

SUPREME COURT OF INDIA

This relates to the proposal for appointment of following four Advocates and six Judicial Officers, whose names are mentioned below, as Judges of the Gujarat High Court:

Advocates:

S/Shri

1. Umesh Amritlal Trivedi
2. Bhargav Dhirenbhai Karia
3. Ms. Megha Bhupendra Jani
4. Ms. Sangeeta Kamalsingh Vishen

Judicial Officers:

S/Shri

5. Pranav B. Desai,
6. Ajaykumar Chandulal Rao,
7. Vishnukumar Prabhudas Patel,
8. Vireshkumar Bavchandbhai Mayani,
9. Pravinbhai Ranchhodbhai Patel,
10. Dr. Ashutosh Pushkerray Thaker,

The above recommendations have been made by the Chief Justice of the Gujarat High Court, in consultation with his two senior-most colleagues, vide Minutes dated 1st December, 2016 and 12th July, 2017.

At present, there is no Judge in the Supreme Court conversant with the affairs of the Gujarat High Court to ascertain suitability of the above-named recommendees.

As per record, as on date, S/Shri Ajaykumar Chandulal Rao, Vishnukumar Prabhudas Patel, and Vireshkumar Bavchandbhai Mayani, Judicial Officers (mentioned at Sl.Nos. 6, 7 & 8 above), have crossed the age limit prescribed for Judicial Officers but since they were well within the

prescribed age limit of 58-1/2 years on the date of occurrence of vacancies against which their name have been recommended, their names can be considered for elevation in terms of the Government's existing age policy applicable to Judicial Officers.

For purpose of assessing merit and suitability of the above-named recommendees for elevation to the High Court, we have carefully scrutinized the material placed on record. Apart from this, we invited all the recommendees with a view to have an interaction with them. On the basis of interaction and having regard to all relevant factors, the Collegium is of the considered view that Shri Umesh Amritlal Trivedi, Advocate and S/Shri Ajaykumar Chandulal Rao, Vishnukumar Prabhudas Patel, Vireshkumar Bavchandbhai Mayani, and Dr. Ashutosh Pushkerray Thaker, Judicial Officers, (mentioned at Sl. Nos. 1, 6, 7, 8 & 10 above) are suitable for being appointed as Judges of the Gujarat High Court.

While considering the above recommendation of Shri Umesh Amritlal Trivedi, Advocate (mentioned at Sl. No. 1 above) we have duly taken note of the fact that his average net professional income is less than the prescribed income limit. In this regard, we consider it necessary to mention that the revised income criterion was communicated to the High Courts including the Gujarat High Court on 13th May 2017 whereas the instant recommendation was made much earlier i.e., on 14th December, 2016.

As regards Shri Bhargav Dhirenbbhai Karia, Ms. Megha Bhupendra Jani, & Ms. Sangeeta Kamalsingh Vishen, Advocates (mentioned at Sl. Nos. 2, 3 & 4 above), having regard to the material on record, we are of the considered view that consideration of their cases can wait. The proposal for their elevation is accordingly deferred for the present.

As regards Shri Pranav B. Desai, Judicial Officer (mentioned at Sl. Nos. 5 above), having regard to the material on record including the fact that the proposal of his elevation was rejected by the Supreme Court

Collegium in March 2010, we do not find him suitable. The proposal for elevation of Shri Pranav B. Desai is accordingly rejected.

As regards Shri Pravinbhai Ranchhodbhai Patel, Judicial Officer (mentioned at Sl. No.9 above), he does not qualify the age criterion applicable to Judicial Officers as he had crossed the maximum age limit of 58-1/2 years on the date of vacancy against which his name is being considered. We, therefore, do not approve his name for elevation.

We have also taken note of the fact that the above proposal involves non-recommendation of three senior Judicial Officers. In this regard, we have gone through Minutes dated 1st December, 2016 of the High Court Collegium, which has duly recorded reasons for not recommending names of these Judicial Officers. We are in agreement with the justification given by the High Court Collegium in its Minutes dated 1st December, 2016 for not recommending these three senior Judicial Officers.

In view of the above, the Collegium resolves to recommend that (1) Shri Umesh Amritlal Trivedi, Advocate and S/Shri (2) Ajaykumar Chandulal Rao, (3) Vishnukumar Prabhudas Patel, (4) Vireshkumar Bavchandbhai Mayani, and (5) Dr. Ashutosh Pushkerray Thaker, Judicial Officers, be appointed as Judges of the Gujarat High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra), C.J.I.

(J.Chelameswar), J.

(Ranjan Gogoi), J.

April 19, 2018.