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CJI had backed removal of HC judge over med scam

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New Delhi: The Congress-led opposition may have made the medical admission scam the prime issue to seek CJI Dipak Misra's removal, but he had set up an in-house inquiry committee to probe misconduct of an Allahabad HC judge who allegedly granted relief to private medical colleges, including the Prasad Education Trust.

Finding substance in the serious allegations relating to medical admission scam against HC judge SN Shukla, a three-judge in-house committee headed by Madras HC Chief Justice Indira Banerjee had recommended his re-

moval in its report to CJI Misra in January.

Acting in accordance with the committee's recommendations and as per paragraph 7(i) of the in-house procedure, the CJI advised Justice Shukla to either resign or take voluntary retirement. However, Justice Shukla expressed unwillingness to do either. Left with no option, the CJI advised the chief justice of Allahabad HC to withdraw judicial work from Justice Shukla and wrote to the President and the PM for initiation of removal proceedings against the HC judge.

Heading a division bench in the HC, Justice Shukla allegedly went beyond the catego-

CJI Misra had acted on the recommendations of a three-judge inquiry panel established by him to probe misconduct of an Allahabad HC judge who allegedly granted relief to private medical colleges, advising him to either resign or take voluntary retirement

rical restraint order passed by the SC last year and permitted private colleges to admit students for the 2017-18 academic year. The CJI had received two complaints on September 1 last year and had set up an in-house committee comprising the Madras HC CJ, Sikkim HC CJ SK Agnihotri and MP HC's Justice PK Jaiswal.

After inquiring into allegations of favours given to

private medical colleges through judicial orders by Justice Shukla, the committee concluded that there was merit in the allegations against Justice Shukla and that the aberrations on his part were serious enough to warrant initiation of removal proceedings. It also said Justice Shukla had "disgraced the values of judicial life, acted in a manner unbecom-

ing of a judge", lowered the "majesty, dignity and credibility of his office" and acted in breach of his oath of office.

Once the CJI writes to the President and the PM recommending removal of an HC judge, the RS chair or LS Speaker appoints a three-judge inquiry panel in consultation with CJI under Judges (Enquiry) Act, 1968, to look into the allegations examined by the in-house panel. This panel examines evidence and records finding which forms the basis for whether or not removal motion be debated in RS or LS.

On December 8 last year, CJI Misra had set up the in-house committee to inquire into alleged role of Justice Shukla

in granting permissions to private medical colleges to admit students despite a firm SC ban. This alleged aberration by the HC judge had led to a CBI probe into the medical scam and arrest of ex-judge of Orissa HC IM Qudusli.

In fact, a CJI-led bench, on the MCI's appeal, had reversed one such order by an Allahabad HC bench led by Shukla and cancelled all admissions made pursuant to the HC order. Importantly, the SC bench had kept the MCI petition pending to examine the propriety of the HC judge's order; especially in light of the SC's blanket ban on private medical colleges not to admit students for the 2017-18 academic year.