

SUPREME COURT OF INDIA

This relates to the proposal for appointment of three Judicial Officers, whose relevant particulars are given below, as Judges of the Kerala High Court:

Sl. No.	Name S/Shri	Date of Birth	Age Y.M. [As on 31.08.2017]	Date of occurrence of Vacancy	Age on the Date of Vacancy Y:M:
1	Ashok Menon, Registrar General Kerala High Court	15.08.1959	58.00	26.03.2016	56.06
2	Ms. Annie John District Judge, Thrissur	16.11.1957	59.09	02.04.2016	58.04
3	Narayana Pisharadi R Registrar (Vigilance) Kerala High Court	26.12.1959	57.08	28.07.2016	56.07

The above recommendation made by the then Chief Justice of the Kerala High Court on 2rd February, 2017 in consultation with his two senior-most colleagues, has the concurrence of the Chief Minister and the Governor of the State of Kerala.

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 Kerala High Court. Copies of letters of their opinion received in this regard are placed below.

As per the existing guidelines issued by the Government of India on 24th September 2004, “a Judicial Officer will be eligible for being considered for elevation as a Judge of the High Court if he is or was within the prescribed age limit of 58-1/2 years on the date of occurrence of the vacancy against which he is being considered, irrespective of when the Collegium recommends him for elevation as a Judge of the High Court.” As per record, as on date, Ms. Annie John, has crossed the aforesaid prescribed age limit. However, since she was well within the prescribed

age limit of 58-1/2 years on the date of occurrence of vacancy against which her name is being considered, she can be considered for elevation.

As regards Shri Ashok Menon (mentioned at Sl. No. 1 above), our consultee-colleagues have concurrently found him suitable for appointment as High Court Judge. One of them has stated that he knows Shri Menon for the last several years; that his integrity is very good and to his knowledge Shri Menon carries good reputation as Judicial Officer; that he has found his intellectual acumen as befitting for a Judge of the High Court and that he is quite suitable for appointment as Judge of the High Court of Kerala. Intelligence Bureau has reported that he enjoys a good personal and professional image and nothing adverse has come to notice against his integrity. Judgment Committee has found his judgment as 'good'.

As regards Ms. Annie John (mentioned at Sl. No. 2 above), our consultee-colleagues have concurrently found her suitable for appointment as High Court Judge. One of them has stated that he knows Ms. John for the last several years; that her integrity is very good and to his knowledge Ms. John carries good reputation as Judicial Officer; that he has found her intellectual acumen as befitting for a Judge of the High Court and that she is quite suitable for appointment as Judge of the High Court of Kerala. Intelligence Bureau has reported that nothing adverse has come to notice against her integrity. As regards the comments regarding her professional competence, it is for the judiciary to assess her performance. Professional competence cannot be adjudged on the basis of unconfirmed/unsubstantiated inputs. Judgment Committee has found her judgment as 'good'.

As regards Shri Narayana Pisharadi R. (mentioned at Sl. No. 3 above), our consultee-colleagues have concurrently found him suitable for appointment as High Court Judge. One of them has stated that he knows Shri Pisharadi for the last several years; that his integrity is very good and to his knowledge Shri Pisharadi carries good reputation as Judicial

Officer; that he has found his intellectual acumen as befitting for a Judge of the High Court and that he is quite suitable for appointment as Judge of the High Court of Kerala. Intelligence Bureau has reported that he enjoys a good personal and professional image and nothing adverse has come to notice against his integrity. Judgment Committee has found his judgment as 'good'.

We have taken note of the fact that the above proposal involves non-recommendation of a Judicial Officer of Kerala State Higher Judicial Service, who, in the seniority list of Judicial Officers, stands at a higher position than two of the above-named recommendees. In this regard, we are in agreement with the justification given by the High Court Collegium in its Minutes for overlooking his name.

Considering the material on record, views of the consultee-Judges, their Annual Confidential Reports, and the judgment assessment report, the Collegium finds all the above-named persons suitable for elevation to the High Court Bench.

In view of the above, the Collegium resolves to recommend that (1) Shri Ashok Menon, (2) Ms. Annie John, and (3) Shri Narayana Pisharadi R., Judicial Officers, be appointed as Judges of the Kerala High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra), C.J.I.

(J. Chelameswar), J.

(Ranjan Gogoi), J.

October 03, 2017