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

+ **W.P.(C) 8343/2017**

HARINDER SINGH KHALSA Petitioner

Through Mr A.C. Philip, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through Mr Gaurang Kanth, CGSC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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14.01.2019

CM APPL. 43221/2017

1. This is an application for restoration of the above captioned writ petition which was dismissed in default on 19.09.2017.
2. The petitioner states that although the petitioner's advocate was tracking the listing of the present petition, however, he had overlooked the same as it was listed in the supplementary list.
3. For the reasons stated in the application, the same is allowed and the petition is restored.

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4. The petitioner has filed the present petition, *inter alia*, praying as under:-

“A. To declare that in the selection of the next CJI, the paramount, nay, the only consideration could be, who

could fit the bill as the next CJI should be a judicial statesman of impeccable character, humility, nobility, mercy, compassion, impartiality, independence, fearlessness, resoluteness and intellectual prowess of the highest order so too should have concerns for the poor, the oppressed, those deprived of justice, victims of injustice and tyranny, so too open to crying need of the hour, namely, transparency and accountability in the higher judiciary and not a blind obeisance to the principle of seniority, howsoever sacrosanct it could be otherwise.

B. To issue a writ in the nature of mandamus or any other appropriate writ, order or direction, directing the Government of India to take appropriate steps including legislation/review of judgment in NJAC case so as to bring an end into cabal collegium system of appointment of judges of the High Court and Supreme Court and to bring in to existence a transparent mechanism of appointment of Judges which is Independent of both the executive and judiciary, preferably by invitation of applications from all eligible candidates and/reference from all stake holders;”

5. There is no dispute regarding the qualities required of a judge and no orders in this regard are required to be issued. The prayer that direction should be issued to the Government of India to take appropriate steps including legislation/review of judgment in NJAC case, is also misconceived. The issue regarding the constitutional validity of the National Judicial Appointment Commission Act, 2014 was the subject matter of proceedings before the Supreme Court in ***Supreme Court Advocates on Record Association v. Union of India: (2016) 5 SCC 1*** and no orders in this regard are warranted.

6. No orders are required to be passed in this petition. The same is, accordingly, dismissed.

VIBHU BAKHRU, J

JANUARY 14, 2019

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