

SUPREME COURT OF INDIA

Re: Filling up vacancies of Judges in the Supreme Court.

Against the sanctioned strength of 31 Judges, the Supreme Court of India is presently functioning with 24 Judges, leaving 07 clear vacancies.

After extensive discussion and deliberations on a number of occasions, the Collegium unanimously resolves to fill up, for the present, four of these vacancies. The Collegium discussed names of Chief Justices as well as senior puisne Judges of all High Courts, eligible for elevation to the Supreme Court. The Collegium is of the considered view that at present the following persons are more deserving and suitable in all respects than other Chief Justices and senior puisne Judges of High Courts, for being appointed as Judges of the Supreme Court of India:

1. Mr. Justice Hemant Gupta,
Chief Justice, Madhya Pradesh High Court
(PHC: Punjab & Haryana)
2. Mr. Justice R. Subhash Reddy,
Chief Justice, Gujarat High Court
(PHC: Telangana & Andhra Pradesh)
3. Mr. Justice Mukeshkumar Rasikbhai Shah,
Chief Justice, Patna High Court
(PHC: Gujarat), and
4. Mr. Justice Ajay Rastogi,
Chief Justice, Tripura High Court
(PHC: Rajasthan).

In terms of the Memorandum of Procedure, we have consulted our colleagues, whose opinion is considered to be significant in adjudging the suitability of the above-named recommendees for elevation to the Supreme Court. Copies of letters of opinion of our colleagues received in this regard are placed below.

While recommending the name of Mr. Justices Hemant Gupta, R. Subhash Reddy, Mukeshkumar Rasikbhai Shah, and Ajay Rastogi, the Collegium has taken into consideration combined seniority on all-India basis of Chief Justices and senior puisne Judges of High Courts, apart from their merit and integrity. The Collegium has also kept in mind, while recommending the above names that the High Courts of Punjab & Haryana, Gujarat and Rajasthan have remained unrepresented in the Supreme Court since long.

We, therefore, recommend that Mr. Justices Hemant Gupta, R. Subhash Reddy, Mukeshkumar Rasikbhai Shah and Ajay Rastogi, be appointed as Judges in the Supreme Court of India.

Mr. Justice Hemant Gupta was appointed as a Judge of the Punjab and Haryana High Court on 2nd July, 2002 and was transferred to Patna High Court on 8th February, 2016. He was elevated as Chief Justice of Madhya Pradesh High Court on 18th March, 2017 and has been functioning there since then.

Mr. Justice R. Subhash Reddy was appointed as a Judge of the Andhra Pradesh High Court on 2nd December, 2002. He was elevated as Chief Justice of Gujarat High Court on 13th February, 2016 and has been functioning there since then. While considering the name of Mr. Justice R. Subhash Reddy, the Collegium has taken into consideration the fact that at present there is no Judge in the Supreme Court from the State of Telangana and he belongs to the State of Telangana.

Mr. Justice Mukeshkumar Rasikbhai Shah was appointed as a Judge of the Gujarat High Court on 7th March, 2004. He was elevated as Chief Justice of Patna High Court on 12th August, 2018 and has been functioning there since then.

Mr. Justice Ajay Rastogi was appointed as a Judge of the Rajasthan High Court on 2nd September, 2004. He was elevated as Chief Justice of Tripura High Court on 1st March, 2018 and has been

functioning there since then. While recommending his name, the Collegium is well conscious of his seniority position in the Rajasthan High Court also.

Mr. Justice Hemant Gupta, Mr. Justice R. Subhash Reddy, Mr. Justice Mukeshkumar Rasikbhai Shah, and Mr. Justice Ajay Rastogi stand at Sl. Nos.4, 5, 17 and 25 respectively in the combined seniority of High Court Judges on all-India basis.

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

1. Mr. Justice Hemant Gupta
2. Mr. Justice R. Subhash Reddy
3. Mr. Justice Mukeshkumar Rasikbhai Shah, and
4. Mr. Justice Ajay Rastogi.

(Ranjan Gogoi), C.J.I.

(Madan B. Lokur), J.

(Kurian Joseph), J.

(A.K. Sikri), J.

(S.A. Bobde), J.

New Delhi,
October 30, 2018.