

# THE HINDU

**Date:01/08/2007 URL:**

**<http://www.thehindu.com/2007/08/01/stories/2007080162680100.htm>**

[New Delhi](#)

## **“Chief Justice need not consult collegium”**

Legal Correspondent

New Delhi: The Chief Justice of India (CJI) is not bound to consult two senior most judges in the collegium while recommending an additional judge for appointment as a permanent judge of a High Court, say sources in the Supreme Court.

Once the due process is complied with in the initial appointment, there will be no need for further consultation as the CJI can independently make recommendations.

Responding to allegations in a quo warranto petition, entertained by the apex court, questioning the appointment of Justice Ashok Kumar as a permanent judge of the Madras High Court, the sources familiar with the appointment process say, “the due procedure was followed .”

On the contention that as per the 1998 Supreme Court judgment, consultation with the collegium was necessary not only for the initial appointment but also for making an additional judge permanent, the sources say: “The judgment refers to the consultation process only in the appointment of a permanent judge and not in regularisation of an additional judge made after following the due procedure.” Every High Court has vacancies in the posts of permanent judge and additional judge and all initial appointments are made after complying with the consultation process.

Since 1990, about 600 additional judges have been appointed to High Courts and in all these cases at the time of initial appointment, the process of consultation was complied with. However, when they were made permanent judges, invariably the CJIs independently recommended their appointment. Justice Ashok Kumar was first appointed additional judge in 2003 and at that time the due process of consultation was complied with. In 2005, when his case came up for being made permanent, the then CJI (R.C. Lahoti) for some reasons recommended his extension as an exception to the general rule.

© Copyright 2000 - 2006 The Hindu