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 26 Judges, leaving 05 clear vacancies.

The Collegium comprising the Chief Justice of India and four senior-most Judges of the Supreme Court viz. Mr. Justices Madan B. Lokur, A.K. Sikri, S.A. Bobde and N.V. Ramana met on Wednesday, 12th December, 2018 to discuss the Agenda viz., (1) to consider and recommend names for appointment as Judges in the Supreme Court and (2) to consider proposals for transfer of Chief Justices and Judges of High Courts.

The then Collegium on 12th December, 2018 took certain decisions. However, the required consultation could not be undertaken and completed as the winter vacation of the Court intervened. By the time the Court re-opened, the composition of the Collegium underwent a change. After extensive deliberations on 5th / 6th January, 2019, the newly constituted Collegium deemed it appropriate to have a fresh look at the matter and also to consider the proposals in the light of the additional material that became available.

In terms of the above, this Collegium unanimously resolves to fill up, for the present, two of the five existing vacancies of Judges in the Supreme Court. The Collegium has 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 Dinesh Maheshwari,
      Chief Justice, Karnataka High Court
      (PHC: Rajasthan)

2.   Mr. Justice Sanjiv Khanna,
      Judge, Delhi High Court

While recommending the names of Mr. Justices Dinesh Maheshwari and Sanjiv Khanna 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 the desirability of giving due representation on the Bench of the Supreme Court, as far as possible, to all the High Courts.

We, therefore, recommend that Mr. Justices Dinesh Maheshwari and Sanjiv Khanna be appointed as Judges in the Supreme Court of India.

Mr. Justice Dinesh Maheshwari was appointed as a Judge of the Rajasthan High Court on 2nd September, 2004 and was transferred to Allahabad High Court on 19th July, 2014. He was elevated as Chief Justice of Meghalaya High Court on 24th February, 2016 and was thereafter transferred to Karnataka High Court on 12th February, 2018 and has been functioning there since then. Mr. Justice Dinesh Maheshwari stands at Sl. No. 21 in the combined seniority of High Court Judges on all-India basis.

Mr. Justice Sanjiv Khanna was appointed as a Judge of the Delhi High Court on 24th June, 2005 and since then has been functioning there. He stands at Sl.No. 33 in the combined seniority of High Court Judges on all-India basis. The Collegium while recommending the name of Mr. Justice Sanjiv Khanna for elevation to the Supreme Court is well conscious of his seniority position in the Delhi High Court also.

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

1.   Mr. Justice Dinesh Maheshwari, and

2.   Mr. Justice Sanjiv Khanna.

(Ranjan Gogoi), C.J.I.

(A.K. Sikri), J.

(S.A. Bobde), J.

(N.V.Ramana), J.

(Arun Mishra), J.

New Delhi,
January 10, 2019.