

SUPREME COURT OF INDIA

The Supreme Court Collegium recommended the name of Shri Sanjay Kumar Jaiswal, Judicial Officer for appointment as a Judge of the High Court of Chhattisgarh in the following terms:

On 02 September 2022, the then Chief Justice of the High Court of Chhattisgarh in consultation with his two senior-most colleagues made the recommendation. The file was received in the Supreme Court from Department of Justice on 01 April 2023.

As regards views of the State Government, the Department of Justice has recorded in the file that the constitutional authorities have not given any input so far in respect of the above recommendation made by the High Court Collegium. The proposal has been processed by invoking Para 14 of the Memorandum of Procedure which provides that if the comments of the Governor as advised by the Chief Minister are not received within six weeks from the date of receipt of the proposal from the Chief Justice of the High Court, it shall be presumed by the Union Minister of Law and Justice that the constitutional authorities in the State have nothing to add to the proposal and proceed accordingly.

At present, there is no Judge in the Supreme Court conversant with the affairs of the High Court of Chhattisgarh to assist us in the process of ascertaining suitability of the candidate.

For the purpose of assessing the merit and suitability of the candidate 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 complaint received against the candidate.

The Intelligence Bureau has reported that he enjoys good personal and professional image and that nothing adverse has come to notice against his integrity. Shri Sanjay Kumar Jaiswal is about 58 years of age. On the date of vacancy against which his name has been recommended, his age was 57 years. Department of Justice has not pointed out anything adverse in regard to his suitability for elevation. He belongs to the OBC category. Having regard to these aspects, the Collegium is of the considered opinion that Shri Sanjay Kumar Jaiswal is suitable for appointment as a Judge of the High Court of Chhattisgarh.

While considering the above proposal, we have also taken note of the fact that the above proposal involves non-recommendation of a senior Judicial Officer. In this regard, we are in agreement with the justification given by the High Court Collegium in its Minutes for not recommending the name of the senior Judicial Officer.

In view of the above, the Collegium resolves to recommend that Shri Sanjay Kumar Jaiswal, Judicial Officer, be appointed as a Judge of the High Court of Chhattisgarh.

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

(Sanjay Kishan Kaul), J.

(K.M. Joseph), J.

April 12, 2023