

SUPREME COURT OF INDIA

This file relates to the proposal for appointment of following five Advocates, as Judges of the Madhya Pradesh High Court:

1. Shri Divesh Jain,
2. Shri Sanjay Sarwate,
3. Smt. Archana Kher,
4. Shri Vishal Dhagat, and
5. Shri Vishal Mishra.

The above recommendation made by the then Chief Justice of the Madhya Pradesh High Court on 6th September, 2018, in consultation with his two senior-most colleagues, was taken up by this Collegium on 1st April, 2019, when consideration of the proposal was deferred.

The Chief Minister and the Governor of Madhya Pradesh have concurred with the recommendation. In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues conversant with the affairs of the Madhya Pradesh High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

For purpose of assessing merit and suitability of the above-named recommendees for elevation to the High Court, we have carefully scrutinized the material on record including the observations made by the Department of Justice as well as certain complaints, placed before us. Apart from this, the Collegium had an interaction with all the recommendees on 1st April, 2019. On the basis of interaction and having regard to all relevant factors, the Collegium is of the considered view that S/Shri (1) Vishal Dhagat and (2) Vishal Mishra (mentioned at Sl. Nos. 4 and 5 above) are suitable for being appointed as Judges of the Madhya Pradesh High Court. As far as age factor of Shri Vishal Mishra is concerned, the Collegium is fully satisfied with the justification given by the High Court Collegium while recommending his name.

As regards S/Shri (1) Divesh Jain, (2) Sanjay Sarwate, and (3) Smt. Archana Kher, (mentioned at Sl. Nos. 1, 2 and 3 above) having regard to all relevant factors and the material placed in the file, the Collegium is of the considered view that the proposal for their elevation deserves to be remitted to the Madhya Pradesh High Court. The Collegium resolves to recommend accordingly.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Vishal Dhagat, and (2) Vishal Mishra, Advocates be appointed as Judges of the Madhya Pradesh High Court. Their *inter se* seniority be fixed as per the existing practice.

(Ranjan Gogoi), C.J.I.

(S.A. Bobde), J.

(N.V.Ramana), J.

May 10, 2019.

