



KAMARAJ IAS ACADEMY
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CJI Khanna recommends Gavai as successor

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Context

- Chief Justice of India Sanjiv Khanna, who is set to **retire on May 13**, on **Wednesday recommended Justice B.R. Gavai to the government for appointment as the 52nd Chief Justice of India.**
- Justice Gavai was elevated as a judge of the Supreme Court on May 24, 2019. He is **due to retire on November 23, 2025, leaving him with a tenure of little over six months.**
- Justice Gavai is the next in line to be Chief Justice of India **in accordance with the seniority norm** with Chief Justice Khanna is scheduled to retire on May 13.
- Under the **Memorandum of Procedure for appointment of Chief Justice of India and Supreme Court Judges**, the Law Ministry seeks the recommendation of the outgoing Chief Justice about the next appointment.
- The letter from the government kickstarts the appointment process for the next Chief Justice of India.

Appointment of CJI and SC judges

- A **Supreme Court judge is appointed by the President under Article 124 (2)** of the Constitution. As per the convention, the **senior-most judge of the Supreme Court is designated as the CJI.**
- The **seniority is measured by the length of service on the Supreme Court. If same service length, then age is factored in.**

Qualification

A person to be appointed as a Supreme Court judge, should have the following qualifications:

- 1He should be a **citizen of India.**
- 2He should have been a **judge of a High Court (or high courts in succession) for five years;** or
- 3He should have been an **advocate of a High Court (or High Courts in succession) for ten years;** or
- 4He should be a **distinguished jurist in the opinion of the president.**

Removal of CJI & SC judges

- A Supreme Court judge, including the CJI, can be **removed by the President** after an address by **Parliament** supported by a **special majority.**
- Grounds for removal (**Article 124(4)**):

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1 Proven misbehavior

2 Incapacity

- Further, the **tenure of a CJI and SC judges** is until they attain the **age of 65 years**, while **High Court judges retire at 62 years**.
- The **Central government has no role to play** in the appointment of the CJI except for the Union Law Minister seeking the recommendation from the incumbent CJI, before sending it to the President.