

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24295/2004

(From the judgement and order dated 24/06/2004 in WP No. 30845/2003
of The HIGH COURT OF KERALA AT ERNAKULAM)

UNIVERSITY OF KERALA

Petitioner(s)

VERSUS

COUNCIL, PRINCIPALS', COLLEGES, KERALA & ORS

Respondent(s)

Date: 20/11/2006 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. R. Sathish, Adv.

M/S. Ap & J Chambers

For Respondent(s)

Mr. Gopal Subramaniam, ASG

Mr. P. Parmeswaran, Adv.

(Mentioned by)

Mr. E.M.S. Anam, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. M.K. Michael, Adv.

Mr. M.K.D. Namboodiri,Adv.

Mr. Shivaji M. Jadhav,Adv.

Mr. T.V. George,Adv.

Mr. E.M.S. Anam,Adv.

Ms. Vibha Datta Makhija,Adv.

UPON being mentioned the Court made the following

O R D E R

It has been brought to our notice by Mr. Gopal Subramaniam,

learned Additional Solicitor General that contrary to the judgment of

this Court in T. Fenn Walter & Ors. Vs. Union of India and Ors. (2002

have been (6) SCC 184), sitting Judges of various High Courts

appointed as

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Commission to inquire into allegations or incidents even in routine

and/or unimportant matters which do not even have any nexus with

any "paramount national interest" on which this Court had put

emphasis. According to learned Additional Solicitor General, on the

face of the judgment of this Court in T. Fenn Walter's case (supra), the appointment of sitting Judges as Commission is not proper. Let him get information from various State Governments and the High Courts as to in how many cases such appointments have been made and the nature of inquiry and the stage of the inquiry. It would be appropriate for the State Governments not to request for appointment of a sitting Judge as a Commission. It would be equally appropriate for the Chief Justice of the High Court, who is normally consulted in the matter, to decline the request of the State Government to appoint a sitting Judge unless the enquiry is of the "paramount national interest category".

The matter shall be listed on 27.11.2006.

Before that date, the relevant details shall be collected by the learned Additional Solicitor General from different States and the High Courts, as directed earlier.

(Neena Verma)

Court Master

(Madhu Saxena)

Court Master