

To,

11.11.2021

1. Hon'ble Mr. Justice N.V. Ramana,  
The Chief Justice of India  
Supreme Court of India, New Delhi.

2. Hon'ble Mr. Justice U.U. Lalit,  
Supreme Court of India, New Delhi.

3. Hon'ble Mr. Justice A.M. Khanwilkar,  
Supreme Court of India, New Delhi

4. Hon'ble Dr. Justice D.Y. Chandrachud  
Supreme Court of India, New Delhi

5. Hon'ble Mr. Justice L. Nageswara Rao  
Supreme Court of India, New Delhi

Respected Judges,

We, the undersigned advocates of the Madras High Court, write this letter with a sense of deep concern over the transfer of Mr. Justice Sanjib Banerjee, Chief Justice of Madras High Court to Meghalaya High Court.

1. In the last two months, the Madras High Court lost Justices M.M.Sundresh and T.S. Sivagnanam, Judges who were No. 2 and 3, in the seniority among judges, due to the appointment of the former to the Supreme Court and the transfer of the latter to the Calcutta High Court. Now the head of the judiciary in the State is also being transferred within ten months of assuming office. This raises a very valid question whether the transfer of the Chief Justice in this background is in "public interest" and "for better administration of justice", two factors held to be relevant by judicial dictum.
2. The transfer of Chief Justice Banerjee from a chartered High Court with a sanctioned strength of 75 judges to the High Court of Meghalaya, established in

2013, with a current strength of two judges, raises disconcerting questions. While transfers for better administration of justice may be necessary in principle, members of the Bar have a right to know why a competent, fearless judge and an efficient administrator of a large High Court where more than 35000 cases were filed this year should be transferred to a Court where the total number of cases instituted in a month is on an average 70-75.

3. Similar transfers in the past have led to speculations i) whether the transfer was caused due to improprieties by the concerned judge or ii) whether there were external factors that penetrated the decision making process when such strong pointers existed. It damages an honest judge's reputation and tends to lower the image of the judiciary in public. It is the secrecy that surrounds the Collegium's decisions and lack of stated criteria that lead to a perception of arbitrariness . Ultimately, the judiciary as an institution stands to lose.
4. Justice Banerjee has added heft to the office of Chief Justice of one of the oldest Courts in the country. He steered the Court through this unprecedented and difficult period by ensuring that the justice system continues to function unhampered and unhindered by the pandemic. Chief Justice Banerjee has consistently sought accountability from authorities at all levels in their discharge of constitutional and statutory duties. He is known to be impartial, open to suggestions from all quarters for improving the functioning of the justice system and has undertaken proactive measures to strengthen the judiciary. Chief Justice Banerjee recently steered a massive gender sensitisation programme covering 1700 staff of the judiciary and has assured that the programme would be extended to the judiciary too in the State, including High Court judges.
5. It takes at least a few months for a Chief Justice after assuming charge as the head of the State judiciary to understand the demands and requirements that may vary in each State, to establish a healthy working relationship with her/his peers, earn the respect and trust of the Bar and put in place effective administrative measures to

strengthen the system.

6. Justice Banerjee assumed the office of the Chief Justice of the Madras High Court on 04.01.2021 and is expected to retire in November, 2023. The recommendation to appoint him as the Chief Justice of the Madras High Court was made less than a year back in December, 2020 obviously after considering his experience as a judge of the Calcutta High Court and suitability to head a Chartered High Court. It is therefore inexplicable that in ten months, the Collegium should revise its opinion and recommend that such a person should be transferred to a Court where any avenue for utilising his vast experience would be severely limited.
7. Short tenures and abrupt transfers stand in the way of a cohesive leadership and meaningful administrative reforms. A change in leadership every few months will have an adverse impact on not just the administrative functioning of the High Court, but crucial decisions to be taken by the High Court Collegium will be delayed or suffer from the loss/lack of experience that is gained over several months.
8. The Collegium of the Supreme Court appears to have recommended the transfer of Justice Banerjee on 16th September, 2021. This decision was made public only on 9th November 2021. This raises the worrisome question of lack of transparency and opacity in decision making by the Collegium. Even if the Collegium is privy to information that may have prompted such a drastic measure, members of the Bar and the public have a right to know the reasons for this transfer. Until that is done, the only conclusion that can be drawn is that a judge is being rebuked for discharging his duties without fear or favour.
9. Chief Justice Banerjee has passed several orders upholding constitutional rights and values of Free Speech, Secularism, Free and Fair elections, Right to Health and State accountability that may well have earned the ire of those in power. In a recent order dismissing a Public interest litigation seeking to prevent the Chief

Minister of Tamil Nadu from chairing an advisory committee under the Hindu Religious and Charitable Endowments (HR&CE) Act until he takes a pledge in front of a Hindu god in a nearby Hindu temple, Chief Justice Banerjee held,

“There has to be a time when the prejudice and vendetta have to be shed particularly when it comes to practicing religion. This is a secular country and secularism implies tolerance for the other religion.”

In other cases, he castigated the AIADMK government for its inept handling of the pandemic and hauled up the Election Commission for failing to ensure proper COVID safety norms during the recent State elections. Just before the elections, he passed orders directing the Election Commission and the Puducherry police to investigate as to how phone numbers linked to aadhar cards of voters that were not available in public domain, were available with functionaries of the Bharatiya Janata Party for their election campaign. More importantly, he passed a crucial order to protect media freedom and free speech by granting interim stay of the provisions of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021.

10. It is known in legal circles in Tamil Nadu that in order to ensure a totally free and independent judiciary, inquiries were afoot under the tenure of Chief Justice Banerjee to check corruption in the judiciary. His intolerance for corruption and inefficiency is well known and widely appreciated. The instant transfer would quell any such effort to strengthen the judiciary in the State.

11. Historically transfers have been used to move upright and honest judges who passed orders against the executive to “safer” and “less important” locations. Such “punishment transfers”, as they came to be known during the infamous Emergency, send out an alarming signal that honest and fearless judges are subjected to political retribution and independence of the judiciary is under threat. Further, the power to transfer has also been used as a punitive measure when allegations of corruption or nepotism are made against a judge. In either case, whether it is “punishment transfer” or “punitive transfer” it is important that the reasons for the transfer of any judge should be made transparent in

public interest, for the public ought to know if a judge is being victimised for his fearless actions or is being punished for his inconvenient actions.

12. We are therefore writing this as responsible members of the Bar, being cognisant of the necessity to insulate the judiciary from any external interference, only to ensure that the independence of the judiciary does not suffer any threat. Unfortunately, the decision of the Supreme Court Collegium and the opacity around it seem to set alarm bells ringing amidst the public and all participants in the justice system.
13. Lack of transparency and opacity in the functioning of the Collegium tend to erode the faith of the public in the functioning of the justice system. Former judges, legal scholars and jurists have been expressing their concern that the Apex Court has been functioning as an 'executive' court. While there has been a refreshing change in perception in recent times, this gain should not be lost by an administrative decision such as this.
14. This representation ought not to be seen as espousing the cause of an individual but as an earnest request to protect the institution and the independence of the judiciary.

We request that the collegium may reconsider in public interest its decision to transfer Mr. Justice Sanjib Banerjee, Chief Justice of the Madras High Court to Meghalaya High Court.

Signed by:

<u>S.No.</u>	<u>Name</u>	<u>Enrolment No.</u>
1.	NGR Prasad	MS 140/1961
2.	R. Vaigai, Senior Adv	2/2016( SEN)
3.	V Prakash, Senior Advocate	6/2004 (SEN)
4.	Rajaram	MS 282/1976
5.	Anna Mathew	MS 615(B)/1977
6.	D. Ramalingam	MS 305/1977
7.	S. Raghunathan	MS 318 /1977
8.	Sudha Ramalingam	MS 305/1978

9.	Sathiyamoorthy	MS 279/1978
10.	Rupert J. Barnabas	MS 237/1979
11.	S.S.Vasudevan	MS 55/1980
12.	T. K. Ramkumar	MS 934/1980
13.	P. Rajendran	MS 56/1980
14.	Vijayakumar Chelliah	MS 414/1981
15.	Geeta Ramaseshan	MS 368/1982
16.	Bader Sayeed	MS 535/1982
17.	Henri Tiphagne	MS 463/1983
18.	S. Varadarajan	MS 120/1983
19.	S. Ramamoorthy	MS 635/1983.
20.	S Xavier Felix	MS 932/1984
21.	M. Asokaa	MS 711/1984
22.	Tv Balu	MS 837/1984
23.	Dr. V. Suresh	MS 0295A/1985
24.	Vijay Shankar	MS 421/ 1985
25.	M.R.R.Sivasubramanian	MS.201/1985
26.	K.F.Manavalan	MS 38/1985
27.	R. Thenamirtha Shymala	MS 231/1987
28.	PVS Giridhar	MS 757/1987
29.	D. Nagasaila	MS 753/1988
30.	T.Lajapathi Roy	MS 855/1988
31.	R.Rajendiran	MS 98/1988
32.	A.J. Jawad	MS133/1988
33.	M.Mohan	MS 135/1988
34.	B.Harikrishnan	MS 748/1988
35.	A. John Vincent	MS 286/1988
36.	D Geetha	MS 884/1989
37.	Sarathi VP	MS 1029/1989
38.	Lita Srinivasan	MS 637/1989
39.	A.B.Askal	MS 40/1989
40.	P. Rajendran	MS 56/1989
41.	R.Sivakumar	MS 566/1989
42.	T Mohan	MS 1142/1990

43.	R.Kamatchi Sundaresan	MS 836/1990
44.	Devika S	MS 677/1991
45.	K.C.Ramalingam	MS 1217/1991
46.	Saravana Vel. J	MS 1055/1992
47.	Ajeetha B S	MS 1027/1992
48.	P.Sesubalan Raja	MS 1278/1992
49.	M Jothi Sorooban	MS 95/1992
50.	Siva Shanmugam S	MS 988/1993
51.	S.Balamurugan	MS 169/1993
52.	P. R. Ajay kumar	MS 477/1993
53.	Neethi A	MS 326/1993
54.	Chitra Narayan	MS 530(b)/1994
55.	Christopher Manoharan	KAR/704/1994
56.	M Murali	MS 118/1994
57.	Srinath Sridevan	MS 1109/1995
58.	Elizabeth Seshadri	MS 726(a) / 1996
59.	A.Saminathan	MS 996/1996
60.	B.Kesavan	MS 1193/1996
61.	M Vijayan	MS 795/1997
62.	A.Mohan	MS 1195/1997
63.	E.Angayarkanni	MS 922/1997
64.	Saravanan.S	MS 408/1997
65.	M. Jegadhees	MS 1270/1997
66.	K.Murali Babu	MS 1634/1998
67.	K.U. Sale Murugan	MS 316/1998
68.	Chandrasekar A K	MS 1125/1998
69.	E Athisayakumar	MS 138/1998
70.	Porkodi Karnan	MS 2199/1999
71.	K. S. Pandiarajan	MS 2142/1999
72.	K.N.Gurusamy	MS 931/1999
73.	Lakshmi Gopinathan	MS 1577/1999
74.	R Diwakaran	MS 1962/2000
75.	Swapna Sundar	MS 1374/2000
76.	Santhanam A	MS 115/2000

77.	M. Ananda Muni Rajan	MS 1850/2000
78.	Krishna R	MS 301/2000
79.	M.P.Senthil	MS.1625(d)/2000
80.	G. Gunasekaran	MS 1909/2000
81.	B.Jothikumar	MS 1495/2000
82.	Lincoln -S-Bastin	MS 2024/2000
83.	Mathiyazhagan	MS 1902/2001
84.	D.Sekar Annadurai	MS 128/2001
85.	Karthikeyan T	MS 757/2001
86.	S.Ravichandram	MS 1133/2002
87.	Barkathulla S	MS1909/2002
88.	C.Rajashekar	MS 868/2002
89.	Murugesan	MS 629/2002
90.	Prakash Paul	MS 2126/2002
91.	K Thilageswaran	MS 1760/2002
92.	M.Veyelananda prabakar	MS 2106/2003
93.	T. Sudhan Raj	MS 1098/2003
94.	Yogasali.v	MS 1850/2003
95.	K. Bharathi	MS 1711/2003
96.	Marimuthu S	MS 2281/2003
97.	G Kavitha	MS 1954/2003
98.	S.Vanchi Nathan	MS 1867/2004
99.	N.Sivakumar	MS 319/2004
100	Vetri Selvan	MS:1898/2004
101	T.R. Udaya Kumar	MS 1790/2004
102	D.Anand Raja	MS 1028/2004
103	S.Meenakshi	MS 1269/2004
104	S.Abirami	MS 2024/2005
105	S.Parthasarathi	MS.169/2005
106	M Balachander	MS 996/2005
107	Sivarajaboopathy	MS 772/2005
108	A. Cyril	MS.10/2006
109	Akila R.S.	MS 1365/2006
110	M.N.Sumathy	MS 2242/2006



111	S.Shinu	MS.710/2006
112	M. Muneeswaran	MS 1741/2006
113	K.Harishkumar	MS 2099/2006
114	D. Sathish Shankar	MS 617/2006
115	Senthamil Selvan S	MS 2188/2006
116	Ajay Francis	MS 2355/2007
117	M.R.Gokul Krishnan	MS.531/2007
118	Govindaraju	MS 2644/2007
119	MV Swaroop	MS 1470/2007
120	Hari Radhakrishnan	MS 1235/2007
121	S.Jim Raj Milton	MS 904/2007
122	Agni Selvaraju J	MS 2136/2007
123	AV Raja	MS 2795/2007
124	K.Gokulram	MS 2485/2008
125	L.Deenadayalan	MS/224/2008
126	Victor	MS 787 / 2008
127	Jothi Lakshmi V	MS 2608/2008
128	Arthur Kumar.J	MS 3115/2008
129	Santhana Idhaya Amuthan	Ms.2599/2008
130	A. Syed Abdul Kather	MS 886/2008
131	E. Sathishkumar	Ms.2880/2008
132	K. Ramaswami	MS 835/2009
133	Dhanagodi AM	MS 2842/2009
134	Poongkhulali B.	MS 1373/2009
135	K.Surendar	MS 1048/2009
136	Karkkivelan	MS 3229/2009
137	V.Raja	MS 1253/2009
138	Parasuraman S	D/51/2009
139	D.Arun	MS 1286/2009
140	A.Nagendran	MS 541/2010
141	P.Rajan	KAR/1857/2010
142	Suresh Sakthi Murugan A	MS 1927/2010
143	Belson	MS 1350/2010
144	Vijayakanth.P	MS 2479/2010

145	D.Ashok kumar	MS 2859/2010
146	Mujiburahman	MS 520/2010
147	Vinay Aravind	MS 1674/2010
148	Rajeev. A	MS 3466/2010
149	Yogeshwaran A.	MS 1421/2011
150	K V Ganesh Kanna	MS 3259/2011
151	E. Ramkumar	MS 311/2011
152	Manikandan	MS 793 /2011
153	Vinoth Raj	MS 2493/2011
154	Selva Kumar M	MS 2038/2011
155	R R Mohanaraja	MS 2140/2012
156	E.Satish Rajkumar	MS 1074/2012
157	Subhang P Nair	MAH/5344/2012
158	Shankar T	MS 582/2012
159	M. Arulprakash	MS 475/2012
160	Roshan Balasubramanian	MS 748/2012
161	HS Hredai	AP/2805/2012
162	M. Jerin Mathew	MS 2583/2012
163	John Arumainathan	MS 1549/12
164	H.Prospier	MS 22/2013
165	M Shankar	MS 2525/2013
166	Amali	MS 2844/2013
167	Sivasankari	MS 405/2013
168	G. Ramesh	MS 494/2014
169	Yashwini V	MS 2018/2014
170	Vivekanandh SM	MS 2153/2014
171	BM Subash	MS 2059/2014
172	S.Thiagarajan	MS 451/2014
173	S. Arravindan	MS 2152/2014
174	S Prabu	MS 2970/2014
175	Azizulla Khan	MS 2704/2015
176	Lalitha G.S	MS 3691/2015
177	Pradeep Solomon Raj	MS 1698/2015
178	NS Tanvi	MS 2011/2015

179	A. Meena	MS 1246/2015
180	C.Sureshkumar	MS 2992/2015
181	Mohamed Sharbudeen	MS 2933/2015
182	R Saravanan	MS 3764/2015
183	Guru Dhananjay	MS 1810/2016
184	Aravind.A	MS 3635/2016
185	Ramar.A	MS 994/2016
186	S.Ananth	MS 2517/2016
187	Sharun M A	MS 2034/2016
188	Pavitra Venkateswaran	MS 2350/2016
189	Ashwini Vaidialingam	MS 3069/2016
190	Farook Ahamed	MS 950/2016
191	Kalantar Asik	MS 1713/2016
192	Chetana V	MAH/6108/2017
193	Ponraj	MS 1625/2017
194	K Hari Shankar	MS 2443/2017
195	P. Balaji	MS.3414/2017
196	Nivedita	MS 3123/2017
197	Muthu	MS 1072/2017
198	N.suresh	MS 781/2017
199	C. Noordeen	MS 978/2017
200	C.Narendran	MS 2228/2017
201	M.Ramesh	MS 223/2017
202	Aditya Mukerjee	MS 647/2017
203	Sheik Mohamed	MS 869/2017
204	Aslam	MS 3408/2017
205	Ramya	MS 3142/2017
206	Magendiravarman	MS 3476/2017
207	Rajapandi c	MS 133/2018
208	Karthikeyan	MS 3487/2018
209	Alwin Fredrick Y	MS 2385/2018
210	Sathiyabalan	MS 3214/2018
211	Arunachalam M	MS 2297/2018
212	B. Prashanth Nadaraj	MS 2453/2018

213	M. Thirimalai	MS 1716/2018
214	B.Gopinath	MS 2240/2018
215	Karthick A	MS 3384/2018
216	Arumugavel	MS 1075/2018
217	Anantha Lakshmi	MS 807/2018
218	Manikandan	MS 1667/2019
219	Abdul Suckoor Rahumani	MS 1433/2019
220	Anisha Gupta	MS 2598/2019
221	Perumal.G	MS 1488/2019
222	Lakshmanan	MS 4777/2019
223	Sheick Davudeen	MS 59/2019
224	K.M. Kalicharan	MS 2765/2019
225	R Vigneshwar	MS 2640/2019
226	K R Raja	MS 4260/2019
227	M.Ravi	MS 1372/2019
228	Ar.Balaji	MS 2325/2019
229	Mitraneshaa BS	MS 1641/2020
230	B.Hemavathy	MS 880/2020
231	Nandhini H	MS 486/2020
232	Kishore Ram	MS 1985/2020
233	A Kannan	MS 1023/2020
234	Bazeerdeen	MS 960/2020
235	Anand G S	MS.603/2020
236	M Velan	MS 3224/2021
237	Arunkumar S	MS 317/2021