

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWrit Petition(s)(Civil) No(s). 312/2024

CHIRAG BHANU SINGH & ANR.

Petitioner(s)

VERSUS

THE STATE OF HIMACHAL PRADESH & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 13-05-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Petitioner(s) Mr. Arvind P. Datar, Sr. Adv.
Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Mr. Sanjana Nair, Adv.
M/S. Lawyer S Knit & Co, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Heard Mr. Arvind Datar, learned senior counsel appearing for the petitioners.
2. The counsel would submit that the two petitioners are the senior most judicial officers serving in the State of Himachal Pradesh. Their names were recommended for elevation to High Court Judgeship in December, 2022. The Supreme Court Collegium on 12.07.2023 however resolved to defer consideration for the two petitioners for the present with the observation that it will be taken up by the Collegium at an appropriate stage. The senior counsel then submits that the persons who were recommended in

December, 2022 along with the petitioners have since been appointed as Judges of the High Court on 28.07.2023.

3. The Supreme Court thereafter on 04.01.2024 resolved that the proposal for elevation of the two petitioners be remitted to the Chief Justice of the Himachal Pradesh High Court for fresh recommendation by the High Court. This decision is reflected in the communication dated 16.01.2024 addressed by the Minister for Law and Justice to the Chief Justice of the Himachal Pradesh High Court where request is made that fresh recommendations be sent for the two officers i.e., Chirag Bhanu Singh and Arvind Malhotra against the unfilled vacancies from service quota in the Himachal Pradesh High Court.

4. Projecting the grievances of the petitioners, Mr. Datar would submit that the Himachal Pradesh High Court Collegium on 23.04.2024 has recommended the names of two other Judicial Officers for elevation as High Court Judges without first acting on the recommendations of the Supreme Court Collegium and the 16.01.2024 letter of the Law Minister, for reconsideration of the two petitioners. Since both petitioners are the senior most judicial officers, Mr. Datar contends that if recently recommended judicial officers are considered for elevation, it will cause serious prejudice to the expectations of the petitioners who have unblemished service record as Judicial Officers.

5. Issue notice only to the Registrar General of the Himachal Pradesh High Court so that appropriate information can be obtained

on whether the High Court Collegium had reconsidered the cases of the two petitioners, in pursuant to the Supreme Court Resolution dated 04.01.2024 and the Law Minister's Communication dated 16.01.2024. Dasti notice is permitted, in addition.

6. The matter be re-listed on 15.07.2024.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR