

Before Supreme Court Collegium: Can Acting Chief Justices of HCs send names for judge appointments?

While Justice Sharma has been an acting Chief Justice for almost a year (since September 2025), the SC Collegium will have to consider at least four names recommended by him, The Indian Express has learnt.

Written by: [Apurva Vishwanath](#) 4 min read New Delhi Updated: Aug 29, 2026 08:02 AM IST



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The controversy over the conduct of [Rajasthan High Court's Acting Chief Justice, Justice Sanjeev Prakash Sharma](#), has revived a recurring question in the Supreme Court Collegium: how to treat recommendations for the appointment of High Court judges sent by an Acting Chief Justice of a High Court.

While Justice Sharma has been an acting Chief Justice for almost a year (since September 2025), the SC Collegium will have to consider at least four names recommended by him, The Indian Express has learnt.

The SC Collegium, [headed by CJI Surya Kant](#), also comprises Justices Vikram Nath, BV Nagarathna, MM Sundresh and PS Narasimha.

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Sources said one view within the Collegium is that names sent by an Acting CJ must not be returned only because of the official title but must be considered on merit. This view is aided by a relatively long tenure of Justice Sharma as Acting CJ and the fact that Rajasthan is also his parent HC. It is learnt that another view cautions that accepting names from Acting Chief Justices will normalise long-term temporary tenures since there will be no apparent hurry to appoint a permanent Chief Justice.

Conventionally, Acting Chief Justices do not make recommendations for judicial appointments, given their short tenures. However, in some exceptional cases where the names are sent, the Collegium has, in the past, adopted varied approaches.

When Justice Dharmadhikari was acting CJ of Bombay HC from February 20 to March 19 in 2020, he had prepared a list of 22 names for appointment as High Court judges. He was CJ from March 20 until his retirement on April 27, 2020. Despite objections from two consultee judges, the SC Collegium headed by then CJI SA Bobde had sent 18 of the 22 recommendations to the Centre, relying on an affirmative response from a third consultee judge. However, the Centre returned the names, underlining the reservations by the consultee judges. Justices AM Khanwilkar and DY Chandrachud — both former Bombay High Court judges consulted under procedure — had objected in writing that no chief justice could properly vet 22 candidates, each requiring consultation with the Bar, in so short a tenure, and urged that the list go back to then sitting Chief Justice Dipankar Datta. The third consultee judge, Justice BR Gavai, had disagreed, noting Justice Dharmadhikari had served on the Bombay High Court since 2004 and knew the Bar well. The names were later returned to the Bombay HC, and fresh lists were drawn.

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In another instance in 2022, the Centre had raised objections over at least 12 names sent by then Rajasthan HC Chief Justice Akil Kureshi on the grounds that they were made during the fag end of his tenure. However, the SC Collegium then, headed by CJI Chandrachud had sought to know if there were specific objections against any name, based on intelligence inputs, but it did not receive a response. Subsequently, the Centre cleared 8 of the 12 names.

Supreme Court judge Justice Sandeep Mehta, previously a Rajasthan High Court judge, wrote three letters to Chief Justice of India Surya Kant on August 2, 10 and 17 seeking Sharma’s replacement by a chief justice from outside the state. The letters, which allege manipulation of case listings, threats to fellow judges citing closeness to the CJI, and misuse of administrative powers.

CJI Surya Kant responded on August 26 that allegations against a sitting judge could not be adjudicated through the media and must go through institutional channels. Justice Sharma has headed the Rajasthan High Court in an acting capacity since late September 2025 — a tenure Mehta’s letters termed as “unusually long.” He was a Rajasthan High Court judge from 2016, moved to Patna in 2022, and after the Collegium declined his 2023 request to return on health grounds, was sent instead to the Punjab and Haryana High Court. A 2025 resolution brought him back to Rajasthan.

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