



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 27th MAY, 2024

IN THE MATTER OF:

+ **W.P.(C) 5017/2024 & CM APPL. 20526/2024**

CA RAKESH KUMAR GUPTA

..... Petitioner

Through: Petitioner-in-person

versus

SUPREME COURT OF INDIA THROUGH SECRETARY
GENERAL

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner has approached this Court under Article 226 of the Constitution of India with the following prayers:-

“Kindly Request Supreme Court Of India Collegium

(a) to provide reason in detail for recommendation for High Court Judge appointment remitted by Supreme Court Of India Collegium to High Court Collegium ,

(b) to provide norms / qualification considered for High Court Judge appointment by Supreme Court Of India Collegium to High Courts Collegium,

(c) publish monthly data related to pending, disposal of recommendation by Supreme Court Of India Collegium for high Judge appointment.

(d) Kindly advise administrative side of Honourable Court to take such appropriate actions, as the



Honourable Court deems fit under the circumstance.”

2. The Petitioner states that in the year 2023, the rejection by the Hon’ble Apex Court of the recommendations made by the High Courts regarding elevation of Judges to the High Court was about 35.29%, whereas in the year 2021, the rejection rate was only 4.38%. The Petitioner states that such a high rate of rejection is extremely disturbing. He states that there is a communication gap between the Hon’ble Apex Court and the High Courts, regarding the criteria for appointment of High Court Judges.

3. The Petitioner has therefore approached this Court with the prayers as indicated above. The averments made in the writ petition are extremely incoherent. This petition is purely a Publicity Interest Litigation. The only personal interest of the Petitioner as stated in the petition is that the Petitioner has a case pending in Rohini District Court, Delhi. This Court is at a loss to understand how the delay in disposal of his case in the District Court is any way connected to the reliefs sought in the instant writ petition. The Petitioner has not given any reason as to how he is a victim, and therefore, this Court is of the opinion that the present petition is only a Publicity Interest Litigation.

4. This Court asked the Petitioner as to whether he was willing to withdraw the writ petition and file a Public Interest Litigation (PIL) which the Petitioner refused on the ground that he is a victim of the delay in disposal of his case.

5. The recommendations for elevation of a Judge of a High Court is made by the Collegium of the concerned High Court. The recommendations are considered by the Collegium of the Hon’ble Apex Court and the results



of the Collegium meeting are put up in the website of the Hon'ble Apex Court. The requisite qualifications for being appointed as a Judge of the High Court are laid down under Article 217 of the Constitution of India and the Collegium of the Hon'ble Apex Court takes into consideration several factors before accepting the recommendations of the Collegium of the High Court. This Court cannot sit in appeal over the subjective satisfaction of the Collegium of the Hon'ble Apex Court.

6. This Court is of the opinion that the instant writ petition is a complete waste of judicial time and the Petitioner has no locus to maintain this writ petition.

7. This Court is inclined to dismiss the writ petition imposing costs of Rs.25,000/- on the Petitioner to be deposited with the *Armed Forces Battle Casualties Welfare Fund* within a period of four weeks from today.

8. In case the costs imposed on the Petitioner are not paid by the Petitioner, let the same be recovered as arrears of land revenue and a compliance report be filed before this Court within four weeks thereafter.

9. The writ petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 27, 2024

hsk