

Date : 10th November, 2021

To,

1. Hon'ble Mr. Justice NV 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 Senior Advocates of the Madras High Court, write this letter to express our concern and anguish over the transfer of Mr. Justice Sanjib Banerjee, Chief Justice of Madras High Court to Meghalaya High Court.

1. Justice Mr. Sanjib Banerjee who assumed office on 4th Jan 2021 (and is due to retire only in Nov 2023) has hardly completed a year in the Madras High Court as Chief Justice. During his term he has discharged his functions both in the administrative and the judicial side to the best of his capabilities bringing honour to the office he held. He has been a good administrator and in the judicial side has disposed a few thousand cases even during the devastating covid pandemic. The orders predominantly were dictated in the open Court and delivered. When this is a fact that most advocates and litigants would readily agree, we are unable to fathom the reasons for his sudden transfer to another court.
2. Earlier judgements of the Supreme Court have held that transfer of judges is inevitable to protect and to further "public interest" and "for better

administration of justice". However in the subject transfer we are collectively unable, try as we may, to identify any easily discernible reason that could lend credence to the justification that this transfer has been necessitated in public interest or for better administration of justice. Justice Mr. Sanjib Banerjee who has experience serving in large high courts has demonstrated capacity and talent to handle large number of cases which requirement would not arise in a court like the Meghalaya High Court, which though is an equally important institution is a smaller one.


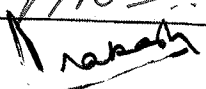


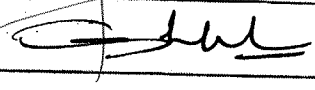
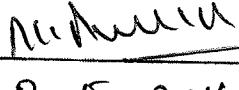
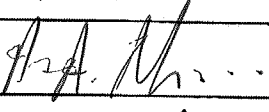
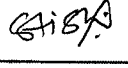
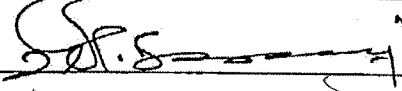
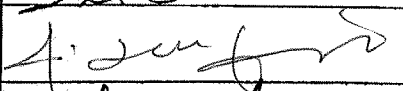
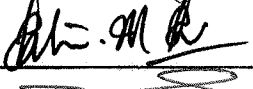

3. We further take this opportunity to point out that these constant transfers and postings have left the Madras High Court in a state of constant flux. Such short-lived tenures at the apex of the Court's hierarchy in a State bodes ill for the health of the institution and the justice delivery system. The institution's administration then is driven by transitional, provisional arrangements and impermanence which in the long run is likely to eat into the vitals of the institution. This is so not only for the High Court but any institution more so the High Court, given the significant role it plays in preserving constitutional safeguards.
4. By the very nature of the unavoidable complexity that an institution such as a High Court in India presents, it takes at least a year for a Chief Justice after assuming charge as the head of the State judiciary, to understand the administration, composition and challenges of the institution, apart from the understanding of the local practices, culture, language, etc. Therefore, it is advisable that a Chief Justice has a two year term in at least the larger High Courts like the Madras High Court, in order to enable them to make worthwhile contributions to the improvement and development of the Institution. It is necessary to point out that in the last three years, we had three Chief Justices with intervening Acting Chief Justices at the helm of affairs.
5. It is also to be borne in mind that post the judgement in the Judges case (as it is commonly referred to) a Chief Justice along with the collegium of the High Court plays a very important role in the selection of judges. In the very nature of the task assigned the Chief Justice would require time to identify, observe, appreciate, evaluate and then recommend appropriate candidates to the high Office of a High Court Judge. To give him such an onerous task which

is but one amongst his multiple functions and then to curtail the period within which he is to perform it to an insignificantly short term would be doing injustice to the very spirit of the judgement in the Judges case.

6. We therefore earnestly request the Hon'ble Collegium of the Supreme Court, as responsible members of the Bar, to kindly address our concerns in a way deemed appropriate by the collective rich experience of the Collegium members to whom we make this representation. We earnestly request you not to view this representation as a missive aimed at supporting the cause of any particular individual but a plea to strengthen the health of the institution that we everyday seek to serve.

In light of the above representation we request that the Collegium may reconsider its decision to transfer Mr. Justice Sanjib Banerjee, Chief Justice of the Madras High Court.

Yours Sincerely,

S.No.	Signature	Name
1.		P.S. RAMAN
2.		V. PRAKASH.
3.		NALINI CHIDAMBARAM
4.		N.L. RAJAH
5.		E. OM PRAKASH
6.		RAVI KUMAR POO
7.	N.R. ELANGO	N.R. ELANGO
8.		P.H. ARINDH PANDIAN.
9.		SATISH PARASHARAN
10.		S. S. BERA. KATHIRAVAN.
11.		A. THEAGARAJAN
12.		M. K. RABIN.
13.		A.R. L. SUNDARESAN

SIGNED ELECTRONICALLY BY CONSENT

14.	ARAVIND P. DATAR	Enrl. No. Ms 2/2000 (SEN)
15.	HEMA SAMPATH	Enrl. No. Ms 12/2006 (SEN)
16.	S. SUBBIAH	Enrl. No. Ms 1/2017 (SEN)
17.	M. RAVINDRAN	Enrl. No. Ms 3/1993 (SEN)
18.	VIJAY NARAYAN	Enrl. No. Ms 7/2004 (SEN)
19.	M. AJMAL KHAN	Enrl. No. Ms 6/2012 (SEN)
20.	S. RAMASAMY	Enrl. No. Ms 4/2007 (SEN)
21.	A. SIRAJUDEEN	Enrl. No. Ms 7/2016 (SEN)
22.	J. RAJA KALIFULLA	Enrl. No. Ms 1/2013 (SEN)
23.	N. KRISHNAVENI	Enrl. No. Ms 14/2017 (SEN)
24.	P.R. RAMAN	Enrl. No. Ms 15/2017 (SEN)
25.	PUSHYA SITARAMAN	Enrl. No. Ms 2/2009 (SEN)
26.	T.P. MANOHARAN	Enrl. No. Ms 3/2016 (SEN)
27.	N.C. RAMESH	Enrl. No. Ms 5/2010 (SEN)
28.	CHITRA SAMPATH	Enrl. No. Ms 5/2012 (SEN)
29.	ISAAC MOHANLAL	Enrl. No. Ms 8/2016 (SEN)
30.	R. VENKATARAMAN	Enrl. No. Ms 9/1996 (SEN)
31.	R. MURARI	Enrl. No. Ms 1/2012 (SEN)