

RESOLUTION

For filling up vacancies of Judges in the Supreme Court, informal deliberations had been going on for some time and a formal meeting took place on September 26, 2022 when the names of eleven Judges were considered. As there was unanimity of opinion on the name of Mr. Justice Dipankar Dutta, Chief Justice, High Court of Bombay, a Resolution to that effect was passed and the consideration of the names of other ten Judges was deferred till September 30, 2022.

Though the procedure of circulating the judgments of the prospective candidates and making an objective assessment of their relative merit was introduced for the first time in the meeting held on September 26, 2022 and though the name of Mr. Justice Dipankar Dutta was also cleared in that meeting, a demand was raised by some of the members of the Collegium that we should have more judgments of the other candidates. Therefore, the meeting was postponed to September 30, 2022 and more judgments were circulated.

In continuation of the deliberations that took place on September 26, 2022, the postponed meeting of the collegium was convened on September 30, 2022 at 4.30 p.m. However, since one of the members (Hon'ble Dr. Justice D.Y.

Chandrachud) did not attend the meeting, the CJI sent a proposal vide letter dated 30-09-2022 by way of circulation.

The proposal received the approval of Hon'ble Mr. Justice Sanjay Kishan Kaul and Hon'ble Mr. Justice K.M. Joseph vide their respective letters dated 01-10-2022 and 07-10-2022.

By separate letters dated 01-10-2022, Hon'ble Dr. Justice D.Y.Chandrachud and Hon'ble Mr. Justice S. Abdul Nazeer, objected *inter alia* to the method adopted in the letter dated 30.09.2022.

The letters of Hon'ble Dr. Justice Chandrachud and Hon'ble Mr. Justice S. Abdul Nazeer however did not disclose any views against any of these candidates. This was brought to their Lordships' notice and reasons were solicited and/or alternative suggestions were invited vide second communication dated 02-10-2022 addressed by the CJI. There was no response to said communication.

Thus, the proposal initiated by the CJI had concurrence from Hon'ble Mr. Justice Sanjay Kishan Kaul and Hon'ble Mr. Justice K.M. Joseph. Hon'ble Dr. Justice D.Y. Chandrachud and Hon'ble Mr. Justice S. Abdul Nazeer had objected *to the process of selection and* appointing judges by circulation.

The matter was, therefore, ideally suited to have a discussion across the table amongst the Judges forming the Collegium.

In the meantime, a letter dated October 7, 2022 has been received from the Hon'ble Union Law Minister requesting the CJI to nominate his successor to take over the office of CJI w.e.f. November 9, 2022.

In the circumstances, no further steps need be taken and the unfinished work in the meeting called for September 30, 2022 is closed without there being any further deliberation. The meeting dated September 30, 2022 stands discharged.

.....CJI.
(Uday Umesh Lalit)

.....J.
(Dhananjaya Y. Chandrachud)

.....J.
(Sanjay Kishan Kaul)

.....J.
(S. Abdul Nazeer)

.....J.
(K.M. Joseph)

New Delhi;
October 9, 2022.