

SUPREME COURT OF INDIA

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

Sl. No.	Name Judicial Officers S/Shri	Date of Birth	Age (As on 31.08.17) Y.M.	Date of occurrence of vacancy	Age on the date of occurrence of vacancy
1	Smt. B. Sarodjiny Devy, Principal District Judge, Villipuram	14.06.1961	56.02	15.03.2017	55.09
2	Smt. T. Krishnavalli, Chairman, Permanent Lok Adalat, Madurai	28.09.1959	57.11	01.04.2017	57.06
3	A. Zakir Hussain Addl. Chief M.M. Egmore, Chennai	15.02.1959	58.06	11.05.2017	58.02
4	R. Pongiappan Principal District Judge Coimbatore	12.05.1960	57.03	15.05.2017	57.00
5	Smt. R. Hemalatha, District Judge, Karur	01.05.1963	54.04	28.05.2017	54.00
6	Dr. K. Arul, District Judge, Additional Director, Tamil Nadu State Judicial Academy & Officer on Special Duty, Madras High Court, Chennai	01.01.1960	57.08	06.06.2017	57.05

The above recommendation made by the then Chief Justice of the Madras High Court, in consultation with his two senior-most colleagues, on 23rd January, 2017 has the concurrence of the Chief Minister and the Governor of the State of Tamil Nadu. In the case of Dr. K. Arul (mentioned at Sl. No. 6 above), who belongs to the Judicial Service of the Union Territory of Puducherry, the Chief

Minister of Puducherry has concurred with the proposal of his elevation.

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 Madras 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, Shri A.Zakir Hussain, has crossed the aforesaid prescribed age limit, but, since he was well within the prescribed age limit of 58-1/2 years on the date of occurrence of vacancy against which his name is being considered, his name can be considered for elevation.

As regards Smt. B.Sarodjiny Devy, (mentioned at Sl. No. 1 above), keeping in view the fact that inquiry is pending against her in the High Court, the Collegium resolves that the Chief Justice of the Madras High Court be requested to send further information with regard to the said inquiry. In view of the above, the proposal for her elevation is accordingly deferred for being resubmitted on receipt of the above information from the Chief Justice of the Madras High Court.

As regards Smt. T.Krishnavalli (mentioned at Sl. No. 2 above), while one of the two consultee-colleagues has offered no views about her suitability, the other colleague has found her suitable for elevation. Judgment Committee has awarded her Judgments as 'Good/Average'. 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 his performance. Professional competence cannot be adjudged on the basis of unconfirmed/unsubstantiated inputs.

As regards Shri A. Zakir Hussain (mentioned at Sl. No. 3 above), keeping in view the material on record, including the report of Intelligence Bureau, he is not found suitable for elevation to the High Court Bench.

As regards Shri R.Pongiappan (mentioned at Sl. No. 4 above), while one of the two consultee-colleagues has offered no views about his suitability, the other colleague has found him suitable for elevation. Judgment Committee has awarded his Judgments as 'Good/Average'. Intelligence Bureau has reported that he enjoys a good personal and professional image and nothing adverse has come to notice against his integrity.

As regards Smt. Hemalatha (mentioned at Sl. No. 5 above), while one of the two consultee-colleagues has offered no views about her suitability, the other colleague has found her suitable for elevation. Judgment Committee has awarded her Judgments as 'Good'. Intelligence Bureau has reported that she enjoys a good personal and professional image and nothing adverse has come to notice against her integrity.

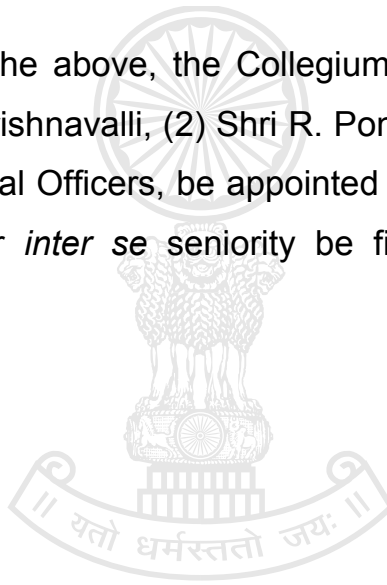
As regards Dr. K. Arul (mentioned at Sl. No. 6 above), keeping in view the material on record, including the report of Intelligence Bureau, he is not found suitable for elevation to the High Court Bench.

While considering the above proposal, we have also taken note of the fact that the above proposal involves non-recommendation of large number of senior Judicial Officers. Many of

them have given representations putting forth their grievances of having been over-looked by the High Court Collegium. In this regard, we have gone through the letter dated 30th January, 2017 of the then Chief Justice of the Madras High Court who has duly recorded reasons for not recommending names of these Judicial Officers. We are satisfied with the reasons assigned by the Chief Justice of the Madras High Court and find no merit in the said representations which deserve to be rejected.

Considering the material on record, including views of the consultee-Judges and the judgment assessment report, the Collegium finds (1) Smt. T. Krishnavalli, (2) Shri R. Pongiappan, and (3) Smt. R. Hemalatha, Judicial Officers suitable for elevation to the High Court Bench.

In view of the above, the Collegium resolves to recommend that (1) Smt. T. Krishnavalli, (2) Shri R. Pongiappan, and (3) Smt. R. Hemalatha, Judicial Officers, be appointed as Judges of the Madras 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