

SUPREME COURT OF INDIA

This file relates to the proposal for appointment of following seven Additional Judges of the Gujarat High Court, as Permanent Judges of that High Court:

1. Dr. Justice K.J. Thaker,
2. Mr. Justice R.P. Dholaria,
3. Mr. Justice Ashutosh J. Shastri,
4. Mr. Justice Biren A. Vaishnav,
5. Mr. Justice Alpesh Y. Kogje,
6. Mr. Justice Arvindsingh I. Supehia, and
7. Mr. Justice B.N. Karia.

The above recommendation unanimously made by the Collegium of the Gujarat High Court vide Minutes dated 3rd May, 2017 and 14th September, 2017 has the concurrence of the Chief Minister and Governor for the State of Gujarat. As per record, Dr. Justice K.J. Thaker (who hails from Gujarat High Court and at present is functioning, on transfer, in Allahabad High Court) and Mr. Justice R.P. Dholaria were initially appointed for a period of two years on 4th May, 2013 and their term as Additional Judges had to be extended for a period of one year w.e.f. 4th May, 2015 since at the relevant time permanent vacancies were not available to accommodate them. The record further shows that their term having been further extended for a period of two years is now due to expire on 3rd May, 2018. The two-year term of other five Additional Judges who were appointed on 6th April, 2016 is due to expire on 5th April, 2018.

As regards Dr. Justice K.J. Thaker, the record shows that the Chief Justice of Allahabad High Court has forwarded statistics for the period of his tenure in that High Court and has stated *inter alia* that he has not received any written complaint against Dr. Justice K J Thaker either from the office bearers or members of the Bar Association.

The Committee constituted by the Chief Justice of India in terms of the Resolution dated 26th October, 2017 of the Supreme Court Collegium to evaluate the Judgments of the above-named recommendees, has submitted its report. A copy of the report of the two-Judge Committee is placed below.

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.

We have taken note of certain complaint/s placed in the file by the Department of Justice as well as those received in the office of Chief Justice of India. Therein, allegations have been made against some of the above-named recommendees. We do not see any merit in the aforesaid complaints as the allegations made therein are found to be false, without any substance or are not supported by any reliable evidence/document. As they do not call for any action, in our considered view, the said complaints deserve to be ignored, particularly, in the light of positive material on record, including the following observations made in the file by Department of Justice:

“4. The Chief Justice (of Gujarat High Court) also stated that the appointment of the afore-mentioned Additional Judges (Dr. Justice K.J. Thaker and Mr. Justice R.P. Dholaria) have been appreciated by the Bar. They have shown keen interest in judicial and administrative work. They are hardworking and cooperative. The Chief Justice is also confident that they would extend full cooperation in administrative matters and other duties which may be assigned to them from time to time.”

Taking into consideration the material on record, including the recommendation of the High Court Collegium, views of the State Government and the report of the Judgment Evaluation Committee, the Collegium finds all the above-named Additional Judges suitable for being appointed as Permanent Judges.

In view of the above, the Collegium resolves to recommend that (1) Dr. Justice K.J. Thaker, Mr. Justices (2) R.P. Dholaria, (3) Ashutosh J. Shastri, (4) Biren A. Vaishnav, (5) Alpesh Y. Kogje, (6) Arvindsingh I. Supehia, and (7) B.N. Karia, Additional Judges, be appointed as Permanent Judges of the Gujarat High Court.

As regards Dr. Justice K.J. Thaker who hails from Gujarat High Court and is at present posted, on transfer, to Allahabad High Court, it is needless to mention that he would continue to function in that High Court.

(Dipak Misra), C.J.I.

(J. Chelameswar), J.

(Ranjan Gogoi), J.

February 22, 2018.