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[National](#)

Justice Ashok Kumar's appointment challenged

Legal Correspondent

New Delhi: The Supreme Court will examine whether consultations by the Chief Justice of India with other judges in the collegium had been disregarded in the appointment of Ashok Kumar as a permanent Judge of the Madras High Court.

Without issuing notice on the quo warranto writ petition filed by senior lawyer and former Law Minister Shanthi Bhushan and advocate Kamini Jaiswal questioning the appointment of Mr. Justice Ashok Kumar, a Bench of Justices Arijit Pasayat and D.K. Jain on Monday asked the Centre to file an affidavit in six weeks giving details of all the appointments of Additional Judges in various High Courts made after 1999.

The Bench told Additional Solicitor-General Gopal Subramaniam that the affidavit should indicate as to how many Additional Judges were made permanent on the basis of the recommendations of the collegium (including the CJI) and how many judges were made permanent on the basis of the recommendations of the CJI alone.

The Bench directed the matter to be listed for further hearing in the third week of September.

Appearing for the petitioners, senior counsel Anil Divan submitted that as per the 1998 Supreme Court judgment consultation by the CJI with the collegium of judges was necessary not only for the initial appointment but also for making permanent an additional judge. He alleged that the consultation process had been bypassed in making permanent Mr. Justice Ashok Kumar. He said: "We have no pleasure in agitating this issue but things are disturbing."

Mr. Divan said: "It is a matter of public interest that the appointment of High Court Judges be made according to law as laid down by the Supreme Court itself. It is a matter of grave public concern if the law so laid down is contravened."

The petitioners submitted that Mr. Justice Ashok Kumar was first appointed in 2003 as Additional Judge and his appointment was extended from time to time. They alleged that the collegium of the then CJI (R.C. Lahoti) and two senior judges (Justice Y.K. Sabharwal and Justice Ruma Pal) refused to recommend his appointment as a permanent

judge in August 2005 because of adverse reports. However, he was again given extension as an Additional Judge. He remained as an Additional Judge for about three years and 10 months and he was made permanent in February 2007 on the basis of the recommendations of the present CJI, K.G. Balakrishnan.

They alleged that the CJI “neither consulted two senior most judges of the Supreme Court nor other Supreme Court Judges who are conversant with the affairs of the High Court concerned.”

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