

## **SUPREME COURT OF INDIA**

The Collegium of the Supreme Court recommended the names of three Advocates for appointment as Judges of the High Court of Bombay in the following terms:

On 26 September 2022, the Chief Justice of the High Court of Bombay made the recommendation in consultation with his two senior-most colleagues. The file was forwarded by the Department of Justice to the Supreme Court on 26 April 2023.

The Chief Ministers and the Governors of the States of Maharashtra and Goa have concurred with the recommendation.

In terms of the Memorandum of Procedure, with a view to ascertain the fitness and suitability of the candidates, for elevation to the High Court, Judges of the Supreme Court conversant with the affairs of the High Court of Bombay were consulted.

For the purpose of assessing the merit and suitability of the candidates for elevation to the High Court, we have scrutinized and evaluated the material placed on record. We have also perused the observations made by the Department of Justice in the file.

### **1. Shri Shailesh Pramod Brahme**

The consultee-judges have concurred in finding him suitable for elevation. He is a competent lawyer with experience of about thirty years of practice in civil, criminal, constitutional and service law cases.

Nothing adverse has been placed by the Department of Justice in the file. Keeping in mind the above aspects and on an overall consideration of the proposal for his elevation, the Collegium is of the considered opinion that Shri Shailesh Pramod Brahme is eminently suitable for appointment as a Judge of the High Court of Bombay.

## 2. Shri Firdosh Phiroze Pooniwalla

The consultee-judges have opined that he is suitable for elevation. The Intelligence Bureau has stated in its report that he has a good personal and professional image and that nothing adverse has come to notice regarding his integrity and that he is not associated with any political party. The Intelligence Bureau has, however flagged that Shri Pooniwalla had earlier worked under an advocate. It is reported that the said advocate has written an article in a publication in 2020 expressing concerns over the alleged lack of freedom of speech/expression in the country in the last 5-6 years. The views which have been expressed by a former senior of Shri Pooniwalla have no bearing on his own competence, ability or credentials for appointment as a Judge of the High Court of Bombay. Moreover, the Collegium notes that Shri Pooniwalla and his former senior practise on the Original side of the High Court of Bombay. Junior counsel associated with the chamber of a senior on the Original side are not engaged in a relationship of employer-employee with their senior. While juniors are associated with the chamber, they are free to do their own work and for all the intents and purposes, are entitled to independent legal practice. No adverse comments reflecting on the suitability of the candidate for elevation have been made in the file. The candidate has an extensive practice at the Bar and is specialized in commercial law. The candidate professes

Parsi Zoroastrianism and belongs to a minority community. Keeping in mind the above aspects and on an overall consideration of the proposal for his elevation, the Collegium is of the considered opinion that Shri Firdosh Phiroze Pooniwalla is suitable for appointment as a Judge of the High Court of Bombay.

### 3. **Shri Jitendra Shantilal Jain**

We have considered the inputs provided by the Intelligence Bureau. Nothing adverse has been reported about his integrity. The consultee-judges have found him suitable for elevation. The candidate has acquired considerable experience during his practice of 25 years with specialization in tax litigation. The High Court of Bombay has a large volume of tax-related cases and a candidate with such background would be an asset to the work of the High Court. Enquiries have been made by a member of the Collegium conversant with the affairs of the High Court of Bombay on the issue which has been flagged by the Intelligence Bureau pertaining to his work in the chamber of a senior on the taxation side about 20 years ago. Enquiries have indicated that while it is correct that the candidate had ceased working in the chamber of that senior, he subsequently joined the chamber of a noted senior counsel at the Bar. The fact of the candidate having left the chamber of a senior earlier has no bearing on his ability, competence or integrity. Keeping in mind the above aspects and on an overall consideration of the proposal for his elevation, the Collegium is of the considered opinion that Shri Jitendra Shantilal Jain is suitable for appointment as a Judge of the High Court of Bombay.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Shailesh Pramod Brahme, (2) Firdosh Phiroze Pooniwalla and (3) Jitendra Shantilal Jain, Advocates, be appointed as Judges of the High Court of Bombay. Their inter se seniority be fixed as per the existing practice.

( Dhananjaya Y Chandrachud ), CJI

( Sanjay Kishan Kaul ), J

( K M Joseph ), J

May 02 2023

