

SUPREME COURT OF INDIA

Re: Filling up vacancies of judges in the Supreme Court.

The Supreme Court of India has a sanctioned strength of thirty four Judges and is presently functioning with twenty seven Judges. Thus, there are seven clear vacancies.

On 13 December 2022, the Collegium recommended five names for appointment as Judges of the Supreme Court, namely (i) Mr Justice Pankaj Mithal, (ii) Mr Justice Sanjay Karol, (iii) Mr Justice P.V. Sanjay Kumar, (iv) Mr Justice Ahsanuddin Amanullah, and (v) Mr Justice Manoj Misra. Their appointment is yet to be notified by the Government. The Collegium resolves to recommend two more names for appointment as Judges of the Supreme Court against the two remaining vacancies.

The Collegium deliberated on and discussed the names of Chief Justices and senior puisne Judges of the High Courts eligible for appointment to the Supreme Court. Judgments authored by those falling in the zone of consideration for elevation to the Supreme Court were circulated among the members of the Collegium for a meaningful discussion on and assessment of their judicial acumen.

After carefully evaluating the merit, integrity and competence of eligible Chief Justices and senior puisne Judges of the High Courts and also accommodating a plurality of considerations, the Collegium finds the following persons to be more deserving and suitable in all respects for being appointed as Judges of the Supreme Court of India:

- i. Mr Justice Rajesh Bindal,
Chief Justice, High Court of Judicature at Allahabad,
(PHC: Punjab & Haryana), and
- ii. Mr Justice Aravind Kumar,
Chief Justice, High Court of Gujarat,
(PHC: Karnataka).

Mr Justice Rajesh Bindal was appointed as a Judge of the Punjab and Haryana High Court on 22 March 2006. He was appointed as Chief Justice of the High Court of Judicature at Allahabad on 11 October 2021. Mr Justice Bindal stands at Sl. No.02 in the combined All-India-seniority of High Court Judges. He is the seniormost Judge hailing from the Punjab and Haryana High Court. While recommending his name, the Collegium has taken into consideration the fact that the Punjab and Haryana High Court which is one of the largest High Courts with a sanctioned strength of eighty five judges is not adequately represented on the Bench of the Supreme Court. The High Court of Punjab and Haryana is a common High Court for two States.

Mr Justice Aravind Kumar was appointed as an Additional Judge of the Karnataka High Court on 26 June 2009 and as permanent Judge on 07 December 2012. He was elevated as Chief Justice of the High Court of Gujarat on 13 October 2021. Mr Justice Aravind Kumar stands at Sl. No.26 in the combined All-India-seniority of High Court Judges. While recommending his name, the Collegium is conscious of the fact that in the seniority of Judges hailing from the Karnataka High Court, Mr Justice Aravind Kumar stands at Sl. No.02

and that at present, the Bench of the Supreme Court is represented by two Judges from the Karnataka High Court.

While recommending the above names the Collegium has taken into consideration the following aspects:

- a. The seniority of Chief Justices and senior puisne Judges in their respective parent High Courts as well as overall seniority of the High Court Judges;
- b. The merit, performance and integrity of the judges under consideration; and
- c. The need to ensure diversity and inclusion in the Supreme Court by:
 - (i) representation of High Courts which are not represented or are inadequately represented, in the Supreme Court;
 - (ii) appointing persons from marginalized and backward segments of society;
 - (iii) gender diversity; and
 - (iv) representation of minorities.

The Collegium resolves to recommend that (i) Mr Justice Rajesh Bindal and (ii) Mr Justice Aravind Kumar, be appointed as Judges of the Supreme Court of India.

The names recommended earlier by the Collegium by its resolution dated 13 December 2022 shall have precedence over the two names recommended presently for appointment to the Supreme Court. Therefore, the appointments of five judges recommended on 13 December 2022 should be notified separately and earlier in point of time before the two judges recommended by this resolution.

The resolution of the Collegium in regard to the appointment of Mr Justice Rajesh Bindal, Chief Justice of the High Court of Judicature at Allahabad is unanimous. However, in regard to the appointment of Mr Justice Aravind Kumar, Chief Justice of the High Court of Gujarat, Justice K M Joseph has expressed his reservations on the ground that his name can be considered at a later stage.

(Dhananjaya Y Chandrachud), CJI

(Sanjay Kishan Kaul), J

(K.M. Joseph), J

(M.R. Shah), J

(Ajay Rastogi), J

(Sanjiv Khanna), J

31 January 2023