

SUPREME COURT OF INDIA

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

1. Shri S.M. Modak,
2. Shri N.J. Jamadar,
3. Smt. P.V. Ganediwala,
4. Shri V.G. Joshi,
5. Shri S.B. Agrawal, and
6. Shri R.G. Avachat,

The above recommendation made by the then Chief Justice of the Bombay High Court on 28th November 2017, in consultation with her two senior-most colleagues, has the concurrence of the State Governments of Maharashtra and Goa.

In order 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 Bombay High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

For purpose of assessing merit and suitability of the above-named recommendees for elevation to the High Court, we have carefully scrutinized the material placed in the file including the observations made by the Department of Justice therein. On the basis of material on record and having regard to all relevant factors, the Collegium is of the considered view that S/Shri (1) S.M. Modak, (2) N.J. Jamadar, (3) V.G. Joshi, and (4) R.G. Avachat, Judicial Officers (mentioned at Sl.Nos. 1, 2, 4 & 6 above) are suitable for being appointed as Judges of the Bombay High Court.

As regards Smt. P.V. Ganediwala, Judicial Officer (mentioned at Sl.No.3 above), having regard to the material on record and all relevant factors, her case deserves to be deferred for some time. The proposal would be taken up for consideration by the Collegium after some time.

As regards Shri S.B. Agrawal, Judicial Officer (mentioned at Sl.No.5 above), having regard to the material on record and all relevant factors, the Collegium is of the considered view that his case deserves to be deferred. The Collegium recommends accordingly.

We have also taken note of the fact that the above proposal involves non-recommendation of some senior Judicial Officers. In this regard, we have gone through Minutes dated 28th November, 2017 of the High Court Collegium, which has duly recorded reasons for not recommending names of these Judicial Officers. We are in agreement with the justification given by the High Court Collegium in its Minutes dated 28th November, 2017 for not recommending these senior Judicial Officers.

Lastly, we have also taken note of the complaints placed in the file as also received in the office of Chief Justice of India making allegations against some of the above-named recommendees. On examination, we do not find any *prima facie* substance in these complaints, which deserve to be ignored.

In view of the above, the Collegium resolves to recommend that S/Shri (1) S.M. Modak, (2) N.J. Jamadar, (3) V.G. Joshi, and (4) R.G. Avachat, Judicial Officers, be appointed as Judges of the Bombay High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra) C.J.I.

(Ranjan Gogoi), J.

(Madan B. Lokur), J.

September 11, 2018.