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NIYAN JOSEPH SAVIO MARCHON V. STATE OF GOA & ANOTHER

In a significant judgement on reservation policies in professional education, the Bombay High Court (Goa Bench) struck down Clause 5.7 of the 2025–26 prospectus issued by the Directorate of Technical Education, Goa, which created a 3% quota for children of CSP employees—a category covering Central and State Government employees as well as individuals in private occupations.

The petitioner, Niyan Joseph Savio Marchon, approached the Court on behalf of his ward, who had cleared the NEET-UG 2025 examination and sought admission to MBBS in Goa. He challenged the special quota on the ground that it was arbitrary, lacked legal sanction, and violated Article 14 of the Constitution. According to him, the children of CSP employees could not be treated as a separate class when the stated objective of medical admissions was to promote merit while balancing domicile requirements.

A Division Bench of Justice M.S. Sonak and Justice Valmiki Menezes examined the validity of Clause 5.7 and held:

- Failure of Article 14 test: The clause failed both requirements of reasonable classification

➔ It did not establish any intelligible differentia that separated CSP wards from other candidates.

➔ It had no rational connection to the objective of securing merit-based admissions to medical colleges.

- Arbitrariness of classification: The Court noted that if mobility of government or private employees was a concern, the same could have been addressed by granting domicile relaxations within the General Category instead of creating a new quota.

- Lack of legislative backing: Reservation in education must be supported by the Constitution or a statute. Here, the State relied solely on an administrative prospectus, which the Court held to be insufficient to introduce a new reservation.

- Primacy of merit: The Court reaffirmed that admission to professional courses like MBBS must primarily be governed by merit, and arbitrary classifications dilute both fairness and standards in medical education.

The High Court therefore quashed Clause 5.7 of the Goa prospectus, thereby scrapping the 3% reservation for children of CSP employees in MBBS admissions.

The judgement is notable for clarifying that:

- Executive directions cannot create new reservation categories without statutory authority.
- Any classification for reservation must be constitutionally sustainable, based on intelligible differentia and rational nexus.
- In professional education, merit remains paramount, and reservations must not undermine it.

Read the full judgment here:

https://www.verdictum.in/pdf_upload/niyan-joseph-savio-marchon-v-state-of-goawatermark-1737382.pdf

DENIAL OF ADMISSION BY PRIVATE UNAIDED SCHOOL DOES NOT VIOLATE ARTICLE 21 OF CONSTITUTION: KARNATAKA HIGH COURT

MUZAMMIL S/O USMANGANI KAZI & ANR. V. STATE OF KARNATAKA & ORS.

In the case of Muzammil S/o Usmangani Kazi & Anr. v. State of Karnataka & Ors. (Writ Petition No. 101767 of 2025, decided on 5 August 2025 by the Karnataka High Court, Dharwad Bench), the petitioners approached the Court seeking a writ of mandamus to direct St. Paul's High School, Belagavi, to admit the minor child of petitioner No.1 to the LKG grade.

The father had applied for his son's admission, and the school's portal initially indicated that the child had been selected and directed the parents to meet the Principal for confirmation of the seat. However, shortly thereafter, the portal status was changed to "verification pending." Upon enquiry, the school informed the petitioners that a software glitch had resulted in 61 students receiving such erroneous messages of selection, although the sanctioned intake of the school was 150 seats, which had already been filled by eligible candidates.

The petitioners argued that once intimation of admission was received, the school was bound to honour it, and further contended that even a private unaided school is amenable to writ jurisdiction under Article 226 of the Constitution, particularly when the right to education and fundamental rights are implicated.

The school, on the other hand, raised a preliminary objection that a writ petition against a private unaided institution was not maintainable, and also argued on merits that no seat was available.

Justice Suraj Govindaraj, after hearing both sides, held that a writ petition under Article 226 is indeed maintainable against a private unaided school if its actions impinge upon the fundamental or constitutional rights of a citizen, since education involves a public element.

However, the Court further observed that in the present case there was no violation of Articles 14, 19, or 21 of the Constitution, nor was the child eligible under the RTE Act provisions.

The mere non-admission of the petitioner's son in this particular school did not amount to a violation of the right to education, as the child could still secure admission in other schools. Since there was no infringement of fundamental or statutory rights, the Court dismissed the writ petition, holding that the relief sought by the petitioners could not be granted.

Read the full judgment here:

Writ Petition No. 101767 of 2025

KARNATAKA HIGH COURT GUIDELINES ON REFERRING DISPUTES INVOLVING SETTLEMENTS UNDER SECTION 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947, FOR ADJUDICATION

RAMAMURTHY C K & OTHERS AND BOSCH LIMITED & OTHERS

The Karnataka High Court, in a ruling by Justice Anant Ramanath Hegde, addressed the legal requirements for referring disputes questioning the validity of settlements under Section 12(3) of the Industrial Disputes Act, 1947, to adjudication. The court partially allowed petitions by Bosch Ltd's management, challenging a government order dated June 28, 2021, which referred a dispute involving approximately 160 workmen to a labour court. The court emphasized that when a settlement's validity is contested before a conciliation officer, the government must provide reasoned justification for referring the matter for adjudication.

The court clarified that when one party claims a settlement was recorded under Section 12(3) in the presence of a conciliation officer, and the other disputes it, the government's scrutiny under Section 12(5) must be more rigorous compared to disputes not involving such settlements. However, the government is not permitted to adjudicate the merits of the settlement, as this exceeds the scope of Section 12(5). Instead, the court outlined guidelines for the government to prima facie assess whether a dispute warrants adjudication:

1. Confirm whether the settlement resolved all disputes addressed in the conciliation.
2. Determine if any disputes remain unresolved despite the settlement.
3. Evaluate if the settlement prima facie violates provisions of the Act or binding Standing Orders.
4. Verify if the settlement is signed by the parties or their authorized representatives.
5. Assess whether the settlement appears to have been implemented over time.

The court stressed that the government must evaluate these factors to decide whether adjudication is necessary and issue an appropriate order.

The case stemmed from an industrial dispute where workmen claimed they were denied employment from August 16, 2015. Conciliation proceedings failed on October 1, 2016, and the matter was referred to the government. Subsequently, at the intervention of the Minister for Industries, further conciliation occurred, resulting in a settlement on February 8, 2017, where each workman received Rs. 14 lakhs as a full and final settlement. Some workmen later challenged the settlement's validity, alleging coercion, despite receiving the payment.

Bosch Ltd argued that the 2017 settlement was voluntary, binding under Sections 18 and 19 of the Act, and terminated the employer-employee relationship. The company contended that the workmen, having accepted the payment, could not challenge the settlement

years later in 2021, alleging coercion.

The court noted that the conciliation officer had reported a failure on October 1, 2016, but a second conciliation was initiated at the joint request of both parties, leading to the 2017 settlement. The court found no legal bar preventing the government from allowing further conciliation upon joint request, even after a failure report, as the Act prioritizes amicable dispute resolution. However, such proceedings require mutual consent, not a unilateral request.

The court observed that the government's reference orders lacked evidence of prima facie satisfaction or consideration of the settlement's validity. Consequently, it set aside the reference order, remitting the disputes back to the government to reconsider within 30 days, applying the outlined guidelines. The workmen's petitions, alleging coercion, were dismissed without delving into the merits, as they involved disputed facts.

The ruling underscores the Act's preference for conciliation over adjudication and clarifies the government's role in handling disputes over settlements, balancing procedural rigor with the promotion of alternative dispute resolution mechanisms.

Read full guidelines:
https://www.livelaw.in/pdf_upload/in-the-high-court-of-karnataka-at-bengaluru-615732.pdf

THE KARNATAKA HIGH COURT HAS HELD THAT LABOURERS ENGAGED THROUGH CONTRACTORS FOR CONSTRUCTION AND REPAIR WORKS WITHIN A FACTORY PREMISES ARE TREATED AS 'EMPLOYEES' WITHIN THE MEANING OF SECTION 2(9) OF THE EMPLOYEES STATE INSURANCE (ESI) ACT.

ASSISTANT DIRECTOR, ESI CORPORATION AND M/S. SANSERA ENGINEERING P LTD

Justice Ramchandra D Huddar added that in such a case, contribution under the Act will have to be paid by the company employing them. The bench reasoned, "Expression `Employee' under Section 2(9) of the Act has been defined in conclusive and expansive terms. It not only encompasses persons directly employed by the Principal Employer but, also includes persons employed through an immediate employer (such as a contractor) so long as they are engaged in connection with the work of the factory or establishment or work which is incidental or preliminary to or connected with the main work of the factory."

In the case at hand, the Respondent-firm had engaged contractors for various construction works, maintenance and repair activities within its factory premises. No, contribution had been paid in respect of the labour engaged in such activities. Court noted that the activities undertaken by labourers such as construction of additional sheds, installation of new units, renovation of existing structures and replacements to support utility systems were all activities "intimately connected with the efficient running of the factory".

It held, "It is well established that, construction and maintenance work undertaken for the expansion or operational upkeep of the factory premises of the factory are not alien or external to the functioning of manufacturing unit. On the contrary, such works are integral to the continuity, efficiency and safety of the factory's operations...Such works cannot be compartmentalized as non-core or detached for the purpose of the establishment."

As such, it directed the firm to pay Rs.13,52,825/- demanded by the ESI Corporation.The development comes in an appeal preferred by the ESI Corporation, challenging an order of the ESI Court which reduced the statutory contribution demand raised under Section 45-A of the ESI Act to Rs.3,50,000.

The ESI court had while reducing the demand considered the argument of the firm that the the workers were not under its control or supervision.

The High Court however noted that the ESI Act is a social welfare legislation designed to confer certain benefits upon employees in case of sickness, maternity, employment injury and related contingencies and for ensuring medical care to insured persons and their family members. "It is well settled that the provisions of such a welfare statute should be construed liberally to advance its beneficent purpose and not in a manner that defeats its statutory intent."

Read full guidelines:
https://www.livelaw.in/pdf_upload/kahc0104972720161-615405.pdf

CONVICTION UNDER SECTION 186 IPC DOES NOT REQUIRE THE USE OF VIOLENCE OR PHYSICAL FORCE

DEVENDRA KUMAR VERSUS THE STATE (NCT OF DELHI) & ANR.

The Supreme Court clarified that a conviction under Section 186 IPC does not require the use of violence or physical force. The Court held that obstruction of a public servant's lawful duty can also occur through threats, intimidation, or deliberate non-cooperation, so long as it makes the discharge of duty more difficult.

The bench comprising Justices JB Pardiwala and R Mahadevan heard the case where the Respondent No.2, a process server being an employee of the court, visited a Delhi police station to serve summons and warrants. He alleged that the Station House Officer (SHO), Devendra Kumar (Petitioner herein), not only refused to accept the documents properly but also verbally abused him, forced him to stand with his hands raised as punishment, and detained him for hours, preventing him from carrying out his official duties.

Aggrieved by the High Court's decision to upheld the registration of FIR against him pursuant to a complaint registered with the District Judge, the SHO moved to the Supreme Court. Refusing to interfere with the High Court's decision

The Supreme Court clarified that while Section 195 Cr.P.C. bars a magistrate from taking cognizance of offences under Sections 172–188 IPC unless the concerned public servant files a complaint, the bar also extends to other offences that are so closely connected with those provisions that they cannot be split up.

The bench comprising Justices J.B. Pardiwala and R. Mahadevan heard the case where a court process server alleged that he was mistreated at a Delhi police station while attempting to serve summons and warrants. He claimed that the Station House Officer (SHO), Devendra Kumar, abused him, forced him to stand with raised hands as punishment, and detained him for hours, preventing him from discharging his duty.

The process server reported the incident to the District Judge, who referred it to an Administrative Civil Judge. The Civil Judge then filed a written complaint under Section 195(1)(a) CrPC before the Chief Metropolitan Magistrate (CMM). Instead of taking cognizance directly, the CMM directed the police to register an FIR under Section 156(3) CrPC for offences under Sections 186 (obstructing a public servant from fulfilling his legal duties) and 341 (wrongful restraint) IPC.

Pursuant to the dismissal of his plea against FIR registration before the Sessions Court and High Court, the Petitioner-SHO moved to the Supreme Court. Criticizing the CMM's direction for FIR registration under Section 156(3) CrPC when he could have directly taken a cognizance of the offence under Section 195, the judgment authored by Justice Pardiwal,a although refused to quash the FIR, left it open for the Petitioner to raise the bar of Section 195 before the trial court at the appropriate stage.

The Court also explained that where an offence under Section 186 IPC is closely linked with another offence (such as wrongful restraint under Section 341 IPC), the offences cannot be “split up” to bypass the bar under Section 195. Only when the other offence is truly distinct and unconnected can it be separately prosecuted

In this regard, the Court laid down the following principles to be followed while dealing with a category of offences that fall within the protective sphere of Section 195 CrPC.

(i) Section 195(1)(a)(i) of the Cr.P.C. bars the court from taking cognizance of any offence punishable under Sections 172 to 188 respectively of the I.P.C., unless there is a written complaint by the public servant concerned or his administrative superior, for voluntarily obstructing the public servant from discharge of his public functions. Without a complaint from the said persons, the court would lack competence to take cognizance in certain types of offences enumerated therein.

(ii) If in truth and substance, an offence falls in the category of Section 195(1)(a)(i), it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the other distinct offences disclosed in the same set of facts. However, it also cannot be laid down as a straitjacket formula that the Court, under all circumstances, cannot undertake the exercise of splitting up. It would depend upon the facts of each case, the nature of allegations and the materials on record.

(iii) Severance of distinct offences is not permissible when it would effectively circumvent the protection afforded by Section 195(1)(a)(i) of the Cr.P.C., which requires a complaint by a public servant for certain offences against public justice. This means that if the core of the offence falls under the purview of Section 195(1)(a)(i), it cannot be prosecuted by simply filing a general complaint for a different, but related, offence. The focus should be on whether the facts, in substance, constitute an offence requiring a public servant's complaint.

(iv) In the aforesaid context, the courts must apply twin tests. First, the courts must ascertain having regard to the nature of the allegations made in the complaint/FIR and other materials on record whether the other distinct offences not covered by Section 195(1)(a)(i) have been invoked only with a view to evade the mandatory bar of Section 195 of the I.P.C. and secondly, whether the facts primarily and essentially disclose an offence for which a complaint of the court or a public servant is required.

(v) Where an accused is alleged to have committed some offences which are separate and distinct from those contained in Section 195, Section 195 will affect only the offences mentioned therein. However, the courts should ascertain whether such offences form an integral part and are so intrinsically connected so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of Section 195 of the Cr.P.C. This would all depend on the facts of each case.

(vi) Sections 195(1)(b)(i)(ii) & (iii) and 340 of the Cr.P.C. respectively do not control or circumscribe the power of the police to investigate, under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the material collected during investigation, provided the procedure laid down in Section 340 of the Cr.P.C. is followed.

Read full guidelines:
https://www.livelaw.in/top-stories/pragya-thakur-malegaon-blast-acquittal-reasons-299672

THE REAL INTENTION OF THE ACCUSED AND WHETHER HE INTENDED BY HIS ACTION TO AT LEAST POSSIBLY DRIVE THE VICTIM TO SUICIDE, IS THE SURE TEST

ABHINAV MOHAN DELKAR VERSUS THE STATE OF MAHARASHTRA & ORS.

The Supreme Court upheld the Bombay High Court's decision to quash the abetment to suicide case against the Dadra & Nagar Haveli Administrator and other officials over the suicide by MP Mohanbhai Delkar, observing that harassment, without a direct and proximate link to the suicide, is insufficient to sustain charges under Section 306 IPC.

The bench comprising Chief Justice of India BR Gavai and Justice K Vinod Chandran relied on the cases of Madan Mohan Singh v. State of Gujarat (2010) and Amalendu Pal v. State of West Bengal (2010), to reiterate that mere harassment, unaccompanied by proximate instigation, is insufficient to constitute abetment. Further, the judgment authored by Justice Chandran referenced another recent case of Prakash and Ors. v. State of Maharashtra and Anr. (2024), where it was observed that the accused must be actively involved in the act of abetment leaving no other option for the deceased but to commit suicide.

Relying on the precedents, the Court observed:

"The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case.

The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306.", the court said.

The Court noted that the incident mentioned in the deceased's suicide note where he was allegedly not invited or allowed to speak at the Liberation Day function of Dadra and Nagar Haveli on 02.08.2020 had occurred two months prior to his death, and therefore could not be treated as a proximate cause or an incident

that drove him to commit suicide

“We are of the opinion that the Division Bench of the High Court had rightly quashed the proceedings, finding the charge of abetment to commit suicide to be absent. Much emphasis was laid on the charge of extortion, which has been first stated in the suicide note and not disclosed in any of the complaints earlier made to the Hon'ble Speaker or the Committee of Privileges.”, the court held. Accordingly, the appeal was dismissed.

SUPREME COURT EXPLAINS CRITERIA FOR GRANT OF INTERIM INJUNCTIONS IN TRADEMARK INFRINGEMENT CASES

TIME CITY INFRASTRUCTURE AND HOUSING LIMITED LUCKNOW vs. THE STATE OF U.P. & ORS.

The Supreme Court recently laid down the criteria to be generally applied while deciding the cases of trademark infringement. The Court said that although the Trade Marks Act, 1999 does not prescribe any rigid or exhaustive criteria for determining whether a mark is likely to deceive or cause confusion, each case must necessarily be decided on its own facts and circumstances. However, the bench comprising **Justices J.B. Pardiwala and R. Mahadevan** lists out the multiple interrelated factors that become crucial to determine whether an interim injunction should be granted or not.

In this regard, the Court referred to the House of Lords case of ***American Cyanamid Co. v. Ethicon Ltd. (1975) AC 396*** where the principles established continue to guide the Courts while determining interim injunction applications in trademark cases. According to the Court, the following criteria are generally applied:

(i) Serious question to be tried / triable issue: The plaintiff must show a genuine and substantial question fit for trial. It is not necessary to establish a likelihood of success at this stage, but the claim must be more than frivolous, vexatious or speculative.

(ii) Likelihood of confusion / deception: Although a detailed analysis of merits is not warranted at the interlocutory stage, courts may assess the prima facie strength of the case and the probability of consumer confusion or deception. Where the likelihood of confusion is weak or speculative, interim relief may be declined at the threshold.

(iii) Balance of convenience: The court must weigh the inconvenience or harm that may result to either party from the grant or refusal of injunction. If the refusal would likely result in irreparable harm to the plaintiff's goodwill or mislead consumers, the balance of convenience may favor granting the injunction.

(iv) Irreparable harm: Where the use of the impugned mark by the defendant may lead to dilution of the plaintiff's brand identity, loss of consumer goodwill, or deception of the public – harms which are inherently difficult to quantify – the remedy of damaes may be inadequate. In such cases, irreparable harm is presumed.

(v) Public interest: In matters involving public health, safety, or widely consumed goods, courts may consider whether the public interest warrants injunctive relief to prevent confusion or deception in the marketplace.

Background

The Court was deciding the appeal filed by Pernod Ricard challenging the orders of the Indore Commercial Court and the Madhya Pradesh High Court which rejected its interim injunction applications against the respondent. The appellant contended that the respondent used the similar name as "Blenders Pride" and used

the similar styling of "Imperial Blue" for "London Pride".

Dismissing the Appellant's appeal, saying that the Respondent's Whisky named “LONDON PRIDE” do not bear any deceptive similarity with its Whisky brand named “BLENDERS PRIDE”, the Court discussed the aforesaid principles about the grant of trademark injunction.

Read full guidelines:
https://www.livelaw.in/pdf_upload/5268820232025-08-14-615494.pd

IN EXECUTION PROCEEDINGS, IF A JUDGMENT DEBTOR WAS PROCEEDED AGAINST EX PARTE AND SUBSEQUENTLY DIED, HIS LEGAL REPRESENTATIVES MUST STILL BE BROUGHT ON RECORD.

SMT. GANGA JOGTA V/S SHRI NAND LAL (DECEASED

The Himachal Pradesh High Court has held that in execution proceedings, if a judgment debtor was proceeded against ex parte and subsequently died, his legal representatives must still be brought on record.

Rejecting the contention of the plaintiff, Justice Ajay Mohan Goel remarked that: “Simply because, the only judgment-debtor was proceeded against ex- parte, this does not gives any right to the petitioner not to bring on record his legal representatives after his death”.

The plaintiff had obtained an ex parte decree against the deceased defendant. Even during the execution proceedings, and was proceeded ex-parte even during the execution proceedings and the judgment debtor died in the midst of execution proceedings.

The civil court directed the decree holder to bring on record the legal representatives of the deceased judgment-debtor.

Thereafter, the petitioner approached the high court, contending that there is no provision in the Civil Procedure Code which talks about bringing on record legal representatives of the deceased-judgement

debtor, and the order passed by the court was not sustainable in the eyes of law.

Further contending that, as the judgment debtor was now dead, the decree holder had the legal right to get the decree executed without any hindrance.

The High Court reiterated that according to section 50 CPC "where a judgement debtor dies before the decree has been fully satisfied, the holder of the decree may apply to the Court which passed which passed it to execute the same against the legal representatives of the deceased."

In V. Uthirapathi Vs. Ashrab Ali & Ors, 1998 the Supreme Court held that the legal representatives can be brought on record at any stage during execution proceedings and the proceedings do not abate due to death of any party.

Further the Court remarked that the perusal of Order XXII, Rule 12 of CPC exempts execution proceedings from the principle of abatement and allows the legal representatives to be brought on record at any stage.

Thus, the High Court dismissed the petition and held that after the death of judgement debtor his legal representatives are to be brought on record.

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