

## **SUPREME COURT OF INDIA**

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

### **ADVOCATES:**

1. Shri Rahul Jain
2. Shri Pranay Gupta
3. Shri Ravindra Singh Chhabra
4. Shri Deepak Awasthi
5. Smt. Ami Prabal

### **JUDICIAL OFFICERS:**

6. Shri Vishnu Pratap Singh Chauhan
7. Shri Rajeev Kumar Shrivastava
8. Shri Rajendra Prasad Sharma
9. Shri Rajesh Gupta
10. Shri Shailendra Shukla

The above recommendation has been made by the Chief Justice of the Madhya Pradesh High Court on 11<sup>th</sup> April, 2018, in consultation with his two senior-most colleagues.

As per record, the views the State Government of Madhya Pradesh have not been received so far, though the Department of Justice has on 20<sup>th</sup> June, 2018 requested the concerned Constitutional authorities in the State. In this regard, the Collegium considers it appropriate to invoke provisions of Memorandum of Procedure which mandates that if views of the State Government are not received within the prescribed period, it can be presumed by the Union Government that they have nothing to add to the proposal, and proceed accordingly.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues who are conversant with the affairs of the Madhya Pradesh High Court. Copies of letters of opinion of our consultee-colleagues 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 placed in the file including the observations made by the Department of Justice therein. Apart from this, we invited all the above-named recommendees with a view to have an interaction with them. On the basis of interaction and having regard to all relevant factors, the Collegium is of the considered view that the proposal for elevation of S/Shri (1) Rahul Jain, (2) Pranay Gupta, (3) Ravindra Singh Chhabra, (4) Deepak Awasthi, & (5) Smt. Ami Prabal, Advocates, deserves to be remitted to the Chief Justice of the Madhya Pradesh High Court.

As regards S/Shri (1) Vishnu Pratap Singh Chauhan, (2) Rajeev Kumar Shrivastava, and (3) Shailendra Shukla, Judicial Officers, having regard to the reasons recorded above, the Collegium is of the considered view that they are suitable for elevation to the High Court.

As far as Judicial Officers are concerned, the proposal for elevation of S/Shri (1) Rajendra Prasad Sharma and (2) Rajesh Gupta, Judicial Officers would be taken up for consideration by the Collegium after some time.

While considering the above proposal relating to Judicial Officers, we have also taken note of the fact that the above proposal involves non-recommendation of two senior Judicial Officers. In this regard, we have gone through Minutes dated 11<sup>th</sup> April, 2018 of the High Court Collegium, which has duly recorded reasons for not

recommending names of these Judicial Officers. We are, thus, in agreement with the justification given by the High Court Collegium in its Minutes for not recommending the names of two senior Judicial Officers.

We have taken note of certain complaints placed in the file as also received in the office of Chief Justice of India, making allegations against some of the above-named recommendees. On examination, we do not find any *prima facie* substance in these complaints, which deserve to be ignored.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Vishnu Pratap Singh Chauhan, (2) Rajeev Kumar Shrivastava, and (3) Shailendra Shukla, Judicial Officers, 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.

( Madan B. Lokur ), J.

( Kurian Joseph ), J.

October 24, 2018.

