Shri ██████████  
Chief Justice of India,  
.....

# SPECIMEN-III

## LETTER OF OPINION FROM THE CONSULTEE-JUDGE OF SUPREME COURT

[REDACTED]  
Judge  
Supreme Court of India

[REDACTED]  
Confidential

Respected Chief Justice,

This is with reference to confidential letter No. [REDACTED] dated [REDACTED], inviting my views with regard to the suitability of [REDACTED] Judicial Officers for being appointed as Judges of the [REDACTED] High Court

As regards the candidates under consideration, my views are as follows: -

1. Shri [REDACTED]

During my tenure as Judge of the [REDACTED] High Court, I had had a few occasions to assess the performance of Shri [REDACTED], who was found to be generally a dependable officer who was attending on his duties diligently. Until a few months back, he was working as Principal District Judge, [REDACTED] and the inputs from dependable sources, including sitting Judges of the High Court, were that he was handling the office with all sincerity and dedication. At present he is working as Principal District Judge, [REDACTED] and is said to be handling the office quite efficiently. There are no negative inputs regarding his working and conduct. In my view, Shri [REDACTED] is suitable for being appointed as Judge of the [REDACTED] High Court.

2. Shri [REDACTED]

During my tenure as Judge of the [REDACTED] High Court, whatever occasions I had to assess the performance of Shri [REDACTED], he was found to be an efficient and hard-working officer but slightly over-assertive and not very congenial with the subordinates. At present, he is handling the office of member-secretary, [REDACTED] and before that, he was working as member-secretary of the [REDACTED] at [REDACTED]. Thus, he has remained on non-judicial posting for quite long. There is otherwise no negative information regarding his work and conduct. With these inputs, the candidature of Shri [REDACTED] may kindly be considered with reference to the material on record.

With warm regards,

Yours sincerely,  
[REDACTED]

Hon'ble Shri [REDACTED]  
Chief Justice of India,  
.....

# SPECIMEN-I

## RESOLUTION OF THE SUPREME COURT COLLEGIUM

17

File No. xxxxxxxxxxxxxxxx

### SUPREME COURT OF INDIA

This file relates to the proposal for appointment of the following Advocates, as Judges of the High Court xxxxxxxx:

- (i) Shri A
- (ii) Shri B,
- (iii) Shri C, and
- (iv) Shri D,

On xxxx, the Chief Justice of the High Court of xxx made the above recommendation in consultation with his two senior-most colleagues. We have duly taken note of the views of the Chief Minister and the Governor of the xxxx as well as the report of the xxxx Police, Government of xxxx placed in the file about the suitability or otherwise of the above candidates.

In terms of Memorandum of Procedure, the Judges in the Supreme Court conversant with the affairs of the High Court of xxxx were consulted to ascertain the fitness and suitability of the above Advocates for elevation to the High Court. Copies of their letters of opinion are placed below.

For the purpose of assessing the merit and suitability of the above candidates for elevation to the High Court, we have scrutinized and

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evaluated the material placed on record, reported judgments submitted by the candidates delivered in the cases in which they have appeared/argued independently, and the views expressed by the consultee-Judges. We have also perused the observations made by the Department of Justice in the file as well as the complaints received against the candidates. Apart from this, the recommendees were called for detailed interaction with the Collegium to understand their basic knowledge on different subjects and also aptitude towards work. Accordingly, their competence has been examined on divergent parameters.

#### (i) Shri A

We have considered the opinion of the consultee-Judges and the inputs furnished by the Government in the file. The members of the Collegium have also made enquiries with independent and reliable sources.

Out of the four consultee-Judges, two have opined as under:

#### Mr. Justice X:

*"I have seen the performance of most of the lawyers recommended very closely .... I had been associated with the xxx High Court as a Judge for xxx years.*

*Shri A is a sober person but hardly has any work except for representing the xxxx. Accepting notice on behalf of the respondent and filing counter affidavit do not, in any manner, prove the competence and efficiency of a lawyer."*

#### Mr. Justice Y:

*“Sri A had appeared before me on a few occasions while appearing for some xxxx. While I was a lawyer, I did notice him appearing in Court mostly from the respondent side. However, I have not seen him arguing any matter of substance. To my understanding his exposure as a lawyer is limited to litigation involving financial institutions. Now, such litigation is a lot less in the xxx High Court as they are being handled by Tribunals. In these circumstances, in my view, his utility to the Bench might be limited.”*

The inputs provided by the Department of Justice in the file indicate that in legal circles, the professional competence of the candidate is viewed to be average. It is alleged that he misused his position for monetary gains while working as counsel for xxxx. It is also reported in the file that the integrity of the candidate is not beyond doubt. The State Government has also placed some adverse inputs regarding the suitability of the candidate. Moreover, it is apparent that the candidate has limited practice at his command which is reflected in his few reported judgments.

During our interaction, we did not find the candidate upto the mark as he lacks legal knowledge and was not able to satisfactorily explain and answer several propositions based upon first principles of law.

On an overall consideration of the proposal, including the inputs furnished by the Department of Justice on the file, on the basis of interaction, and independent enquiries made by the members of the Collegium, the Collegium is of the considered view that Shri A is not suitable for appointment as a Judge of the High Court and his name be

remitted to the Chief Justice of the High Court of xxxx. The Collegium resolves to recommend accordingly.

**(ii) Shri B**

We have considered the opinion of the consultee-Judges and the inputs furnished by the Government in the file. The members of the Collegium have also made enquiries with independent and reliable sources.

All the consultee-Judges, namely, xxxxxx have given a positive opinion on the suitability of the candidate for appointment as a Judge of the High Court.

The inputs provided by the Department of Justice in the file indicates that, in legal circles, the professional competence of the candidate is viewed to be average; he mostly deals with civil matters; and his low income shows a limited brief. The Collegium is of the view that the assessment of professional competence and expertise of a person recommended for elevation as a Judge of the High Court is the function of the members of the Collegium who take inputs from different sources including the Judges who are fully equipped to evaluate the suitability of a candidate recommended for elevation to the higher judiciary. Notably, all the consultee-Judges of this Court who are conversant with the affairs of the High Court of xxxxxx, and have seen the candidate working and his performance, have vouched by their positive opinion on the suitability of the candidate. Moreover, the candidate has substantial practice which is reflected in xx reported judgments delivered in the



cases in which he appeared/argued and his average net professional income is Rs. xxx lakhs per annum during the last five years, which is well above the threshold of Rs. 7 lakhs prescribed in the Memorandum of Procedure. Further, the Intelligence Bureau report indicates that nothing adverse has come to notice about his integrity. Moreover, the State Government has also concurred with the recommendation.

The candidate was enrolled with the State Bar Council xxxx in xxxx and has put in xx years of practice at High Court of xxxxx. His area of practice is civil, Constitutional, labour, service and educational matters with specialization in service and Constitutional matters. He has been working as xxxxxxxxxxxx for the State since xxxx.

During our interaction, we extensively asked different questions to the candidate which he was able to answer satisfactorily indicating his good legal knowledge and clarity of thought and expression. He has very good knowledge of first principles of law. He was able to refer to several judgments on diverse subjects with ease and precision.

On an overall consideration of the proposal, including the views of the consultee-Judges, on the basis of interaction, and independent enquiries made by the members of the Collegium, the Collegium is of the considered view that Shri B is suitable for appointment as a Judge of the High Court.

**(iii) Shri C**

We have considered the opinion of the consultee-Judges and the inputs furnished by the Government in the file. The members of the Collegium have also made enquiries with independent and reliable sources.

The Intelligence Bureau report indicates that the candidate “has completed 45 years of age in xxxx and a section of legal community views that recommendation of his name at such a young age is on account of his lineage”.

During the course of interaction with Shri C, the Collegium felt that he is too young to be elevated as a Judge of the High Court.

On an overall consideration of the proposal, on the basis of interaction, and keeping in mind the fact that Shri C has potential, but requires some time to mature, the Collegium is of the opinion that his name should be returned to the High Court Collegium for fresh consideration after a period of one year. The Collegium resolves to recommend accordingly.

**(iv) Shri D**

We have considered the opinion of the consultee-Judges and the inputs furnished by the Government in the file. The members of the Collegium have also made enquiries with independent and reliable sources.

The three consultee-Judges, namely, xxxxxx, have given a positive opinion on the suitability of the candidate for appointment as a Judge of the High Court. The fourth consultee-Judge, namely, xxxx, while opining positively on the suitability of the candidate, has stated that he is distantly related to his wife and he would not like to offer any further comment on the candidate.

The Department of Justice in the file recorded that the State Government has not recommended his name; he has close relations with the xxx lobby; xxxx and his integrity could not be vouched for. At the same time, the Intelligence Bureau Report indicates that the candidate enjoys a good personal and professional image and that nothing adverse has come to notice with regard to his integrity. Mr. Justice xxxx, who is conversant with the affairs of the High Court of xxxx, and has seen the candidate working and his performance, has categorically stated that the candidate is outstanding and probably no one would be able to raise any finger against his competence, integrity or performance. The candidate has extensive practice which is reflected in his professional income of Rs. xxx lakhs per annum and xx reported judgments and xx unreported judgments delivered in the cases in which he appeared/ argued.

The candidate was enrolled with the State Bar Council xxx in xxxx and has put in xx years of practice at High Court of xxxx. His area of practice is civil, criminal and revenue matters with specialization in criminal matters.

Shri D was born on xxx and his grandfather, Mr. xxxx, who was the Chief Justice of the High Court of xxxx, retired in xxxx. On a specific question being raised in the interaction, the candidate stated that xxxxx and none of his family members is in the legal profession. He further stated that his grand father had expired in xxxx. However, he is distantly related to the wife of Mr. Justice xxx.

Shri D had a long interaction with the Collegium members and the Collegium is of the opinion that he is legally very sound, specially in criminal law. His knowledge, legal acumen and clarity of thought and expression are outstanding. He is far superior to any other candidate we have interacted today. Out of the xxx candidates recommended by the Collegium of the High Court, we are not satisfied with the performance of xxx candidates during the interaction with them. His area of practice initially was civil and revenue matters, but for the last several years, he has been doing criminal matters. On a pointed question put to him, he has stated that he has no connection with any xxx lobby. It is relevant to state that the Intelligence Bureau report does not mention any name or details relating thereto.

Keeping in view the fact that this candidate is extraordinary, very sound in criminal law and a large number of criminal cases are pending in the High Court of xxxx, the Collegium is of the opinion that he is eminently suitable for appointment as a Judge of the High Court.

On an overall consideration of the proposal, including the views of the consultee-Judges, on the basis of interaction, and independent enquiries made by the members of the Collegium, the Collegium is of

the considered view that Shri D is suitable for appointment as a Judge of the High Court.

In view of the above, the Collegium resolves to recommend that S/Shri (i) B, and (ii) D, Advocates, be appointed as Judges of the High Court of xxxx. Their *inter se* seniority be fixed as per the existing practice.

(xxxx), C.J.I.

(xxxx), J.

(xxxx), J.

xxxxxx

Minister for Law & Justice

# SPECIMEN-II

## RESOLUTION OF THE SUPREME COURT COLLEGIUM

8

File No. XXXXXXXXXXXXXXXX

### SUPREME COURT OF INDIA

This file relates to the proposal for appointment of the following Judicial Officers, as Judges of the High Court of xxxxxxxxxx:

- (i) Smt. X
- (ii) Shri Y.

On xxxxx, the Chief Justice of the High Court of xxxxx made the above recommendation in consultation with his two senior-most colleagues. The Chief Minister and the Governor of the xxxx have concurred with the recommendation.

In terms of the Memorandum of Procedure, the consultee-Judges in the Supreme Court conversant with the affairs of the High Court of xxxxx were consulted to ascertain the fitness and suitability of the candidates. One of the five consultee-Judges has retired on xxxxx whose views had been obtained after receipt of the advance copy of the proposal from the High Court. Copies of their letters of opinion are placed below.

For the purpose of assessing the merit and suitability of the above candidates for elevation to the High Court, we have scrutinized and evaluated the material placed on record including gradings awarded to them as per the available Annual Confidential Reports, their annual disposal figures for the last five years, the details of immovable properties given by them in Annexure I(i), ten judgments, preferably

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five civil and five criminal, delivered by each of them, and the views expressed by the consultee-Judges. We have also perused the observations made by the Department of Justice in the file as well as the complaints/representations against the recommendation made by the Collegium of the High Court. Apart from this, we considered it appropriate to invite all the recommendees for interaction with the Collegium. Accordingly, their judicial performance has been examined on different parameters including their disposal rate and quality of their judgments.

- (i) Smt. X

While xxx out of the xxx consultee-Judges, namely, xxxxx have concurrently opined that the candidate is suitable for appointment as a High Court Judge, the other consultee-Judge, namely, xxx has not expressed any views as he had no opportunity to evaluate the performance of the candidate.

The candidate joined the Judicial Service on xxx and served as a Judicial Officer in various capacities in the State. The Collegium has also had due regard to the track record of the officer as well as to the fact that she is an OBC candidate.

The inputs provided by the Department of Justice in the file indicate that the candidate enjoys a good personal and professional image and that nothing adverse has come to notice against her integrity.

We have gone through her judgments. Her judgments are concise, well-structured and show objective evaluation of evidence and good reasoning. During the interaction with the candidate, the

candidate was found extremely articulate in expressing her views on different and complex legal issues.

On an overall consideration of the proposal, in particular the views of the consultee-Judges, the report of the Judgment Assessment Committee, the assessment made by the Government of India in the file, and on the basis of interaction, the Collegium is of the considered view that Smt. X is suitable for appointment as a Judge of the High Court.

(ii) **Shri Y**

xxx out of the xxx consultee-Judges, namely, xxxx have opined that the candidate may be considered for appointment as a High Court Judge and Mr. Justice xxxx has not expressed any views as he had no opportunity to evaluate the performance of the candidate. However, Ms. Justice xxxx has opined as under:

*“There are at least xxx judicial officers senior to this recommendee. He worked as the Metropolitan Sessions Judge xxx for about one year. I have been given to understand that his performance was not up to the mark and he was recently sent on deputation to the xxxx. His judgements are also average. The Collegium may consider deferring his elevation for some time.”*

The candidate joined the Judicial Service on xxxx and served as a Judicial officer in various capacities in the State. Presently, he is working as xxxx. Besides, the candidate belongs to Scheduled Caste category.

We have gone through his judgments and had a detailed interaction with him.

For the time being, we consider it appropriate that the name of Shri Y should be deferred and may be considered after he performs

extensive judicial adjudication work on both civil and criminal sides for some time.

A representation dated xxx of xxx has been received by the Secretariat claiming that he is senior to Shri Y. The same has been placed before us. As we are deferring consideration of the name of Shri Y, the High Court Collegium may examine the representation of xxx. To this effect, a separate resolution has been passed today.

Therefore, bearing in mind the above, the Collegium is of the considered view that the proposal for appointment of Shri Y be sent back to the High Court to be reconsidered along with other eligible Judicial Officers at an appropriate time. The Collegium resolves accordingly.

In view of the above, the Collegium resolves to recommend that Smt. X, Judicial Officer, be appointed as a Judge of the High Court of XXX.

(xxx), CJI

(xxx), J

(xxx), J

xxx

Minister for Law & Justice

# SPECIMEN-III

## RESOLUTION OF THE SUPREME COURT COLLEGIUM

6

File No.xxxxxxxxxxxx

### SUPREME COURT OF INDIA

This file relates to the proposal for appointment of Shri X, Judicial Officer, as a Judge of the High Court of xxx.

On xxx, the Chief Justice of the High Court of xxx made the above recommendation in consultation with his two senior-most colleagues. The Chief Minister and the Governor of xxx concurred with the recommendation.

In terms of the Memorandum of Procedure, the consultee-Judges in the Supreme Court conversant with the affairs of the High Court of xxx were consulted to ascertain the fitness and suitability of the candidate. Copies of their letters of opinion are placed below.

For the purpose of assessing the merit and suitability of the above candidate for elevation to the High Court, we have scrutinized and evaluated the material placed on record including gradings awarded to him as per xxx Annual Confidential Reports, his annual disposal figures for the last five years, the details of immovable/movable properties given by him in Annexure I(i), ten judgments delivered by him, and the views expressed by the consultee-Judges. We have also perused the observations made by the Department of Justice in the file as well as a complaint received against the candidate. Apart from this, we considered it appropriate to invite the recommendee for interaction with the Collegium. Accordingly, his judicial performance has been examined on divergent parameters including his disposal rate and quality of judgments.

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On an earlier occasion, when *inter alia* the name of the candidate was recommended by the High Court Collegium on xxx, both the consultee-Judges, namely, xxx, had opined positively on the suitability of the candidate. Then, on xxx, the Supreme Court Collegium remitted his name in the following terms:

*“As far as Shri X, is concerned, the Department of Justice on the basis of inputs provided by the IB, has taken the view that he does not enjoy good reputation for integrity because it is alleged that he has xxx which appears to be in excess of his income; and question marks have been raised about his financial integrity during his tenure at xxx. In view of the serious allegations against Shri X, the Collegium is of the considered view that his name be remitted to the Chief Justice of the High Court. The Collegium resolves to recommend accordingly.”*

Now, the High Court Collegium has recommended his name assigning reasons for the same, which we have considered.

We have considered the opinion of our consultee-Judges and the inputs furnished by the Government in the file. The members of the Collegium have also made enquiries with independent and reliable sources. While one of our consultee-Judges, namely, xxx, has opined positively on the suitability of the candidate, the other two have opined as under:

#### Mr. Justice xxx:

*“I understand that his name was once recommended earlier and it was remitted to the High Court. Your Lordship may look into his conduct in discharge of his duties as a judicial officer before considering his name again for appointment as a Judge of the High Court of xxx”*

**Mr. Justice xxx:**

*"Sometime in xxx, the name of Shri xxx was recommended by the Chief Justice xxx for elevation but since the Supreme Court Collegium did not recommend him, his name was remitted. These were developments when I was away from xxx. Now that Shri X has been recommended a second time for elevation by the Chief Justice of xxx, my inquiries through reliable sources have revealed that though his performances as a Judicial officer while heading administrative matters and discharging judicial duties have been good, his integrity (during the time he was xxx) has not been above board. Since it is difficult to have concrete material in support of such observation, I would request your Lordship to cross-check with the relevant authorities in this behalf before taking a final decision."*

It is apparent that Mr. Justice xxx, who had earlier opined positively on xxx, changed his opinion, stating that his conduct in discharge of his duties as a Judicial Officer may be looked into before considering his name again for appointment as a Judge of the High Court of xxx. Mr. Justice xxx has also stated that "... his integrity (during the time he was xxx) has not been above board" and it is stated that the same may be cross-checked with the relevant authorities before taking a final decision.

The Intelligence Bureau report has also flagged similar issues indicating that the candidate does not enjoy good reputation for integrity. Question marks have also been raised about the monetary misconduct of the candidate during his tenure at xxx. We have also gone through the details of assets of the candidate, xxx policies in his name, spouse and xxx, details of bank accounts held by him, details of loans taken by him etc., which corroborate the negative inputs.

On an overall consideration of the proposal, in particular the views of the consultee-Judges, the assessment made by the Government of India in the file, on the basis of interaction and independent enquiries made by the members of the Collegium, the Collegium is of the considered view that Shri X is not suitable for appointment as a Judge of the High Court and the proposal for his elevation deserves to be remitted to the Chief Justice of High Court of xxx. The Collegium resolves to recommend accordingly.

(xxx), CJI

(xxx), J

(xxx), J

xxx

Minister for Law & Justice.

# ANNEXURE-II TO BE FURNISHED BY THE CANDIDATES BEFORE ISSUE OF GAZETTE NOTIFICATION

## ANNEXURE-II

Form of Medical Certificate  
(Please see paragraph 2)

\_\_\_\_\_

I hereby certify that I have examined Shri \_\_\_\_\_ and cannot discover that he has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, which would disqualify\* him except \_\_\_\_\_. I do not consider this disqualification\* for employment as Judge of a High Court.

Date:

Signature:

Designation:

Signature of Candidate:

\*Note: This certificate should take into account the fact that a High Court Judge retires at the age of 62 years.



# ANNEXURE-III TO BE FURNISHED BY THE CANDIDATES BEFORE ISSUE OF GAZETTE NOTIFICATION

## Annexure III

I hereby certify that my date of birth is \_\_\_\_\_ (here enter date of birth according to the English calendar) and in support thereof, I enclose \_\_\_\_\_ the following documents:

A certified extract from:

- (a) the Birth Register; or
- (b) the School Register; or
- (c) the College Register; or
- (d) the Service Book.

Signature of candidate

Date:

Note: If any of the documents is not available, please say so against it.

Disclaimer: Specimens are only indicative/illustrative and the contents may vary according to the facts and circumstances of individual recommendation.