

SUPREME COURT OF INDIA

This relates to the proposal for appointment of following five Advocates and two Judicial Officers, as Judges of the Gauhati High Court:

ADVOCATES

1. Shri Dilip Mozumder,
2. Shri Sanjay Kumar Medhi,
3. Shri Nani Tagia,
4. Shri Angshuman Bora,
5. Shri Manish Choudhury,

JUDICIAL OFFICERS:

6. Shri Kamalendu Choudhury, and
7. Smt. Selina Begum.

While recommendees at Sl. Nos.1 and 4 to 7 were recommended by the Collegium of the Gauhati High Court comprising the Chief Justice and his two senior-most colleagues on the Bench on 1st May, 2017, the other two recommendees at Sl. Nos.2 and 3 were recommended by the High Court Collegium earlier on 6th February, 2016 and 6th December, 2016 but their cases were deferred by the Supreme Court Collegium with the observation that they could wait and were accordingly remitted to the High Court. The Collegium of the High Court has recommended their names recently vide Minutes dated 2nd April, 2018 (copy placed below).

With a view to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues conversant with the affairs of the Gauhati High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

Since the Chief Justice of the Gauhati High Court vide letter dated 23rd January, 2018 (copy placed below) has forwarded a communication of even date authored by Shri Angshuman Bora (mentioned at Sl. No.4 above) conveying that he has withdrawn his consent for elevation to the High Court Bench, we need not assess his merit and suitability for elevation.

In order to assess merit and suitability of the above-named recommendees for elevation to the High Court, we have carefully scrutinized the material placed in the file which includes the views of the Chief Ministers and the Governors for the concerned States, report/s of the Intelligence Bureau, age, income, reported/unreported judgments in respect of all the Bar members as well as views of our consultee-colleagues about suitability of the recommendees placed in the file. As regards Judicial Officers, we have also taken into consideration their service record, report/s of Judgment Assessment Committee and ACRs. Apart from this, we invited all the recommendees with a view to have an interaction with them. On the basis of the interaction we had with the recommendees and having regard to all relevant factors, the Collegium is of the considered view that S/Shri Sanjay Kumar Medhi and Nani Tagia, Advocates (mentioned at Sl. Nos. 2 & 3 above) are suitable for being appointed as Judges of the Gauhati High Court.

As regards S/Shri Dilip Mozumder, Advocate and Kamalendu Choudhury, Judicial Officer (mentioned at Sl. Nos. 1 & 6 above), having regard to the material on record, we do not find them suitable. The proposal for their elevation is accordingly rejected.

As regards Shri Manish Choudhury, Advocate and Smt. Selina Begum, Judicial Officer (mentioned at Sl. Nos. 5 & 7 above), having regard to the material on record, we are of the considered view that consideration of their cases can wait. The proposal for their elevation is accordingly deferred for the present.

In view of the above, the Collegium resolves to recommend that S/Shri Sanjay Kumar Medhi, and Nani Tagia, Advocates (mentioned at Sl. Nos. 2 & 3 above) be appointed as Judges of the Gauhati High Court. Their *inter se* seniority be fixed as per the existing practice.

So far as recommendation relating to Shri Nani Tagia, Advocate (mentioned at Sl. No.3 above) is concerned, one of the members of the Collegium, Mr. Justice Ranjan Gogoi, for reason of propriety, has not participated in the proceedings since Shri Tagia was his junior while he was in the profession.

(Dipak Misra), C.J.I.

(J. Chelameswar), J.

(Ranjan Gogoi), J.

April 06, 2018.

