

HC view on performance of judges will prevail: collegium

The Supreme Court Collegium concluded that there was no need for further examination.

The Supreme Court Collegium made it clear that an objective assessment made at the High Court and Supreme Court levels about the performance or merit of candidates being considered for judicial appointment in High Courts overcomes any disagreement by the Chief Minister or Governor concerned.

The apex court collegium's recommendation of five names to the Centre for the appointment as judges in the Karnataka High Court records the objections raised by the Chief Minister and Governor of the State. Both are consulted in the process of judicial appointments to High Courts.

The Karnataka High Court Collegium had forwarded a list of 10 names.

Chief Justice of India Dipak Misra and Justices J. Chelameswar and Ranjan Gogoi who sat in the Collegium refer to the Karnataka Chief Minister objecting to the list, as several bodies of advocates had expressed concern that the "names recommended do not provide opportunity of representation to cross-sections of the society."

The Governor too had raised doubts about the efficiency of some candidates. The Governor, however, had not specified the names and the basis for forming such an opinion.

The apex court Collegium differed. It notes that the minutes of the High Court Collegium meetings show that it had indeed taken into account the "merit, experience, performance, character and conduct of the recommendees". The HC Collegium had also recorded that adequate representation was given to all sections of the society.

The Supreme Court Collegium concluded that there was no need for any further examination. Addressing the Governor's apprehensions, it recorded that the assessment of the persons recommended was done objectively by the judiciary at the High Court and the Supreme Court levels.

END

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