

ITEM NO.60

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s).1018/2021

MADRAS BAR ASSOCIATION

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

([ONLY M.A. NO. 948/2022 IN W.P.(C) NO. 502/2021 IS LISTED AGAINST THIS ITEM.])

WITH

MA 948/2022 in W.P.(C) No. 502/2021 (PIL-W)
 (IA No.82039/2022 ARISING OUT OF C.P. (C) 708/2021 IN VIEW OF
 HON'BLE COURT'S JUDGMENT DT. 17.5.2022., IA No. 82039/2022 -
 APPROPRIATE ORDERS/DIRECTIONS)

Date : 10-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
 HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. T. V. S. Raghavendra Sreyas, AOR

By Courts Motion, AOR

For Respondent(s) Mr. R Venkataramani, AG
 Mr. K.M. Nataraj, ASG
 Mr. Balbir Singh, ASG
 Mr. Kanu Agrawal, Adv.
 Mr. Saurabh Mishra, Adv.
 Ms. Vanshaja Shukla, Adv.
 Ms. Priyanka Das, Adv.
 Mr. Chinmayee Chandra, Adv.
 Mr. Ankur Talwar, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Siddhanth Kohli, Adv.
 Ms. Suhasini Sen, Adv.
 Ms. Shraddha Deshmukh, Adv.
 Mr. Arvind Kumar Sharma, AOR
 Mr. Raj Bahadur Yadav, AOR

Mr. P. Vishwanatha Shetty, Sr.Adv.
Mr. Mahesh Thakur, AOR

Ms. Garima Bajaj, AOR
Mr. Agnish Aditya, Adv.

M/S. Chambers Of Kartik Seth, AOR

Ms. Sakshi Kakkar, AOR

Mr. Jasmeet Singh, AOR

Mr. Rupesh Kumar, AOR

Mr. Siddharth Sangal, AOR
Ms. Nilanjani Tandon, Adv.

Mr. Sidharth Luthra, Sr. Adv.
Ms. Sakshi Kakkar, AOR
Mr. Shakti Singh, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

MA 948/2022 in W.P.(C) No. 502/2021

- 1 From the affidavit which has been filed on behalf of the Union of India by Dr Niten Chandra, Secretary, Department of Legal Affairs, it emerges that a Search cum Selection Committee¹ headed by Hon'ble Mr Justice A M Khanwilkar was constituted for facilitating the selection to fill up vacancies of 37 Members of the Income Tax Appellate Tribunal². Of the 37 posts, 21 posts were of Judicial Members and 16 posts were of Accountant Members. The SCSC recommended 16 persons in the main list and 6 persons in the wait list for Judicial Members and 12 persons in the main list and 7 persons in the wait list for Accountant Members.

1 "SCSC"

2 "ITAT"

- 2 In paragraph 9 of the affidavit, it has been clarified that against 37 advertised posts in all, only 28 posts were recommended by the SCSC. Appointments of 22 candidates have been approved by the Appointments Committee of the Cabinet³ against 28 posts for which recommendations were made. In other words, for nine posts (37 minus 28), there were no recommendations.
- 3 In pursuance of the order of this Court dated 17 May 2022, the material pertaining to 6 candidates out of the 28 for which recommendations were made but no appointment orders were issued was placed before the SCSC. No further recommendations have been made.
- 4 In view of the above position of the matter, a fresh advertisement has been issued on 19 September 2022. The last date for applications is 17 October 2022. The selection process in pursuance of the fresh notification dated 19 September 2022 is permitted to proceed and shall be concluded expeditiously.
- 5 List the Miscellaneous Application and the Writ Petition with pending applications on 4 November 2022.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR