

SUPREME COURT OF INDIA

The Collegium of the Supreme Court recommended the names of the following three Advocates and a Judicial Officer for appointment as Judges of the High Court of Uttarakhand:

Advocates:

- (i) Shri Rakesh Thapliyal,
- (ii) Shri Pankaj Purohit, and
- (iii) Shri Subhash Upadhyay.

Judicial Officer:

- (iv) Shri Vivek Bharti Sharma.

On 07 September 2022, the Chief Justice of the High Court of Uttarakhand made the above recommendation in consultation with his two senior-most colleagues. The Chief Minister and the Governor of the State of Uttarakhand have concurred with the recommendation. The file was received in the Supreme Court from Department of Justice on 01 April 2023.

In terms of the Memorandum of Procedure, in order to ascertain the suitability of above-named candidates for elevation to the High Court, the Judges of the Supreme Court, conversant with the affairs of the High Court of Uttarakhand, were consulted.

For the purpose of assessing the merit and suitability of the above-named candidates for elevation to the High Court, we have scrutinized and evaluated the material placed on record including certain complaints. We have also perused the observations made by the Department of Justice in the file as well as complaints received against the candidates.

1. Shri Rakesh Thapliyal, Advocate (Sl. No.(i) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s. He is reported to be a designated senior advocate practising with domain expertise in service and criminal law. Though he has crossed the age of 55 years, the Collegium of the High Court has recommended his name looking into his credentials, reputation and performance in the court and considering the fact that Collegium is not able to identify other suitable names from the Bar. Keeping in mind the above aspects, the Collegium is of the considered opinion that Shri Rakesh Thapliyal is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

2. Shri Pankaj Purohit, Advocate (Sl. No.(ii) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s. He is reported by the consultee-Judges to be deserving and suitable for elevation. He fulfils the age and income

criteria. In view of the above, the Collegium is of the considered opinion that Shri Pankaj Purohit is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

3. Shri Subhash Upadhyay, Advocate (Sl. No.(iii) above)

The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s who have found him suitable for elevation. He is reported to be a competent counsel practising with domain expertise in service law. The Collegium has considered the fact that it is difficult to identify other suitable names from the Bar. Keeping in mind the above aspects, the Collegium is of the considered opinion that Shri Subhash Upadhyay is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

4. Shri Vivek Bharti Sharma, Judicial Officer (Sl. No.(iv) above)

He joined judicial service in the year 2006 and has considerable experience on the judicial side. He is the senior-most member of the Uttarakhand Higher Judicial Service and is presently posted as Registrar General in the High Court. The Intelligence Bureau has reported that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity. We have considered the views of our consultee-colleague/s who have found him suitable for elevation. The Collegium of the High Court has recommended his name though on the date of occurrence of vacancy, he had crossed the age limit of 58½ years, considering his outstanding assessment as judicial officer and as

Registrar General. Keeping in view the above, this Collegium is of the considered opinion that Shri Vivek Bharti Sharma is fit and suitable for appointment as a Judge of the High Court of Uttarakhand.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Rakesh Thapliyal, (2) Pankaj Purohit, (3) Subhash Upadhyay, Advocates and (4) Shri Vivek Bharti Sharma, Judicial Officer, be appointed as Judges of the High Court of Uttarakhand. Their *inter se* seniority be fixed as per the existing practice.

(Dhananjaya Y Chandrachud), C.J.I.

(Sanjay Kishan Kaul), J.

(K.M. Joseph), J.

April 12, 2023

