

SUPREME COURT OF INDIA

This file relates to the proposal for appointment of following nine Advocates as Judges of the Calcutta High Court:

Advocates

1. Shri Dibyendra Narayana Ray
2. Shri Jaytosh Majumdar
3. Shri Sagar Bandyopadhyay
4. Shri Amitesh Banerjee
5. Shri Raja Basu Chowdhury
6. Smt. Manju Bhuteria
7. Ms. Vineeta Meharia
8. Smt. Lapita Banerji and
9. Shri Sakya Sen.

The above recommendation was made by the then Chief Justice of the Calcutta High Court on 17th December, 2018, in consultation with his two senior-most colleagues.

We have perused the views of the Chief Minister and the Governor for the State of West Bengal placed in the file and the observations made therein.

In order to ascertain suitability of the above-named recommendees for elevation to the High Court, we have consulted our colleagues conversant with the affairs of the Calcutta High Court. Copies of letters of opinion of our consultee-colleagues received in this regard are placed below.

For purpose of assessing merit and suitability of the above-named recommendees for elevation to the High Court, we have carefully scrutinized the material placed on record. We have also perused the observations made by the Department of Justice in the file as well as complaints received against some of the above-named recommendees. We do not find any substance therein. Apart from this, we considered it appropriate to interact with all the recommendees. On the basis of interaction, the material on record and having regard to all relevant factors, the Collegium is of the considered view that S/Shri (1) Jaytosh Majumdar, (2) Amitesh Banerjee, (3) Raja Basu Chowdhury, (4) Smt. Lapita Banerji and (5) Sakya Sen (mentioned at Sl. Nos. 2, 4, 5, 8, and 9 above) are suitable for being appointed as Judges of the Calcutta High Court.

As regards (1) Dibyendra Narayana Ray, (2) Sagar Bandyopadhyay, (3) Smt. Manju Bhuteria and (4) Ms. Vineeta Meharia, (mentioned at Sl. Nos. 1, 3, 6 and 7 above), having regard to the material on record and all relevant factors, the Collegium is of the considered view that their cases deserve to be remitted to the High Court. The Collegium resolves to recommend accordingly.

We have also taken note of the observation made by the High Court Collegium while recommending the above names, that names of two Advocates recommended by it earlier need to be revisited in view of the reasons indicated in the Minutes dated 17th December, 2018. As per record, the said recommendations, having been not cleared by the Supreme Court Collegium, stand remitted to the High Court. In our opinion, the said two names cannot be considered by this Collegium unless a fresh recommendation accompanied by requisite material is duly made and forwarded as per the prescribed procedure to the Chief Justice of India for consideration of this Collegium.

In view of the above, the Collegium resolves to recommend that S/Shri (1) Jaytosh Majumdar, (2) Amitesh Banerjee, (3) Raja Basu Chowdhury, (4) Smt. Lapita Banerji and (5) Sakya Sen, Advocates, be appointed as Judges of the Calcutta High Court. Their *inter se* seniority be fixed as per the existing practice.

(Ranjan Gogoi), C.J.I.

(S.A. Bobde), J.

(N.V. Ramana), J.

July 24, 2019.

