

SUPREME COURT OF INDIA

**Re: Appointment of Mr Justice Devendra Kumar Upadhyaya,
Judge, High Court of Judicature at Allahabad as the Chief
Justice of the High Court of Bombay.**

A vacancy in the office of the Chief Justice of the High Court of Bombay has arisen recently consequent upon retirement of Mr Justice Ramesh D Dhanuka. Therefore, appointment to that office is required to be made.

Para 3 of the Memorandum of Procedure relating to appointment of Chief Justice of a High Court provides as under:

“A fair representation shall be given to various High Courts for selection of Chief Justices. For purposes of such selection, inter-se seniority of puisne Judges will be reckoned on the basis of their seniority in their own High Court. The consideration for appointment of Chief Justices shall be based on the criterion of seniority subject to merit and integrity.”

It is proposed to appoint Mr Justice Devendra Kumar Upadhyaya as the Chief Justice of the High Court of Bombay. He was appointed as a Judge of the High Court of Judicature at Allahabad on 21 November 2011 and is now a senior puisne Judge in his parent High Court. He has been functioning there since his elevation and has acquired experience of more than 11 years in dispensing justice in the largest High Court in the country.

On appointment of Mr Justice Upadhyaya, the High Court of Judicature at Allahabad which is the largest High Court with a total judge-strength of 160 would get adequate representation among the Chief Justices of High Courts.

Having regard to all relevant factors, the Collegium is of the considered view that Mr Justice Devendra Kumar Upadhyaya is fit and suitable in all respects for being appointed as Chief Justice of the High Court of Bombay.

In terms of the Memorandum of Procedure, consultation has been held with the consultee-Judge/s with a view to ascertain the fitness and suitability of Mr Justice Devendra Kumar Upadhyaya for appointment as the Chief Justice of the High Court of Bombay. The consultee-Judge/s have concurred with the proposal of his appointment as the Chief Justice of the High Court of Bombay.

In view of the above, the Collegium resolves to recommend that Mr Justice Devendra Kumar Upadhyaya be appointed as Chief Justice of the High Court of Bombay.

(Dhananjaya Y Chandrachud), CJI

(Sanjay Kishan Kaul), J.

(Sanjiv Khanna), J.

05 July 2023.