

SUPREME COURT OF INDIA

This file relates to the proposal for appointment of following four Advocates, as Judges of the Jharkhand High Court:

1. Shri Pankaj Kumar,
2. Shri Rajesh Kumar,
3. Mrs. Anubha Rawat Choudhary, and
4. Shri Kailash Prasad Deo.

The above recommendation has been made by the Collegium of the Jharkhand High Court on 1st September, 2016. The recommendation has the concurrence of the Chief Minister and the Governor for the State of Jharkhand.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleague conversant with the affairs of the Jharkhand High Court. A copy of letter of opinion of our consultee-colleague received in this regard is placed below.

As regards Shri Pankaj Kumar (mentioned at Sl. No.1 above), having regard to the material placed on record, including the revised income criterion and his association / links with many overground front organizations, he is not found suitable for elevation.

As regards Shri Rajesh Kumar (mentioned at Sl. No.2 above), he qualifies the revised income and age criterion. Our consultee-colleague has found him suitable for elevation. As regards comments of Intelligence Bureau about professional competence of Shri Rajesh Kumar, we are of the view that professional competence can best be determined by the members of the higher judiciary who have the opportunity to observe his performance on a daily basis. As regards comments touching upon his integrity, the same are qualified by Intelligence Bureau's own statement that "*there is nothing on record*". In our view, it would not be appropriate

to take cognizance of any unsubstantiated information based on discreet inquiries made by the Intelligence Bureau.

As regards Smt. Anubha Rawat Choudhary (mentioned at Sl. No.3 above), she qualifies the revised income and age criterion. Our consultee-colleague has found her suitable for elevation. As regards comments of Intelligence Bureau about her professional competence, we are of the view that professional competence can best be determined by the members of the higher judiciary who have the opportunity to observe his performance on a daily basis. As regards comments touching upon her integrity and character, the same are qualified either by the Intelligence Bureau's own statement that "*there is nothing on record*" or are based on unsubstantiated allegations. In our view, it would not be appropriate to take cognizance of any unsubstantiated information based on discreet inquiries made by the Intelligence Bureau.

We have taken note of two complaints making allegations against Smt. Choudhary. We find that the allegations made therein are frivolous and malicious in nature and appear to have been made with an ulterior motive to stall the proposed appointment. In our considered opinion, hardly any credence can be attached to such complaints, particularly in the light of positive views of our consultee-colleague as to suitability of Smt. Anubha Rawat Choudhary. Being devoid of any merit, the aforesaid complaints deserve to be lodged.

As regards Shri Kailash Prasad Deo (mentioned at Sl. No.4 above), he qualifies the revised income and age criterion. Our consultee-colleague has not found him suitable for elevation but has not given any specific reason in support thereof. As regards comments of Intelligence Bureau about his professional competence, we are of the view that professional competence can best be determined by the members of the higher judiciary who have the opportunity to observe his performance on a daily basis. As regards comments touching upon his integrity, the same are qualified by Intelligence Bureau's own statement that "*there is nothing*

on record to substantiate". In our view, it would not be appropriate to take cognizance of any unsubstantiated information based on discreet inquiries made by the Intelligence Bureau.

Taking into consideration the material on record referred to above, the Collegium finds S/Shri (1) Rajesh Kumar, (2) Mrs. Anubha Rawat Choudhary, and (3) Kailash Prasad Deo, Advocates, suitable for elevation to the High Court.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Rajesh Kumar, (2) Mrs. Anubha Rawat Choudhary, and (3) Kailash Prasad Deo, Advocates, be appointed as Judges of the Jharkhand High Court. Their *inter se* seniority be fixed as per the existing practice.

(Dipak Misra), C.J.I.

(J. Chelameswar), J.

(Ranjan Gogoi), J.

November 01, 2017

