



SUPREME COURT OF INDIA

The Supreme Court Collegium has recommended the names of six Advocates for appointment as Judges of the High Court of Kerala, in the following terms:

- (i) Shri Abdul Hakhim Mullappally Abdul Aziz,
- (ii) Shri Syam Kumar Vadakke Mudavakkat,
- (iii) Shri Harisankar Vijayan Menon,
- (iv) Shri Manu Sreedharan Nair,
- (v) Shri Easwaran Subramani, and
- (vi) Shri Manoj Pulamby Madhavan.

On 5 December 2023, the Chief Justice of the High Court of Kerala in consultation with his two senior-most colleagues recommended the names of the above Advocates for appointment as judges of that High Court. The Chief Minister and the Governor of the State of Kerala concurred with the above proposal.

In order to ascertain the suitability of the above Advocates for their elevation to the High Court, we have consulted our colleagues conversant with the affairs of the High Court of Kerala.



For the purpose of assessing the merit and suitability of the above candidates for elevation to the High Court, we have scrutinized and evaluated the material placed on record. We have also perused the observations made by the Department of Justice in the file as well as the complaints received against the candidates. As regards comments made in the file on professional competence of some of the candidates, the Collegium has always taken a stand that it is for the judiciary to assess the same.

(i) Shri Abdul Hakhim Mullappally Abdul Aziz [SI No (i) above]

All the consultee-Judges have given a positive opinion on the suitability of the candidate for appointment as a judge of the High Court. The candidate has a good practice at the Bar. The inputs in the file indicate that he is a competent lawyer. The inputs provided in the file also indicate that he enjoys a good personal and professional image and that nothing adverse has come to notice with regard to his integrity. Besides, his elevation would enhance representation of minorities on the Bench of the High Court. He has appeared/argued in a number of cases which is reflected by his appearance in 47 reported judgments delivered by the High Court.

Bearing in mind all the relevant facts and circumstances, the Collegium is of the considered view that Shri Abdul Hakhim Mullappally Abdul Aziz is fit and suitable for appointment as a Judge of the High Court.



(ii) Shri Syam Kumar Vadakke Mudavakkat [SI No (ii) above]

We have considered the views of the consultee-Judges on the suitability of the candidate. One of them has opined that he is a capable lawyer with a good reputation and is suitable for elevation. Another consultee-Judge has opined that the candidate may be considered for elevation. As regards the observation made by one of our consultee-colleagues that he has been concentrating mainly in admiralty law, it is significant to note that the candidate himself has stated that his field of specialization is maritime and shipping law. In our considered opinion, his practice in other branches of law and specialization in a particular jurisdiction make him eminently suitable for elevation to the High Court, which has admiralty jurisdiction. The inputs provided in the file indicate that he enjoys a good personal and professional image and that nothing adverse has come to notice with regard to his integrity. He has appeared/argued in a number of cases which is reflected in the 29 reported judgments of the High Court.

Bearing in mind all the relevant facts and circumstances, the Collegium is of the considered view that Shri Syam Kumar Vadakke Mudavakkat is fit and suitable for appointment as a Judge of the High Court.

(iii) Shri Harisankar Vijayan Menon [SI No (iii) above]

We have considered the views of the consultee-Judges. All of them have given a positive opinion on the suitability of the candidate for appointment as a judge of the High Court. The inputs provided in the



file indicate that he enjoys a good personal and professional image and that nothing adverse has come to notice with regard to his integrity. He has appeared/argued in a number of cases as reflected in 55 reported judgments delivered by the High Court in those cases.

Bearing in mind all the relevant facts and circumstances, the Collegium is of the considered view that Shri Harisankar Vijayan Menon is fit and suitable for appointment as a Judge of the High Court.

(iv) Shri Manu Sreedharan Nair [SI No (iv) above]

We have considered the views of the consultee-Judges. All of them have given a positive opinion on the suitability of the candidate for appointment as a judge of the High Court. The inputs provided in the file indicate that nothing adverse has come to notice with regard to his integrity. He has appeared/argued in a number of cases as reflected in 50 reported judgments delivered by the High Court in those cases.

The report of the Government notes that nothing adverse has come to notice regarding the integrity of the candidate. However, the said input indicates that his professional competence “is viewed to be average”. The observation on the professional competence of the candidate is not correct bearing in mind that (i) the candidate has 50 reported judgments to his credit delivered by the High Court; and (ii) the candidate has a professional income of Rs.70.97 lakhs. The opinion of the Collegium of the High Court on the competence and suitability of the candidate



would have to be given due credence since the members of the Collegium of the High Court have seen and observed his performance.

Bearing in mind all the relevant facts and circumstances, the Collegium is of the considered view that Shri Manu Sreedharan Nair is fit and suitable for appointment as a Judge of the High Court.

(v) Shri Easwaran Subramani [SI No (v) above]

We have considered the views of the consultee-Judges. All of them have given a positive opinion on the suitability of the candidate for appointment as a judge of the High Court. The inputs provided in the file indicate that nothing adverse has come to notice with regard to his integrity. He has appeared/argued in a number of cases as reflected in 95 reported judgments delivered by the High Court.

Bearing in mind all the relevant facts and circumstances, the Collegium is of the considered view that Shri Easwaran Subramani is fit and suitable for appointment as a Judge of the High Court.

(vi) Shri Manoj Pulamby Madhavan [SI No (vi) above]

The candidate belongs to a Scheduled Caste. He has 35 reported judgments of the High Court where he has appeared and has a professional income of Rs. 9.57 lakhs. We have considered the views of the consultee-Judges on the suitability of the candidate. One of the consultee-Judges, has not offered any opinion as he has not had an opportunity to assess him during his period of practice and judgeship.



The opinion of another consultee-Judge, that the candidate has a good standing as a lawyer is based on an enquiry made by him. Another consultee-Judge has opined that the candidate may be considered for elevation.

We have also taken note of the inputs provided by the Department of Justice in the file. They are extracted below:

“Manoj Pulamby Madhavan is considered to be a CPI(M) sympathizer. He was appointed as Government Pleader in 2010 and 2016-2021 by the LDF Government.”

The above input that the candidate “is considered to be a CPI(M) sympathizer” is extremely vague. Similarly, that he was appointed as a Government Pleader in 2010 and 2016-2021 by the LDF Government does not constitute a valid ground to reject his candidature. As a matter of fact, the appointment of the candidate as a Government Pleader would indicate that he would have acquired sufficient experience in handling cases where the State is a party in diverse branches of law. The input that the candidate is considered to be a CPI(M) sympathizer is otherwise vague and bereft of cogent grounds. Even otherwise, the mere fact that the candidate has had a political background may not be a sufficient reason in all cases. For example, in the recent past, an Advocate has been appointed as a Judge of the High Court though she was an office bearer of a political party prior to her elevation. In the present case, the candidate being a SC candidate with sufficient practice at the Bar is



worthy of being appointed as a Judge of the High Court. His performance having been observed by the members of the Collegium of the High Court who had the occasion to observe his competence and conduct as a lawyer, their opinion should be given due weightage. The Collegium is, therefore, of the view that the candidate is fit and suitable for appointment as a Judge of the High Court.

In view of the above, the Collegium resolves to recommend that S/Shri (i) Abdul Hakhim Mullappally Abdul Aziz, (ii) Syam Kumar Vadakke Mudavakkat, (iii) Harisankar Vijayan Menon, (iv) Manu Sreedharan Nair, (v) Easwaran Subramani, and (vi) Manoj Pulamby Madhavan, Advocates, be appointed as Judges of the High Court of Kerala. Their *inter se* seniority be fixed as per the existing practice.

(Dhananjaya Y Chandrachud), CJI

(Sanjiv Khanna), J

(B R Gavai), J

12 March 2024