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Dr. DIVYADITYA KOTHARI

Director, Renaissance University and
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research LLP) and Renaicon Legal

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MATERNITY BENEFITS & ARTICLES 15(3), 21, 42: ODISHA HIGH COURT UPHOLDS LEAVE FOR CONTRACTUAL WOMAN EMPLOYEE

STATE OF ODISHA & ORS. V. ANINDITA MISHRA

In a landmark judgment reinforcing gender justice and the constitutional promise of dignity and equality, the Odisha High Court dismissed the State's appeal against a Single Judge's order granting maternity leave to a contractual employee. The petitioner, Anindita Mishra, a "Young Professional" under the National Health Mission, was denied maternity leave despite a state policy issued in 2012 entitling contractual female employees to 180 days of such leave.

Invoking Articles 15(3), 21, and 42, the Division Bench comprising Justices Dixit, Krishna Shripad and M.S. Sahoo affirmed that denying maternity leave solely on the ground of contractual status violates the constitutional guarantee of equality, dignity, and humane work conditions for women. The Court highlighted that Article 15(3) allows the State to make special provisions for women, and Article 42 mandates that the State secure just and humane conditions of work and maternity relief.

The Court held that the State's action was discriminatory and against the principles of a welfare state, emphasising that maternity benefits are not a matter of charity but of constitutional and statutory

entitlement. It further cited international obligations, including Article 11(2)(b) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which India is a signatory, which protects a woman's right to maternity leave without risking job security.

Rejecting the State's technical objection that the petitioner was not a regular employee, the Bench ruled that beneficial policies must be interpreted liberally, especially when they serve the purpose of protecting motherhood and womanhood. It noted that there was no contractual clause excluding such benefits, and hence, the 2012 policy was applicable.

By upholding the Single Judge's direction to grant full maternity leave with all consequential benefits, the High Court reaffirmed that constitutional and policy mandates on gender justice and worker welfare cannot be diluted by the temporary nature of employment.

This verdict sends a strong message that contractual employment does not strip women of their fundamental and statutory protections, and reinforces the judiciary's role in expanding the reach of constitutional rights to all sections of working women.

Read full guidelines:
https://www.verdictum.in/pdf_upload/state-of-odisha-ors-v-anindita-mishra-1725139.pdf

HIGH COURT DISMISSES PLEA BY STUDENT SEEKING MODIFICATION OF CLASHING EXAM SCHEDULES FOR TWO DEGREES PURSUED SIMULTANEOUSLY

SATYENDRA PRAKASH SURYAWANSHI V. STATE OF CHHATTISGARH & ORS.

The Petitioner, appearing in person, submitted that he was simultaneously pursuing two degrees. He submitted that the examination timetables issued by both universities included four subjects scheduled on the same date and time, resulting in a direct conflict that rendered it impossible to attend both. He argued that he had taken re-admission in accordance with notifications issued by the Respondent universities and contended that the schedules were framed arbitrarily.

He relied on the UGC's revised guidelines allowing the simultaneous pursuit of two degrees and submitted that the State of Chhattisgarh had constituted a Task Force for the implementation of the National Education Policy (NEP) 2020, which encouraged inclusive education.

The Petitioner further invoked Article 21 of the Constitution of India, contending that his right to education and personal liberty was being violated, and urged the Court to stay the examination schedules until disposal of the petition.

The Court, upon hearing the Petitioner, observed that no grounds were made out for invoking its writ jurisdiction. It held that the Petitioner had no locus to demand that examination schedules be altered by judicial direction.

The Court noted, "The petitioner has no locus to direct the respondent authorities to make modifications in the final examination timetable for the two academic programmes…"

The Court found no procedural or legal infirmity justifying interference and held that the scheduling of exams by the universities could not be subject to judicial review in the facts of the present case.

Accordingly, the Court dismissed the petition as being devoid of any merit.

THE BOMBAY HIGH COURT HELD THAT SECTION 33(C)(2) OF THE INDUSTRIAL DISPUTES ACT APPLIES ONLY WHEN A WORKER'S ENTITLEMENT TO BENEFITS IS PROVEN THROUGH CLEAR, UNDISPUTED EVIDENCE

SUPERINTENDING ENGINER OF MSEDCL V. PUNDLIK KOMDIBA & ANR

The Bombay High Court (Aurangabad Bench), presided over by Justice Prafulla Khubalkar, dismissed a writ petition by Maharashtra Electricity Distribution Company Limited (MSEDCL) challenging a labour court's award granting overtime wages with 12% interest to three retired employees. The court affirmed the employees' pre-existing statutory right to overtime pay under Section 59 of the Factories Act, 1948, enforceable through Section 33(C)(2) of the Industrial Disputes Act, 1947.

The case involved three former MSEDCL employees, classified as 'Artisan A', who retired between 2011 and 2012. They had performed overtime work, sanctioned by an executive engineer, but were not paid for it, despite receiving overtime wages previously. Post-retirement, they approached the labour court under Section 33(C)(2), which allows workers to recover benefits based on established rights. They claimed Rs. 6,12,900 collectively, with 18% interest. In 2017, the labour court upheld their claim, awarding the overtime pay with 12% interest, finding a clear pre-existing right.

MSEDCL contested the labour court's decision, arguing that Section 33(C)(2) only applies to executing established rights, not

determining new ones. They cited an internal circular capping overtime at 75 hours and excluding 'Artisan A' employees from overtime claims. MSEDCL relied on cases like Vaibhav Laxman Suravkar v. Ultra Drytech Engineering and Bombay Chemical Industries v. Deputy Labour Commissioner to argue that disputed entitlements fall outside Section 33(C)(2)'s scope.

The employees countered that their entitlement was undisputed, supported by documents showing the executive engineer's sanction of overtime wages. They emphasized that Section 59 of the Factories Act, 1948, guarantees overtime pay at double the regular rate, and their claim was merely for enforcement of this right under Section 33(C)(2).

The court ruled that Section 59 establishes a statutory right to overtime wages, providing a basis for claims under Section 33(C)(2). It clarified that the labour court's role was to execute already-sanctioned payments, not to establish new rights. Unlike Vaibhav Laxman Suravkar, where no payments were sanctioned, here the executive engineer's approval was undisputed. The court also distinguished Bombay Chemical Industries, noting that the employment and sanctioned amounts were not contested, only the final approval. Since undisputed evidence, like sanctioned bills, supported the claim, the court upheld the labour court's jurisdiction and dismissed MSEDCL's petition.

Read full guidelines:
https://www.livelaw.in/pdf_upload/the-superintending-engineer-the-maharashtra-electricity-distribution-company-limited-and-another-v-pu-606986.pdf

CALCUTTA HIGH COURT DENIES GUEST FACULTY 'WORKMAN' STATUS

SRI HANSRAJ KOLEY VS. THE SECRETARY, LABOUR DEPARTMENT AND OTHERS

The Calcutta High Court, under Justice Shampa Dutt (Paul), dismissed a writ petition challenging an industrial tribunal's 2024 award, ruling that Hansraj Koley, a guest faculty at UCO RSETI, could not claim 'workman' status under the Industrial Disputes Act, 1947, due to his non-regular engagement.

Hansraj Koley began working with UCO RSETI, an organization training rural youth for self-employment, in 2011, handling administrative and coordination tasks. A 2012 letter formalized his role as guest faculty, specifying duties via the Employment Exchange. Koley claimed he worked over 240 days annually under direct supervision, receiving a Rs. 5,500 honorariums. His services were verbally terminated in November 2012 without a hearing, which he argued was illegal. He raised an industrial dispute, asserting the March 24, 2012 letter was an appointment letter. UCO RSETI countered that Koley was engaged occasionally for training sessions, paid per-session honorariums, and not employed regularly. A 2014 settlement saw Koley accept Rs. 2,000 as final payment and agree to apply for future vacancies. Despite this, he filed another claim, which the tribunal dismissed in 2024.

Koley argued he was a regular employee, supervised by UCO RSETI, and the 2012 letter constituted an appointment. He claimed the tribunal erred in classifying him as guest faculty, denying him protections under the Act. UCO RSETI maintained Koley was not a regular employee, was paid per session, and had no outstanding dues, with receipts proving full payment. They cited the 2014 settlement, arguing his new claim violated its terms.

The court found the 2012 letter did not appoint Koley as a regular employee but invited him for specific sessions with token honorariums, not 'wages' under Section 2(rr) of the Act, which requires regular remuneration. Section 2(s) defines a 'workman' as requiring continuous employment, which Koley's occasional engagement did not satisfy. The court upheld the tribunal's finding that Koley was a guest faculty, not covered by the Act. Additionally, the 2014 settlement resolved the dispute, and Koley's fresh claim breached its terms. The court found no error in the tribunal's award, dismissed the petition, and refused Koley's reinstatement, affirming that his role as guest faculty did not entitle him to workman protections.

Read full guidelines:
https://www.livelaw.in/pdf_upload/hansraj-koley-606861.pdf

A PARTY CANNOT CONFER JURISDICTION ON A CIVIL COURT THROUGH AN AMENDMENT OF PLEADINGS THAT WOULD FUNDAMENTALLY ALTER THE NATURE OF THE DISPUTE

VIVIENDA LUXURY HOMES LLP V. GREGORY & NICHOLAS & ORS.

The petitioner, Vivienda Luxury Homes LLP, engaged in construction services, filed a writ petition challenging an order of the Ad-hoc Civil Judge (Senior Division), Mapusa, Goa. The dispute arose from an oral agreement for sale of a property (Suit Property) situated in Parra, Bardez, Goa, owned by respondent no. 1, a partnership firm Gregory & Nicholas.

Negotiations dating back to 2003 led to a mutual agreement for the sale of the Suit Property for ₹8.05 crores. Based on verbal commitments and electronic communications (including WhatsApp), the petitioner invested ₹73.16 lakhs in stamp duty and registration charges. However, despite fixed appointments, the respondents failed to complete the sale, prompting the petitioner to initiate a commercial suit for specific performance or ₹8 crore in damages.

The Trial Court granted interim status quo but the respondents moved for return of the plaint, arguing that the dispute did not qualify as a "commercial dispute" under Section 2(1)(c)(vii) of the Commercial Courts Act, 2015, which requires the immovable property to be "used exclusively in trade or commerce."
Simultaneously, the petitioner filed an application to amend the

plaint to include additional averments demonstrating the commercial nature of the property. The Trial Court, however, held that the application for return of plaint must be decided first, leading to the present writ petition under Articles 226 and 227 of the Constitution. Key Legal Issues:

1. Can a Trial Court decide an application for return of plaint before considering an application for amendment of that plaint?
2. Does the plaint disclose a commercial dispute giving jurisdiction to a Commercial Court?
3. Can jurisdiction be retrospectively vested through amendment?

The High Court refrained from deciding whether the dispute was commercial, as the only issue in this writ petition was the procedural propriety of the Trial Court's order. Distinguished between territorial and subject-matter jurisdiction—while the former can be cured, the latter goes to the root and renders any action by such court null and void. Cited Harshad Chimanlal Modi v. DLF Universal Ltd. to reiterate that jurisdiction cannot be conferred by waiver or amendment. Agreed with the Delhi High Court's ruling in Archie Comics and HSIL Ltd., holding that if a plaint fails to disclose jurisdictional facts, the court cannot even entertain an amendment application.

The High Court upheld the Trial Court's order, finding no infirmity in prioritizing the return of plaint over deciding the amendment application. It emphasized that subject-matter jurisdiction must be determined first, and if lacking, the court cannot adjudicate any part of the suit, including amendments. Writ Petition dismissed. Rule discharged.

THE LEGAL HEIRS OF A PERSON WHO CAUSES AN ACCIDENT BY HIS OWN NEGLIGENCE CANNOT CLAIM COMPENSATION

G. NAGARATHNA & ORS. V. G. MANJUNATHA & ANR.

This case arose from a fatal motor accident in which N.S. Ravisha, while driving a Fiat Linea car at high speed and in a rash and negligent manner, lost control, causing the car to topple and resulting in his own death. His legal heirs — wife, son, and parents — filed a compensation claim of ₹80 lakhs under Section 166 of the Motor Vehicles Act, 1988, before the Motor Accident Claims Tribunal (MACT), Arsikere, Karnataka.

1. Can legal heirs of a deceased tortfeasor (wrongdoer) claim compensation under Section 166 of the MV Act?
2. Does the fact that the deceased borrowed the vehicle affect the liability of the insurance company?

Findings of the Lower Courts:

MACT:

- Dismissed the claim.
- Held that Ravisha was the tortfeasor; hence, his heirs could not claim compensation for his own negligence.

Karnataka High Court:

- Upheld MACT's order.
- Relied on:

Ningamma v. United India Insurance Co. Ltd., (2009) 13 SCC 710: Held that no compensation is payable when the deceased is the

negligent driver and hence the tortfeasor.
Minu B. Mehta v. Balkrishna Nayan, (1977) 2 SCC 441: Clarified that no liability of the insurer arises in absence of fault or negligence of another party.

Rejected the appellants' argument that since Ravisha was not the owner but merely a borrower, the insurer is liable. Held that Ravisha, by borrowing the car, stepped into the shoes of the owner. Hence, he cannot be indemnified by the insurance company for his own negligent act.

The Supreme Court dismissed the appeal, upholding the reasoning of the High Court and the MACT. It reiterated:

- A person cannot benefit from his own wrong.
- The legal heirs of a person who causes an accident by his own negligence cannot claim compensation under Section 166 of the Motor Vehicles Act.
- The insurer is not liable to compensate in such cases even if the deceased was not the registered owner, as the borrower is treated as the owner for liability purposes.

1. Tortfeasor Rule:
   - A person who is responsible for his own death due to negligent driving is considered a tortfeasor, and their legal heirs cannot claim compensation under Section 166 MV Act.
2. No Double Compensation:
   - Allowing such a claim would be tantamount to rewarding a person for his own breach of law, which is contrary to public policy.

3. Doctrine of "Stepping into the Shoes":
   - A borrower of a vehicle is treated as the owner for the purpose of determining liability.
   - If the borrower (deceased) is negligent, the insurer is not liable to compensate either the borrower or their legal heirs.

The Supreme Court refused to interfere with the Karnataka High Court's decision and dismissed the petition filed by the legal heirs of the deceased. It reaffirmed the settled legal position that compensation is not payable under Section 166 MV Act where the deceased was himself the negligent driver, even if the vehicle was borrowed and not owned.

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Vice Chancellor, Renaissance University

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Dr. Deepika bhatnagar

Principal, Renaissance Law School

Prof. Mohan Kumar Moyal

HOD, Renaissance Law School

OUR TEAM

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