

## SUPREME COURT OF INDIA

The Collegium of the Supreme Court recommended the names of the four District Judges for appointment as Judges of the Madras High Court in the following terms:

- (i) Shri R Sakthivel,
- (ii) Shri P Dhanabal,
- (iii) Shri Chinnasamy Kumarappan, and
- (iv) Shri K Rajasekar.

The recommendation made by the High Court Collegium on 10 August 2022 for appointment of the four judicial officers as Judges of the Madras High Court has the concurrence of the Chief Minister and the Governor of Tamil Nadu. The file was received from the Department of Justice on 05 January 2023.

In order to ascertain the fitness and suitability of the above-named judicial officers for elevation to the High Court, in terms of the Memorandum of Procedure, this Collegium has consulted the Judges of the Supreme Court conversant with the affairs of the Madras High Court.

### **1. Shri R Sakthivel (Sl No 1 above)**

On 17 January 2023, the Collegium took note of the report of the Intelligence Bureau and referred back the proposal to the Department of Justice with a request to furnish, within two weeks, specific material, if any, on the basis of which the report of the Intelligence Bureau was formulated. On 24 January 2023, the Department of Justice addressed a communication to the Intelligence Bureau seeking specific inputs in respect of the above-named judicial officer. By its communication dated 01 February 2023, the

Intelligence Bureau has stated that it does not have any additional inputs in addition to the earlier inputs in respect of the above-named judicial officer.

The opinion of the consultee-judges in the Supreme Court indicates that the above-named judicial officer is fit and suitable for appointment as a Judge of the High Court. The Judgment Assessment Committee has rated his judgments as very good. The Department of Justice has indicated that Shri R. Sakthivel may be considered for appointment.

Hence, in the above backdrop and bearing in mind all the relevant circumstances noted above, the Collegium is of the considered opinion that Shri R. Sakthivel is fit and suitable for appointment as a Judge of the Madras High Court.

## **2. Shri P Dhanabal (Sl No 2 above)**

On 17 January 2023, the Collegium took note of the report of the Intelligence Bureau and referred back the proposal to the Department of Justice with a request to furnish, within two weeks, specific material, if any, on the basis of which the report of the Intelligence Bureau was formulated. On 24 January 2023, the Department of Justice addressed a communication to the Intelligence Bureau seeking specific inputs in respect of the above-named judicial officer. By its communication dated 01 February 2023, the Intelligence Bureau has stated that it does not have any additional inputs in addition to the earlier inputs in respect of the above-named judicial officer.

The opinion of the consultee-judges in the Supreme Court indicates that the above-named judicial officer is fit and suitable for appointment as a Judge of the High Court. The Judgment Assessment Committee has rated his judgments as very good. The Department of Justice has indicated that Shri P Dhanabal may be considered for appointment.

Hence, in the above backdrop and bearing in mind all the relevant circumstances noted above, the Collegium is of the considered opinion that Shri P Dhanabal is fit and suitable for appointment as a Judge of the Madras High Court.

### **3. Shri Chinnasamy Kumarappan (Sl No 3 above)**

The Judgment Assessment Committee has rated his judgments as very good. The report of the Intelligence Bureau does not contain any material adverse to the candidate. The consultee-judges have recommended that he is fit and suitable for appointment as a Judge of the High Court.

Bearing in mind all the relevant aspects noted above, the Collegium is of the considered opinion that Shri Chinnasamy Kumarappan is fit and suitable for appointment as a Judge of the Madras High Court.

### **4. Shri K Rajasekar (Sl No 4 above)**

On 17 January 2023, the Collegium took note of the report of the Intelligence Bureau and referred back the proposal to the Department of Justice with a request to furnish, within two weeks, specific material, if any, on the basis of which the report of the Intelligence Bureau was formulated. On 24 January 2023, the Department of Justice addressed a communication to the Intelligence Bureau seeking specific inputs in respect of the above-named judicial officer. By its communication dated 01 February 2023, the Intelligence Bureau has stated that it does not have any additional inputs in addition to the earlier inputs in respect of the above-named judicial officer.

We have perused the opinion of the consultee-judges in the Supreme Court on the suitability of Shri K Rajasekar for appointment as a Judge of the High Court. The Judgment Assessment Committee has rated his judgments as very good. The Department of Justice has indicated that Shri K Rajasekar may be considered for appointment.

Hence, in the above backdrop and bearing in mind all the relevant circumstances noted above, the Collegium is of the considered opinion that Shri K Rajasekar is fit and suitable for appointment as a Judge of the Madras High Court.

**PREVIOUS RECOMMENDATIONS:**

By its resolution dated 17 January 2023, the Collegium of the Supreme Court recommended the appointment of Shri Ramaswamy Neelakandan, Advocate practicing before the Madras High Court as a Judge of the High Court. As on 31.01.2023, Shri Ramaswamy Neelakandan was 48.07 years of age while Shri K Rajasekar on that date was 47.09 years of age. Shri Neelakandan who is a member of the Bar has been recommended earlier in point of time must be appointed before Shri Rajasekar is appointed. Otherwise, Shri Rajasekar, who is a judicial officer and younger than Shri Neelakandan, would rank senior to Shri Neelakandan. Such a deviation in seniority would be unfair and against the settled convention. Hence, while recommending the name of Shri K Rajasekar for elevation, the Collegium is of the view that his appointment should be notified after the appointment of Shri Ramaswamy Neelakandan is notified.

The Collegium is of the considered view that necessary action for the issuance of a notification for the elevation of persons who have been recommended earlier in point of time should be taken at the earliest including the name of Shri R John Sathyan which has been reiterated by this Collegium on 17 January 2023. The names which have been recommended earlier in point of time including the reiterated names ought not to be withheld or overlooked as this disturbs their seniority whereas those recommended later steal march on them. Loss of seniority of candidates recommended earlier in point of time has been noted by the Collegium and is a matter of grave concern.

The Collegium, therefore, resolves to recommend that S/Shri (i) R Sakthivel, (ii) P Dhanabal, (iii) Chinnasamy Kumparappan and (iv) K Rajasekar, Judicial Officers, be appointed as Judges of the Madras High Court. Their seniority be fixed in terms of the above resolution.

( Dhananjaya Y Chandrachud ), C.J.I.

( Sanjay Kishan Kaul ), J.

( K.M. Joseph ), J.

21 March 2023

