

SUPREME COURT OF INDIA

Re: Appointment of Ms Justice Sunita Agarwal, Judge, High Court of Judicature at Allahabad as the Chief Justice of the High Court of Gujarat.

A vacancy in the office of the Chief Justice of the High Court of Gujarat has arisen consequent upon the retirement of Ms Justice Sonia G Gokani. Therefore, appointment to that office is required to be made.

Para 3 of the Memorandum of Procedure relating to appointment of Chief Justice of a High Court provides as under:

“A fair representation shall be given to various High Courts for selection of Chief Justices. For purposes of such selection, inter-se seniority of puisne Judges will be reckoned on the basis of their seniority in their own High Court. The consideration for appointment of Chief Justices shall be based on the criterion of seniority subject to merit and integrity.”

It is proposed to appoint Ms Justice Sunita Agarwal as the Chief Justice of the High Court of Gujarat. She was appointed as a Judge of the High Court of Judicature at Allahabad on 21 November 2011 and is now the senior-most puisne Judge in her parent High Court. She has been functioning there since her elevation and has acquired experience of more than 11 years in dispensing justice in the largest High Court in the country.

The High Court of Judicature at Allahabad is the largest High Court in the country. On the appointment of Ms Justice Sunita Agarwal, the Allahabad High Court would have a second Chief Justice among the Chief Justices of the High Courts. Besides, while considering the name of Ms Justice Sunita Agarwal, the Collegium has taken into consideration the fact

that she would be the only woman Chief Justice of a High Court as presently there is no woman among the Chief Justices of the High Courts.

Having regard to all relevant factors, the Collegium is of the considered view that Ms Justice Sunita Agarwal is fit and suitable in all respects for being appointed as Chief Justice of the High Court of Gujarat.

In terms of the Memorandum of Procedure, consultation has been held with the consultee-Judge/s with a view to ascertain the fitness and suitability of Ms Justice Sunita Agarwal for appointment as the Chief Justice of the High Court of Gujarat. The consultee-Judge/s have concurred with the proposal of her appointment as the Chief Justice of the High Court of Gujarat.

In view of the above, the Collegium resolves to recommend that Ms Justice Sunita Agarwal be appointed as Chief Justice of the High Court of Gujarat.

(Dhananjaya Y Chandrachud), CJI

(Sanjay Kishan Kaul), J.

(Sanjiv Khanna), J.

05 July 2023