ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ
KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

ಪತ್ರಿಕಾ ತುಣುಕುಗಳು
PAPER CLIPPINGS

(21)

ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Court Matter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Times of India ದಿನಾಂಕ : DATE: 21/3/21

SC collegium picks 13 for Bombay HC judge posts

Dhananjay.Mahapatra
@timesgroup.com

20.3.21

New Delhi: Weathering a storm within, the Supreme Court collegium headed by CJI S A Bobde on Friday recommended the names of 13 people to the Centre for appointment as judges of Bombay HC, functioning with 62 judges and has a vacancy of 32 posts.

Bombay HC, during the very short tenure of Chief Justice B P Dharmadhikari, had recommended 22 names. But the names had run into serious objection from two consultee judges, Justices A M Khanwilkar and D Y Chandrachud, whose parent HC is Bombay.

▶ Continued on page 17

Remove 50% quota cap: Maha govt to SC

The Maharashtra government pressed for removal of 50% cap on quota and told the Supreme Court that the number of backwards has increased over the year. TNN

Names sent to Bombay HC CJ for effective evaluation of merit

▶Continued from page 1

The collegium, comprising CJI Bobde and Justices N V Ramana and R F Nariman, recommended the names of nine advocates — Aruna S Pai, Shailesh P Brahme, Kamal R Khata, Sharmila U Deshmukh, Amira Abdul Razaq, Sandeep V Marne, Sandeep H Parikh, Somasekhar Sundaresan and Mahendra M Nerlikar — and four judicial officers, Rajesh N Laddha, Sanjay G Mehare, G A Sanap and S G Dige, for appointment as Bombay HC judges.

Justices Khanwilkar and Chandrachud had in writing asked CJI Bobde to send all 22 names back to Bombay HC CJ Dipankar Datta for effective evaluation of merit and maintaining objectivity in the constitutional process of selection of HC judges. Sources said the two judges believed that the Bombay HC, being in the financial capital of the country, required judges with domain knowledge in emerging fields of law and suggested that since Justice Datta had been chief justice for nearly 10 months, he should be asked to reconsider the names.

TOI

After contrary views from 2 SC judges, CJI Bobde sought the opinion of Justice UU Lalit

However, Justice B R Gavai approved the names of "deserving" candidates from among the 22 but agreed with Justices Khanwilkar and Chandrachud for returning the remaining names for reconsideration. Justice Gavai did not fault Justice Dharmadhikari for recommending a large number of people for appointment as judges. He said Justice Dharmadhikari had been a judge of the HC since 2004 and had functioned on various benches to have reasonable knowledge about the talent pool in the HC.

When CJI Bobde asked Justice Chandrachud to specify his objections against individuals, the latter wrote an even more stinging response and said when he was suggesting reconsideration of the entire list by the Bombay HC, to give opinion on individuals would amount to "cherry picking", sources said. After less than encouraging views from Justices Khanwilkar and Chandrachud, the CJI had sought the opinion of Justice U U Lalit on the 22 names.

With just a little more than a month to go for his retirement, CJI Bobde believed the vacancies in Bombay HC needed to be filled urgently and scheduled the collegium meeting without waiting for Justice Lalit's response. The meeting found 13 of the 22 names suitable for appointment as judges of Bombay HC. If these are approved by the government and they are appointed as judges, Bombay HC will still have 19 vacancies against a sanctioned strength of 94 judges.

Justice Dharmadhikari was acting CJ of Bombay HC from February 20 to March 19 last year. He was CJ from March 20 till his superannuation on April 27, 2020. Justices Khanwilkar and Chandrachud had said it was well nigh impossible for a chief justice to prepare a list of 22 probable candidates for appointment as HC judges within a short span of two months.

They said shortlisting a candidate for appointment as a judge required the HC CJ to watch the performance of the advocates, consult bar leaders and colleague judges about the integrity, ability and capability of each individual. They said most of the recommended people were around 55 years old and appointing people of this age group was not advisable as they would have a short tenure of around six years as HC judges, who retire at 62. According to them, most HC judges take at least two to three years to get acquainted with the art of writing judgments and adapting to the discipline intrinsic to the constitutional post.

The two judges said it would be in the interest of the justice delivery system to return the 22 names for reconsideration. They said the selection of candidates needed to be broad-based keeping in mind the hopes and aspirations of deserving advocates practising not only in Bombay HC but before its benches in Aurangabad, Nagpur and Panaji.