

SUPREME COURT OF INDIA

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

S/Shri

1. Dixit Krishna Shripad
2. Shankar Ganapathi Pandit
3. Gurudas Shyamrao Kannur
4. Kuloor Arvind Kamath
5. Kanakatte Narayana Phanindra
6. Ramakrishna Devdas
7. Bhotanhosur Mallikarjuna Shyam Prasad
8. Siddappa Sunil Dutt Yadav
9. Maheshan Nagaprasanna, and
10. Kasaravalli Chythanya Keshavamurthy

The above recommendation was made by the then Chief Justice of the Karnataka High Court on 13th January, 2017, in consultation with his two senior-most colleagues.

The Chief Minister while conveying his disagreement with the above proposal has forwarded copies of certain communications received from bodies of advocates expressing the concern that the names recommended do not provide opportunity of representation to the cross-sections of the society on the Bench of the High Court. He has advised that the entire proposal be returned to the High Court for reconsideration. Many other representations raising, inter alia, this issue have also been placed before us. In this regard, it is important to take note of the fact, as recorded in the Minutes dated 8th December, 2016, 11th and 13th January, 2017, the High Court Collegium has taken into account merit, experience, performance, character and conduct of the recommendees. The Collegium has recorded that it has "*given adequate representation to all the sections of the society to the extent possible considering the merit of the respective candidates*". Since the High Court Collegium has already looked into and tested merit of such representations, need for any further examination thereof stands obviated.

The Governor of Karnataka has conveyed that some of the candidates do not meet the requirement of efficiency in their performance but has not specified the names of such recommendees and the basis for forming such an opinion. We are in agreement with the view of the Governor that the persons recommended may be appointed only after a thorough objective assessment of their performance and integrity. In this regard, it need not be emphasized that assessment of performance of the persons recommended is done objectively by the judiciary at High Court and Supreme Court level; and as far as integrity, character and conduct etc. are concerned, Intelligence Bureau, on verification, has reported that the above-named recommendees enjoy a good personal and professional image and nothing adverse has come to notice against their integrity.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues who are conversant with the affairs of the Karnataka High Court. Copies of their letters of opinion received in this regard are placed below.

As regards S/Shri (1) Gurudas Shyamrao Kannur, (2) Kuloor Arvind Kamath, (3) Kanakatte Narayana Phanindra, and (4) Maheshan Nagaprasanna (mentioned at Sl. No.3, 4, 5 and 9 above), having regard to the material on record, we are of the view that the proposal for their elevation deserves to be remitted to the Chief Justice of the Karnataka High Court for fresh consideration by the present Collegium.

As regards Shri Kasaravalli Chythanya Keshavamurthy (mentioned at Sl. No.10 above), having regard to the material on record, we do not find him suitable for elevation.

We have looked into certain complaints making allegations against some of the recommendees and questioning their suitability for elevation to the High Court. Since, as per comments of the Intelligence Bureau on one of these complaints the allegations are not established or are incorrect, the said complaints deserve to be ignored.

Having regard to the material on record, including views of our consultee-colleagues, and report of the Intelligence Bureau, we are of the considered opinion that S/Shri (1) Dixit Krishna Shripad, (2) Shankar Ganapathi Pandit, (3) Ramakrishna Devdas, (4) Bhotanhosur Mallikarjuna Shyam Prasad, and (5) Siddappa Sunil Dutt Yadav, Advocates, are suitable for being appointed as Judges of the Karnataka High Court.

The Collegum, therefore, resolves to recommend that /Shri (1) Dixit Krishna Shripad, (2) Shankar Ganapathi Pandit, (3) Ramakrishna Devdas, (4) Bhotanhosur Mallikarjuna Shyam Prasad, and (5) Siddappa Sunil Dutt Yadav, Advocates, be appointed as Judges of the Karnataka High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra), C.J.I.

(J. Chelameswar), J.

(Ranjan Gogoi), J.

December 04, 2017.

