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EQUALITY AND RESERVATION IN RECRUITMENT: SUPREME COURT UPHOLDS BAR ON OBC CANDIDATES MIGRATING TO UNRESERVED POSTS AFTER AVAILING RELAXATIONS

UNION OF INDIA & ORS. V. SAJIB ROY & ORS. (CITATION: 2025 INSC 1084)

In In a significant ruling on recruitment and constitutional equality, the Supreme Court held that reserved-category candidates who avail relaxations in age, attempts, or fees cannot migrate to unreserved vacancies, even if their scores exceed those of the last selected general category candidate. The Court clarified that such migration is barred when government policy or recruitment rules expressly prohibit it, aligning with Article 16(4) principles on reservation.

The case arose when OBC candidates applied for SSC Constable (GD) posts with age relaxation. Though they scored lower than the last selected OBC candidate, they performed better than the last selected unreserved candidate. The High Court, relying on Jitendra Kumar Singh v. State of UP (2010), directed their appointment under the general category.

The Supreme Court disagreed, citing the Office Memorandum dated 1 July 1998, which explicitly prohibits reserved candidates who have availed relaxations from being considered for unreserved posts. The Bench observed that while Article 14 and merit

principles safeguard equal opportunity, they cannot override clear statutory or policy restrictions framed under Article 16(4).

Allowing the Union of India's appeals, the Court ruled that the High Court had misapplied Jitendra Kumar Singh, which only applied in the absence of such prohibitions. The judgment reinforced that administrative circulars have binding effect, and equality under the Constitution must be understood within the framework of lawful reservation policy.

The ruling is notable for balancing Article 14's guarantee of equality with Article 16(4)'s protective reservation framework, affirming that concessions granted to reserved groups cannot simultaneously be used to claim unreserved seats where the law expressly forbids it.

Read the full judgment here:

Union of India v. Sajib Roy & Ors. PDF

MISUSE OF HABEAS CORPUS: KARNATAKA HIGH COURT DISMISSES PETITION AND IMPOSES ₹2 LAKH COSTS FOR FALSE MISSING-PERSON CLAIM

MRS. MAHESHWARI M. & ANR. V. STATE OF KARNATAKA & ORS. (CITATION: 2025 KHC 34253 DB)

In a stern judgment against abuse of constitutional remedies, the Karnataka High Court dismissed a habeas corpus petition filed by a 72-year-old mother alleging that her adult son had been missing, and imposed ₹2 lakh in punitive costs. The Court held that filing false or misleading habeas corpus petitions amounts to an abuse of process under Article 226, and litigants approaching the Court with "unclean hands" cannot seek extraordinary constitutional relief.

The case arose when the petitioner claimed her son had been missing since July 7, 2025, and sought judicial intervention. However, investigation revealed that the son had remained in frequent contact with his mother, sister, and friends during the alleged "missing" period, and was eventually traced by police in Chennai. Call detail records confirmed his communications, undermining the petitioner's claim. The State contended that the petition was filed out of personal vendetta against the police for earlier disputes and was a misuse of the writ jurisdiction.

Rejecting the petitioner's allegations of illegal detention and police misconduct, the Bench noted that the habeas corpus petition was frivolous, misleading, and intended to harass authorities. The Court stressed that such misuse wastes valuable judicial time and undermines the sanctity of constitutional remedies.

Accordingly, the habeas corpus petition was dismissed with directions to the petitioner to pay ₹1,00,000 to the Karnataka Legal Services Authority and ₹1,00,000 to the Karnataka Police Benevolent Fund within two weeks, failing which contempt proceedings would follow.

The judgment is significant as it reinforces that writs like habeas corpus are meant for genuine protection of liberty under Articles 21 and 226, not for harassment, and that punitive costs may be imposed to deter frivolous or malicious petitions.

READ THE FULL JUDGMENT Here:

Maheshwari M. v. State of Karnataka & Ors.

P&H HIGH COURT RULES FAMILY PENSION CANNOT BE DENIED TO RAILWAY EMPLOYEES WITH OVER 10 YEARS OF SERVICE DUE TO EMPLOYER'S FAILURE TO CONDUCT SCREENING

UNION OF INDIA AND OTHERS VS CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH AND OTHER

The Punjab & Haryana High Court, in a ruling by Justices Harsimran Singh Sethi and Vikas Suri, upheld that a casual railway employee with temporary status, who served over 10 years before dying, is eligible for family pension benefits under the Family Pension Scheme, 1964, even without formal screening for regularization. The court also clarified that delays in claiming the pension do not bar eligibility, as pension rights constitute a continuous cause of action.

The case involved the widow of a railway employee who began as a casual laborer in 1978. In 1983, he was granted temporary status and continued working until his death in a railway accident in February 1999. At the time of his death, he had served 21 years, including 16 years with temporary status. His widow sought family pension benefits under the 1964 Scheme, but the railway authorities rejected her claim, arguing that her husband was not screened for regularization. Disputing this, she approached the Central Administrative Tribunal, which, on August 3, 2018, ruled in her favor and ordered the authorities to grant the pension.

The Union of India challenged the Tribunal's decision through a writ petition in the High Court, asserting that screening for regularization was a prerequisite for pension eligibility under the 1964 Scheme. Since the deceased was not screened before his death, they argued the pension could not be granted. Conversely, the widow contended that her husband's 21 years of service, including 16 years with temporary status, and his death during duty justified her claim. She argued that the Tribunal's order was lawful and that denying the pension was unjust.

The court referred to a 1965 Railway Board letter, which stated that a casual laborer with six months of service qualifies for temporary status, and after one year in a temporary post, becomes eligible for family pension benefits upon absorption into a regular establishment. The court noted that the employee, having started as a casual laborer in 1978 and gaining temporary status in 1983, served 16 years in that capacity, far exceeding the required service period. The railway authorities had 16 years to screen him for regularization but failed to do so. The court emphasized that the employee died on duty in a railway accident, making the denial of pension benefits arbitrary and contrary to the 1964 Scheme.

The petitioners cited the case of Ram Kali vs. Central Administrative Tribunal, Chandigarh Bench, where a pension was denied because the employee, despite having temporary status, did not complete 10 years of qualifying service. The court distinguished this case, noting that the employee here had served 16 years after receiving temporary status, well beyond the 10-year requirement, rendering the Ram Kali precedent inapplicable.

The petitioners' argument that the widow's delay in claiming the pension barred her eligibility was also dismissed. The court relied on Shri M.L. Patil (dead) through LRs vs. State of Goa, which held that pension claims are a continuous cause of action, unaffected by delays. Consequently, the court upheld the Tribunal's August 3, 2018, order, finding it consistent with applicable rules.

The court directed the railway authorities to calculate the employee's total service from 1978 until his death in 1999 to determine the pension benefits. The widow, who passed away on September 16, 2023, was entitled to receive the family pension until her death, after which the benefits would extend to her unmarried daughter. The court ordered the authorities to complete the process within eight weeks, ensuring the family received their rightful benefits under the Family Pension Scheme, 1964.

This ruling reinforces the principle that long-serving temporary employees, particularly those who die in service, cannot be denied pension benefits due to administrative oversights like failure to screen for regularization, and it underscores the continuous nature of pension rights.

Read full guidelines:
https://www.livelaw.in/pdf_upload/union-of-india-and-others-vs-central-administrative-tribunal-chandigarh-and-others-619297.pdf

KARNATAKA HIGH COURT RULES PENSION BENEFITS CANNOT BE DENIED INDEFINITELY DUE TO POTENTIAL FUTURE DISCIPLINARY ACTIONS

BANGALORE ELECTRICITY SUPPLY COMPANY LIMITED V. MALATHI B & ANR.

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The Karnataka High Court ruled that pension and retirement benefits of a former employee cannot be withheld indefinitely due to potential future disciplinary proceedings. A division bench, comprising Chief Justice Vibhu Bakhru and Justice C M Joshi, upheld a single judge's order directing Bangalore Electricity Supply Company Limited (BESCOM) to pay all retirement benefits, including death-cum-retirement gratuity, leave encashment, and other pensionary benefits, along with interest from the date of retirement, to Malathi B.

The court rejected BESCOM's appeal, which challenged the single judge's decision favoring Malathi B. BESCOM had withheld her benefits due to a show cause notice issued in 2019. The bench stated that withholding pension and retiral benefits indefinitely on the grounds of possible future disciplinary action was unacceptable.

Citing Regulation 171 of the Karnataka Electricity Board Employees' Service Regulations, 1966, which governs the withholding or withdrawal of pensions, the court noted that Regulation 171(b)(ii) prohibits initiating departmental proceedings for events that occurred more than four years prior. In Malathi's case, a show cause notice was issued on May 25, 2019, after which

she was repatriated to her parent organization and promoted to Deputy Controller of Accounts in 2022. She retired on July 31, 2023. The court observed that over seven years had passed since the notice without any disciplinary proceedings being initiated.

BESCOM argued that the cause of action was ongoing and that the show cause notice did not specify a time limit. The court dismissed this, noting that the notice clearly outlined the alleged loss and accusations, to which Malathi had responded. Since more than four years had elapsed since the incident, no departmental proceedings could be instituted under Regulation 171(b). Thus, the court found no fault in the single judge's order to release Malathi's retirement and pensionary benefits.

The court affirmed that the delay in initiating proceedings and the clear lapse of the four-year limit rendered BESCOM's withholding of benefits unjustified. The ruling ensures that Malathi receives her entitled benefits, including interest from the date of retirement.

Read full guidelines:
https://www.livelaw.in/pdf_upload/kahc0106121920241-619569.pdf

'NEIGHBOURHOOD QUARREL DIDN'T AMOUNT TO ABETMENT OF SUICIDE' : SUPREME COURT ACQUITS WOMAN IN S.306 IPC CASE

GEETA VERSUS THE STATE OF KARNATAKA, CRIMINAL APPEAL NO.1044 OF 2018

The Supreme Court recently acquitted a woman accused of abetting suicide of her neighbour, noting that neighbourhood quarrels are common to community living and for the charge of abetment of suicide, instigation must rise to a level that left the victim with no choice but to end their life. The Court was dealing with a challenge to the Karnataka High Court judgment, which upheld the appellant's conviction under Section 306 IPC but acquitted her for the offence punishable under Section 3(2)(v) of the SC/ST Act, as the material available on record was insufficient. Vide the impugned judgment, the appellant was sentenced to undergo 3 years' imprisonment as well as to pay fine of Rs.5000.

As per the prosecution case, the appellant and the victim-neighbor were constantly at loggerheads. The victim was a private teacher who gave tuitions at home. Annoyed by the noise coming from her house, as well as her scolding of children from their house, the appellant fought with the victim, hurled casteist abuses at her, taunted her of being unmarried at the age of 25, as well as physically assaulted her alongwith her family members. On the fateful day, the victim poured kerosene on herself and set herself ablaze. She gave a statement in the hospital when she was stable, blaming the appellant and her family members. Later, she succumbed to her injuries.

The Trial Court acquitted the appellant's family members, but convicted her under Section 306 IPC and Section 3(2)(v) of the SC/ST Act. A sentence of 5 years' imprisonment was imposed for the offence under Section 306 and sentence of life imprisonment, along with a fine of Rs. 5,000/-, for offence punishable under Section 3(2)(v) of the SC/ST Act.

After going through the material on record, and judicial precedents on the subject, the Supreme Court set aside the appellant's conviction under Section 306. Taking the prosecution case at its highest, the Court acknowledged that there were heated exchanges between the parties and physical blows were also allegedly administered by the appellant's party. But insofar as the latter allegation, the appellant stood acquitted and the State had not preferred any appeal.

From the High Court judgment, it was noted that the victim was a sensitive person and lacked support in the fight against the appellant. As the appellant had support of her family, "the victim felt miserable having felt that she lost the fight, which impulsively prompted her to take the extreme step of committing suicide, at the height of depressed mood consequently resulting in her death". It was also observed that the allegation of appellant hurling casteist abuse was not supported by most of the victim's neighbors.

Relying on Madan Mohan Singh v. State of Gujarat and Amalendu Pal alias Jhantu v. State of West Bengal, the Court opined that to attract the offense under Section 306, specific abetment intended at bringing about death of the victim is required. The harassment

meted out should be of such nature that left the victim with no choice but to end their life.

"Though 'love thy neighbour' is the ideal scenario, neighbourhood quarrels are not unknown to societal living. They are as old as community living itself. The question is whether on facts there has been a case of abetment of suicide?" the Court observed.

Ultimately, the Court allowed the appeal and set aside the High Court judgment. The appellant was acquitted of the charge under Section 306 and her bail bonds discharged.

Read full guidelines:
https://www.livelaw.in/pdf_upload/geeta-v-state-of-karnataka-619824.pdf

S. 482 CRPC/S.528 BNSS | SUPREME COURT LAYS DOWN FOUR-STEP TEST FOR HIGH COURTS TO QUASH CRIMINAL CASES

PRADEEP KUMAR KESARWANI VERSUS THE STATE OF UTTAR PRADESH & ANR.

The Supreme Court recently clarified the difference between consensual sex following a promise to marry which was broken later and intercourse based on a false promise made with mala fide intent from the start.

The bench comprising Justice JB Pardiwala and Justice Sandeep Mehta quashed the summons issued to the Appellant by the magistrate in a case pertaining to rape on the false pretext of marriage, noting that there was no evidence that the Appellant harboured mala fide intent at the inception of the relationship.

Since the complaint revealed that the relationship spanned several years (2010–2014), involved meetings with the complainant's family, and even saw police-mediated assurances of marriage, the Court said that these circumstances suggested a genuine relationship that later collapsed, rather than building a sexual relationship on the false promise of marriage to satisfy his lust.

The Court emphasized that a breach of promise is not equivalent to a false promise. While a broken engagement may be a civil or moral

wrong, it cannot be criminalized as rape unless deception existed from the very beginning. Further, the Supreme Court laid down the steps to be considered by the High Court while hearing quashing petitions under Section 482 Cr.P.C. (now Section 528 BNSS).

The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.: -

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the 13 prosecution/complainant?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

The bench comprising Justice JB Pardiwala and Justice Sandeep Mehta heard the case arising out of the Allahabad High Court's decision which refused to quash the summons issued by the magistrate to the Appellant for the offence of rape on false pretext of marriage on a complaint filed by the complainant.

Before the Supreme Court, the Appellant-accused submitted that he was in a consensual relationship with the complainant, and when something went wrong, they decided to part ways. He disputed the veracity of the complaint as it was filed only after a period of four years in 2014. Setting aside the High Court's decision, the Court allowed the appeal and quashed the summons issued by the magistrate in a complaint case.

It was in this context that the Court laid down the aforesaid steps to be borne in mind by the High Courts to make the process simpler for them while deciding quashing petitions.

MP HIGH COURT ISSUES NOTICE TO CENTRE ON PLEA SEEKING TO EXEMPT 'FANTASY SPORTS' FROM NEW LAW REGULATING ONLINE MONEY GAMES

CLUBBOOM 11 SPORTS & ENTERTAINMENT PRIVATE LTD V UNION OF INDIA

The Madhya Pradesh High Court issued notice on a plea challenging Promotion and Regulation of Online Gaming Act 2025 claiming that it puts a blanket prohibition on "online money games" including judicially recognised skill-based games, infringing Article 19(1)(g) of the Constitution.

The court was hearing a writ petition filed by Clubboom 11 Sports & Entertainment Private Ltd against the Act claiming that it "disregards the settled distinction between games of skill and games of chance, overrides binding judicial pronouncements, and in doing so, transgresses the constitutional limitations on legislative power".

He said that fantasy sports have been legally recognised by various high courts and has been affirmed by Supreme Court in catena of cases. He contended that fantasy sports can be regulated and not prohibited whereas the mandate of the Act is an absolute and complete and prohibition.

On the court's query SG Mehta said that similar challenges are ongoing in the Delhi and Karnataka High Courts. He informed that notices were issued in these cases and the matters are pending.

On the court's query the Mehta said that the Act had prohibited only online gaming involving monetary returns. He said:

'*Not Sports. We have prohibited online gaming involving monetary returns; that is what is prohibited. If you are in online gaming there is nothing, there is no difficulty. But if I am getting, kind of a, into a betting that if I win I pay 10 rupees, and if I win I will get one lakh; that is prohibited. And there is a long preface in the statement of objections and reasons that people are addicted to debt, people commit suicide, etc*'.

Jain argued that the Act mentions itself the need to "*clearly delineate and categorise various forms of online gaming to provide a tailored legal framework to each subcategory of the industry appropriately"*. He argued that arguing that fantasy sports should fall into a regulated, not prohibited, category.

The court then said as to why the petitioners were worried if they believed that they were in an exempted category. Jain said that the petitioner should have been given the recognition but has not been given the same.

The plea asserts that fantasy sports do not constitute gambling and, therefore, should not be classified as such. Referring to a NITI Aayog report of December 2020, it states that there were recommendations for the recognition of fantasy sports as a distinct category. Citing the Intermediary Guidelines and Digital Media Ethics Code (Amended) Rules, 2023, it was asserted that these rules explicitly addressed the regulation of online gaming intermediaries that facilitate 'games of skill'. The matter is next listed on October 28.

NI Act | '30-DAY TIME LIMIT FOR FILING CHEQUE DISHONOUR COMPLAINT MANDATORY' : SUPREME COURT QUASHES BELATED COMPLAINT

NAGJIBH H. S. OBEROI BUILDTECH PVT. LTD & ORS. Vs. M/S MSN WOODTECH

The Supreme Court clarified that the 30 days' timeline prescribed under Section 142(b) of the Negotiable Instruments Act, 1881 ("NI Act") for filing a complaint is mandatory, unless there is a formal application seeking condonation of delay and a judicial order allowing it.

"Once the statute prescribes a mandatory time limit for filing a complaint, there cannot be any deviation from the same except when an application accompanying the complaint is filed seeking condonation disclosing reasons for the delay and even then it is obligatory on the part of the Court to take note of such filing beyond limitation and to consider the reasons disclosed independently and to come to a judicious conclusion that in the facts and circumstances of that case condonation is justified. The same not having been done, the order cannot be sustained.", the court observed.

A bench of **Justices Ahsanuddin Amanullah and K Vinod Chandran** quashed a cheque bounce complaint as it was filed beyond the statutory 30-day limitation period i.e., on thirty fifth day. Neither a delay condonation application was filed along with the complaint nor there was a judicial recording justifying the condonation. Therefore, the Court set aside the Delhi High Court's decision which upheld the trial court's decision to issue the summons stating the complaint to be in limitation

Further, the Court held that there cannot be an automatic or presumed condonation when the complaint was filed beyond the time prescribed under the statute.
The Court emphasized that when a complaint is filed beyond limitation, a delay condonation application with valid reasons is mandatory and must be judicially examined before cognizance is taken.

"Even for the sake of argument, if it is assumed that the power under Section 142 of the Act exists for the Court to condone delay, the first requirement is that the Court has to take note of the fact that there is a delay and thereafter it had to go on the point whether the reasons which have been furnished by the complainant are sufficient to condone such delay and only then move on to take cognizance and proceed for issuing of summons.", the court said.

"In the present case, the same has absolutely not been done. The High Court opining that though there may have been delay but still the Trial Court is well within its power to condone the delay and in terms of Section 142(b) of the Act, filing of an application for condonation of delay is not a statutory mandate, again in our considered view, is erroneous.", the court added. Resultantly, the appeal was allowed, and the complaint stands quashed.

Read full guidelines:
https://www.livelaw.in/pdf_upload/21762025122864171order09-sep-2025-619833.pdf

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