

SUPREME COURT OF INDIA

This file relates to the proposal for appointment of following two Advocates and four Judicial Officers as Judges of the Calcutta High Court:

Advocates

1. Shri Debabrata S. Roy
2. Shri Sandipan Ganguly

Judicial Officers

3. Shri Bibek Chaudhuri
4. Smt. Madhumati Mitra
5. Shri Subhasis Dasgupta
6. Shri Manojit Mondal

The above recommendation was made by the then Acting Chief Justice of the Calcutta High Court on 30th November 2017, in consultation with his two senior-most colleagues.

We have perused the views of the Chief Minister and the Governor for the State of West Bengal placed in the file and the observations made therein.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues conversant with the affairs of the Calcutta High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

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 in the file including the observations made by the Department of Justice therein. On the basis of material on record and having regard to all relevant factors, the Collegium is of the considered view that (1) Shri Sandipan Ganguly, Advocate, (2) Shri Bibek Chaudhuri, (3) Smt. Madhumati Mitra, and (4) Shri Subhasis Dasgupta, Judicial Officers (mentioned at Sl.Nos. 2, 3, 4, and 5 above) are suitable for being appointed as Judges of the Calcutta High Court.

As regards Shri. Debabrata S.Roy, Advocate and Shri Manojit Mondal, Judicial Officer (mentioned at Sl. Nos. 1 and 6 above), having regard to the material on record and all relevant factors, the Collegium is of the considered view that their cases deserve to be deferred. Their proposal would be taken up for consideration by the Collegium after some time.

We have also taken note of the fact that the above proposal involves non-recommendation of some senior Judicial Officers. In this regard, we have gone through Minutes dated 8th November 2017, 17th November 2017 and 30th November 2017 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 aforesaid Minutes for not recommending these senior Judicial Officers.

Lastly, we have also taken note of the complaints placed in the file as also received in the office of Chief Justice of India making allegations against some of the above-named recommendees. On examination, we do not find any *prima facie* substance in these complaints, which deserve to be ignored.

In view of the above, the Collegium resolves to recommend that (1) Shri Sandipan Ganguly, Advocate, (2) Shri Bibek Chaudhuri, (3) Smt. Madhumati Mitra, and (4) Shri Subhasis Dasgupta, Judicial Officers be appointed as Judges of the Calcutta High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra) C.J.I.

(Ranjan Gogoi), J.

(Madan B. Lokur), J.

September 11, 2018.