



# THE ADVOCATES' ASSOCIATION, BENGALURU (Regd.)

**A.P. RANGANATHA**  
President

**A.N. GANGADHARAIHAH**  
General Secretary

**SHIVAMURTHY**  
Treasurer

Ref: AAB/ 114 /2021

Date : 10-06-2021

To

Hon'ble Justice N.V. Ramana  
Hon'ble Chief Justice of India  
Supreme Court  
New Delhi.

Respected Sir,

**Sub: Consideration of the request made by the  
Supreme Court Bar Association for the  
elevation of Supreme Court lawyers as  
High Court Judges.**

The Media have been carrying out reports that Your Lordships have agreed to the request made by the Supreme Court Bar Association to consider advocates practicing in the Supreme Court for elevation as Judges of the High Court. This is also fortified by the letter of the President, Supreme Court Bar Association, dated 08/06/2021, wherein there is a categorical assertion that the Hon'ble Chief Justice of India has agreed to the request made by the Supreme Court Bar Association and has requested the Chief Justices of the High Courts to consider lawyers practicing in the Supreme Court for elevation to their High Courts. The letter further proceeds to



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constitute a Search Committee comprising of the office bearers of the Supreme Court Bar Association for the purpose of facilitating the process of elevation by identifying and reserving meritorious Supreme Court lawyers.

Article 217, of the Constitution of India, provides for appointment and the conditions of the office of the Judges of the High Courts. In terms of the said Article, a person shall not be qualified for appointment as a Judge of the High Court, unless he has, for at least ten years, been an advocate of the High Court or of two or more such Courts in succession. This mandate of the Constitution, if read with the judgments of the Hon'ble Supreme Court relating to the appointment of the Judges while dealing with the Constitutional validity of the NJAC Act, upholding the Collegiums System for appointment of Judges, would leave no doubt that the focus and the primary consideration for appointment of members of the Bar, directly as Judges of the High Court, is to be considered from

Head Office :  
High Court Building  
Phone : 22861691

Administrative Office :  
City Unit : City Civil Court Compound  
Phone : 22240673 / 22217662

City Station Unit :  
Mayo Hall Building  
Phone : 25580184

Magistrate Court Unit :  
Nrupathunga Road  
Phone : 22214897



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amongst the members of the Bar who are actively practicing in the High Court. This becomes crystal clear, since the prerogative to appoint or recommend the appointment of Judges of the High Court is vested in the Hon'ble Chief Justice of the High Court after consultation with the senior-most Judges of the High Court who form part of the Collegium. Therefore, in what context and how there could be a possibility to appoint members of the Supreme Court Bar as Judges of the High Court although they are not practicing in that High Court, is something that one cannot comprehend under the present scheme of things, as laid down by the mandate of the Constitution and the judgments of the Hon'ble Supreme Court. Perhaps it is impermissible in law, as stated above, to make such appointments. This is something for the valuable consideration of your Lordship.

However, what is important to be noticed is that the Judges of the Hon'ble Supreme Court, are to be appointed



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from amongst the members of the Bar, who are practicing in a High Court. Article 124 (3) mandates that a person shall not be qualified for appointment as a Judge of the Hon'ble Supreme Court unless he has been, at least for ten years, an advocate of the High Court or two or more such Courts in succession. In view of this, the mandate of the Constitution and various judgments of the Hon'ble Supreme Court, members of the Bar practicing in various High Courts of the country are entitled to be considered for being elevated as Judges of the Hon'ble Supreme Court of India. This is a matter, which is perhaps, lost sight of by the Hon'ble Supreme Court so far. The various High Courts of the Country and I speak from my experience in the High Court of Karnataka, consists of highly distinguished lawyers practicing in the High Court. That apart from possessing requisite eligibility, they also possess exemplary legal acumen, integrity and temperament to be elevated as Judges of the Hon'ble Supreme



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Court. I am sure, that this is the case with regard to other High Courts in the country as well. These highly qualified and distinguished lawyers have lost an opportunity from being considered to be elevated as Judges of the Hon'ble Supreme Court although Constitutional provisions provide for such consideration. The lawyers from the High Court having vast experience in every field of law, having distinguished themselves with their ability, contribution to the development of law, and impeccable services as officers of the Court, ought to be considered to be elevated as Judges of the Hon'ble Supreme Court. I, therefore, request your good self, the Hon'ble Chief Justice of India, to take into consideration the Constitutional provision and consider members of the Bar practicing in the Hon'ble High Court of Karnataka, for being elevated as Judges of the Hon'ble Supreme Court of India, in tune with the provisions of Article 124 and the judgments rendered by the Hon'ble Supreme Court.



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I am sure that under your leadership, a new trend can be set to identify highly qualified and capable lawyers practicing in the Hon'ble High Court of Karnataka for being considered for elevation as Judges of the Hon'ble Supreme Court.

Thanking you,

Yours faithfully,

*A.P. Ranganatha*

**A.P. RANGANATHA**  
President