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A WARM WELCOME FROM RENAISSANCE UNIVERSITY FAMILY

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RIGHT TO CHANGE NAME: JAMMU & KASHMIR AND LADAKH HIGH COURT AFFIRMS IT AS A FUNDAMENTAL RIGHT UNDER ARTICLE 19(1)(A)

MOHD. HASSAN V. UNION TERRITORY OF J&K & ORS.

In a notable ruling on personal liberty and identity, the Jammu & Kashmir and Ladakh High Court held that the right to change one's name is protected as a facet of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution. The Court emphasised that a name is intrinsic to individual identity and autonomy, and denial of a legitimate name change, except on valid legal grounds, would violate constitutional freedoms.

The case arose when the petitioner sought correction of his name in official records but faced objections from authorities on technical grounds. He contended that the refusal infringed upon his fundamental rights. The State resisted, arguing that administrative constraints and procedural irregularities.

Rejecting the State's objections, the Court clarified that while the government may prescribe reasonable procedures to verify identity and prevent fraud, such technicalities cannot override the constitutional right to be known by the name of one's choice. The Bench underscored that the freedom to change one's name flows from personal autonomy, dignity, and self-expression, aligning with Article 21 as well.

The Court directed the authorities to process the petitioner's request, observing that identity-related rights form an essential part of the broader framework of dignity and liberty guaranteed by the Constitution.

This judgment is significant as it reinforces that constitutional freedoms extend beyond traditional speech to include the right to personal identity, ensuring that bureaucratic hurdles do not erode fundamental rights.

Read the full judgment here:

https://www.verdictum.in/pdf_upload/displayphp-5011-1744104.pdf

PARTICIPATION OF A PERSON PRACTISING ONE FAITH IN ANOTHER'S FESTIVAL IS NOT UNCONSTITUTIONAL: KARNATAKA HC REJECTS OBJECTION

H.S. GAURAV V. THE STATE OF KARNATAKA (CITATION: 2025 KHC 36477 DB)

In a recent judgment, the Karnataka High Court held that inviting or permitting a person of one religion to participate in religious festivals of another religion does not violate constitutional rights. The Court emphasised that involvement in State-sponsored festival ceremonies by persons from different faiths, even including ritualistic elements, is not impermissible under the Constitution.

The case arose when the petitioners challenged the decision of the Government of Karnataka to invite Banu Mushtaq as Chief Guest for the inauguration of the Dasara festivities on Chamundeshwari Hills. The petitioners objected that she, being of a different faith, would be partaking in Hindu religious practices such as lighting the sacred lamp (Deepa Prajwalam), offering flowers & fruits to the deity, Vedic prayers, chanting, etc.

Rejecting the petition, the Division Bench (Chief Justice Vibhu Bakhru and Justice C. M. Joshi) held that neither Article 25 (freedom of conscience and religion) nor Article 26 (rights of religious denominations) is infringed by such participation. The Court observed that the petitioners had not shown any curtailment of their or any religious denomination's rights. Participation in

ceremonies organised by the State and the presence of persons from other faiths do not by themselves offend constitutional protections. The Court also noted that the State has historically invited accomplished individuals of diverse backgrounds (writers, scientists, and educationists) to inaugurations of the Dasara festivities, underscoring that the act is aligned with an inclusive tradition rather than a breach of constitutional norms.

This judgment is significant for reaffirming pluralism: religious identity does not bar individuals from participating in public religious ceremonies carried out by the State, as long as there is no coercion or violation of one's conscience or institutional rights protected under Articles 25 & 26.

READ THE FULL JUDGMENT Here:

https://www.verdictum.in/pdf_upload/kahc010607542025122-1744388.pdf

RETIRED CLASS-IV EMPLOYEE NOT EXPECTED TO UNDERSTAND TERMS LIKE 'ACQUIESCENCE' OR 'DELAY': HP HIGH COURT QUASHES PENSION REJECTION ORDER

JAGAT RAM V. STATE OF HIMACHAL PRADESH

In a significant Judgment, the Himachal Pradesh High Court overturned the State's decision to deny pension benefits to a retired daily wage beldar, emphasizing that pension rights, being a recurring cause of action, cannot be denied due to delays in filing claims, particularly for Class-IV employees unfamiliar with legal technicalities like acquiescence or laches. Justice Sandeep Sharma rejected the State's argument that the petitioner's delayed claim warranted dismissal, stating that expecting a Class-IV worker to understand complex legal concepts is unreasonable. The court underscored that pension rights are continuous and cannot be nullified by procedural delays.

The petitioner, appointed as a daily wage beldar in 1983 in the Office of Executive Engineer, District Mandi, Himachal Pradesh, had his services regularized in 1994 after 11 years of daily wage work. He retired in 2000 after seven years of regular service. The State denied his pension claim, arguing that his 2024 representation was too late and that "fence-sitters" are not entitled to relief. However, the court relied on precedents set by the Supreme Court in *Surender Singh v. State of Himachal Pradesh* and *Balo Devi v. State of Himachal Pradesh* (2022), which clarified that daily wage service must be considered for pension eligibility.

According to these rulings, five years of daily wage service equate to one year of regular service, and combined service exceeding eight years but falling short of ten years qualifies as ten years for pension purposes. Thus, the petitioner's seven years of regular service, combined with two years credited from his 11 years of daily wage service, met the ten-year threshold for pension eligibility.

The court further noted that the Himachal Pradesh government issued a 2019 notification, following the Supreme Court's directives, instructing administrative secretaries to implement these pension rules. Despite this, the State failed to comply, forcing many daily wage employees to seek judicial recourse. The court criticized the State's inaction and its reliance on technical defenses to deny rightful claims. Consequently, the petition was allowed, and the State was directed to grant the petitioner's pension. The matter was scheduled for October 27, 2025, to ensure compliance with the court's order, reinforcing the judiciary's role in protecting the rights of low-income workers against bureaucratic delays and legalistic objections.

Read full guidelines:

https://www.livelaw.in/pdf_upload/jagat-ram-620268.pdf

'WORKERS CAN'T BE DENIED PERMANENT STATUS MERELY DUE TO UNAVAILABILITY OF SANCTIONED POSTS': BOMBAY HIGH COURT

RAHUL PITTU SAVALKAR & ORS. V. ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FOREST & ANR.

In a landmark ruling, the Bombay High Court declared that workmen who have fulfilled the required period of continuous service cannot be denied permanent status merely due to the unavailability of sanctioned posts. The court emphasized that such denial perpetuates exploitation and violates the principles of social justice and welfare legislation. Justice Milind N. Jadhav delivered this judgment while hearing a writ petition filed by 22 forest labourers employed at Sanjay Gandhi National Park, who had been working since 2003 in roles such as watchmen, gardeners, cooks, and cage attendants for wild animals.

These workers performed high-risk tasks, including feeding tigers, lions, and leopards, cleaning cages, administering medicines, and undertaking patrolling and fire control duties within the park. Despite decades of continuous service alongside permanent employees, their claim for permanency was rejected by the Industrial Court, which cited the lack of sanctioned posts.

The petitioners argued that they had completed 240 days of service in each calendar year for over five consecutive years, as documented in the Forest Department's attendance registers. They relied on the Government Resolution of October 16, 2012, which mandated

permanency for daily wage workers meeting the 240-day, five-year service requirement. The State, however, opposed their claim, arguing that the petitioners were temporary workers, not appointed through a formal selection process or against sanctioned posts. The State further noted that the 125 supernumerary posts created under the 2012 Resolution were already occupied, leaving no vacancies for the petitioners.

Justice Jadhav rejected the State's arguments, observing that the petitioners performed duties identical to those of permanent employees, often under hazardous conditions with minimal protection. The court held that denying permanency due to the absence of sanctioned posts was unjust and tantamount to perpetuating unfair labour practices. The judgment underscored that workers who have served continuously for decades alongside permanent staff should not be deprived of benefits like earned leave, casual leave, sick leave, medical facilities, and provident fund coverage.

The court stated: "Once Petitioners have complied with the twin conditions of 240 days of work in each calendar year continuously for a period of 5 years, and they are still being continued by the Forest Department for years together, they cannot be deprived of permanent status on the ground of unavailability of a sanctioned post. If the Government's argument is accepted, it would amount to enslavement of these workmen and bonded labour."

The court criticized the Industrial Court's order of December 12, 2022, for overlooking the petitioners' long-term service and the State's obligation under welfare legislation. Consequently, the Bombay High Court quashed the Industrial Court's decision and directed the State to grant permanency to the petitioners. It further ordered the computation and payment of differential wages owed to them within eight weeks, with a compliance report to be submitted thereafter. This ruling reinforces the judiciary's commitment to protecting workers' rights and ensuring equitable treatment under labour laws.

Read full guidelines:

https://www.livelaw.in/pdf_upload/rahul-pittu-savalkar-ors-v-additional-principal-chief-conservator-of-forest-anr-620757.pdf

SUPREME COURT HELD THAT A JOINT TRIAL IS PERMISSIBLE WHERE MULTIPLE ACCUSED ARE INVOLVED IN OFFENCES ARISING OUT OF THE SAME TRANSACTION

MAMMAN KHAN VERSUS STATE OF HARYANA

Interpreting Section 223 Cr.P.C (now Section 243 BNSS), the Supreme Court held that a joint trial is permissible where multiple accused are involved in offences arising out of the same transaction and a separate trial would be warranted only if the acts attributed to each accused are distinct and severable.

The Court laid down the following propositions regarding the joint trial: -

(i) Separate trial is the rule under Section 218 Cr.P.C; a joint trial may be permissible where the offences form part of the same transaction or the conditions in Sections 219 – 223 Cr.P.C. are satisfied, but even then, it is a matter of judicial discretion;

(ii) The decision to hold a joint or separate trial must ordinarily be taken at the outset of the proceedings and for cogent reasons;

(iii) The two paramount considerations in such decision making are whether a joint trial would cause prejudice to the accused, and whether it would occasion delay or wastage of judicial time;

(iv) Evidence recorded in one trial cannot be imported into another, which may give rise to serious procedural complications if the trial is bifurcated; and

(v) An order of conviction or acquittal cannot be set aside merely because a joint or separate trial was possible; interference is justified only where prejudice or miscarriage of justice is shown.

A bench of Justices J.B. Pardiwala and R. Mahadevan was hearing a plea by MLA Mamman Khan challenging the High Court's decision that upheld the trial court's order directing a separate trial against him in the 2023 Nuh violence case, in which six people were reportedly killed. Khan, along with other co-accused, had been booked for allegedly instigating the violence arising out of the same transaction.

Setting aside the High Court's ruling, the judgment authored by Justice R. Mahadevan held that the High Court erred in upholding the trial court's order for a separate trial of Khan. The Court noted that the trial court's reasoning was flawed, as there were no distinct facts, the evidence was inseparable, and no prejudice to Khan had been demonstrated to justify segregation. It further emphasized that when offences form part of the same transaction, a joint trial under Section 223 CrPC is appropriate, since the material and evidence collected pertain to the same alleged incident.

“In the present case, the evidence against the appellant is identical to that against the co-accused. Separate trials would necessarily involve recalling the same witnesses, resulting in duplication, delay, and the risk of inconsistent findings.

The High Court, in affirming the segregation order, failed to appreciate these consequences and confined itself to the discretionary language of section 223 Cr.P.C without evaluating whether the factual circumstances justified such segregation.

Therefore, we hold that the segregation of the appellant's trial, without any legally recognized justification, is unsustainable in law and violative of the appellant's right to a fair trial under Article 21.”, the court held.

SUPREME COURT OBSERVED THAT FIRS OR CHARGE-SHEETS MAY BE QUASHED UNDER ARTICLE 226 BEFORE COGNISANCE IS TAKEN

PRADNYA PRANJAL KULKARNI VERSUS STATE OF MAHARASHTRA & ANR.

The Supreme Court observed that FIRs or charge-sheets may be quashed under Article 226 before cognisance is taken, but once cognisance is taken, the remedy lies under Section 528 BNSS (S. 482 CrPC) to challenge both the FIR/charge-sheet and even the cognisance order, if duly pleaded.

“So long cognisance of the offence is not taken, a writ or order to quash the FIR/charge-sheet could be issued under Article 226; however, once a judicial order of taking cognisance intervenes, the power under Article 226 though not available to be exercised, power under Section 528, BNSS was available to be exercised to quash not only the FIR/charge-sheet but also the order taking cognisance, provided the same is placed on record along with the requisite pleadings to assail the same and a strong case for such quashing is set up.”, the Court observed.

The Bench of Justices Dipankar Datta and Prashant Kumar Mishra set aside the Bombay High Court's order, which had dismissed a writ petition under Article 226 read with Section 528 BNSS for quashing an FIR, treating it as infructuous merely because a charge-sheet was

filed during its pendency. The Supreme Court observed that the High Court had misunderstood the Supreme Court's earlier ruling in *Neeta Singh v. State of UP* (2024).

In *Neeta Singh*, the Supreme Court held that since judicial orders are not amenable to Article 226 jurisdiction, a cognizance order cannot be challenged in a writ petition.

However, in the present case, since the jurisdiction under S.528 BNSS was also invoked, the Supreme Court said that the High Court “could have examined the grievance of the petitioner for quashing of the FIR together with the charge-sheet following it, as well as the cognizance taking order.”

“Since its jurisdiction under Section 528 of the BNSS was also invoked and the relief claimed could have been suitably moulded subject, of course, to the requisite satisfaction of the court that an order of quashing is warranted on facts and in the circumstances. We have no hesitation to hold that the Division Bench did have the jurisdiction to pass such an order as per the “Sitting List”.”, the court said.

The Court noted that the High Court's roster bench had jurisdiction to hear petitions for quashing FIRs, charge-sheets, and even cognizance orders under Article 226 and Section 528 BNSS. Unlike *Neeta Singh*, where the petition was filed only under Article 226 and cognizance had already been taken, the present case invoked both

Article 226 and BNSS §528, leaving the High Court competent to grant relief.

“Therefore, in our considered opinion, the Division Bench of the Bombay High Court misread Neeta Singh (supra), inadvertently omitted to notice the factual dissimilarity as indicated above and consequently, misapplied the ratio of such decision to spurn the challenge laid by the petitioner resulting in a failure of justice.”, the court said.

Consequently, the appeal was disposed of at an admission stage without notice to the Respondents, and the writ petition is revived for being considered afresh by the roster bench of the Bombay High Court in accordance with law.

A TIME-BARRED APPEAL CANNOT BE DECIDED ON ITS MERITS UNLESS THE DELAY IN FILING IS PROPERLY CONDONED

SABUDDIN & ORS. V GIRIRAJ

The Rajasthan High Court, led by Justice Anoop Kumar Dhand, delivered a judgment that set aside the orders of the Revenue Appellate Authority (RAA) and the Board of Revenue. The court's decision was rooted in the fundamental principle that a time-barred appeal cannot be decided on its merits unless the delay in filing is properly condoned.

Case Background

The dispute began with a suit for the correction of entries in a revenue record, which was decreed in favor of the petitioners by the Sub Divisional Officer (SDO) on July 29, 1964. Forty-four years later, the respondent filed an appeal against this decree before the RAA. The petitioners argued that this appeal was time-barred and that the respondent had failed to submit an application under Section 5 of the Limitation Act to seek condonation of the delay. Despite this, the RAA allowed the appeal, and the Board of Revenue later upheld this decision, leading the petitioners to file a writ petition with the High Court.

Court's Reasoning

The court intentionally avoided the complexities of the land ownership dispute, focusing instead on the singular legal question of whether a time-barred appeal can be decided without the delay being

condoned. Justice Dhand emphasized that the law of limitation is based on public policy, with the legal maxim *interest reipublicae ut sit finis litium*—meaning "it is for the general welfare that a period of limitation be put to litigation"—as its cornerstone. The court stated that statutes of limitation are "statutes of peace and repose" intended to bring litigation to an end.

The judgment made a specific reference to Order 41 Rule 3-A of the Code of Civil Procedure (CPC), which requires that any appeal presented after the limitation period must be accompanied by an application explaining the cause for the delay. The court stressed that it is mandatory for the appellate authority to decide on this application before proceeding to hear the appeal on its merits. The court also highlighted Section 3(1) of the Limitation Act, 1963, which dictates that any appeal filed after the prescribed period must be dismissed, even if the issue of limitation is not raised as a defense. The court noted that in this specific case, the RAA and the Board of Revenue had "overlooked this material aspect" and allowed the 44-year time-barred appeal without providing any reason for doing so. While acknowledging that a liberal approach should be adopted in condoning delay, the court also pointed out that a limitation objection is not a mere technicality; it is a "substantial & material objection which determines the jurisdiction of the appellate court to entertain, hear and decide the appeal".

Consequently, the petition was allowed, and the orders of the RAA and the Board of Revenue were set aside. The court granted the respondent the liberty to file a proper application under the Limitation Act for the condonation of the delay.

MP HIGH COURT TEMPORARILY SUSPENDS LIVE-STREAMING OF BENCHES HEARING CRIMINAL CASES AFTER PIL CLAIMS MISUSE VIA REELS & MEMES

ARIHANT TIWARI V UNION OF INDIA

The Madhya Pradesh High Court on Friday (September 12), directed its Registry to stop the live streaming of all Benches hearing criminal matters until the next date of hearing in a PIL claiming misuse of live-streamed court proceedings via reels and memes.

The order has been directed to be implemented w.e.f. September 15. The court was hearing a PIL wherein the petitioner argued that the live streaming of court proceedings was being 'misused by several private entities' by creating reels, clips and memes. It was argued that these reels, clips, and memes portray the legal fraternity in a derogatory and wrongful manner.

Issuing notice on the PIL a division bench of **Chief Justice Sanjeev Sachdeva** and **Justice Vinay Saraf** directed;

"the Registry is directed to forthwith stop the live streaming of all Benches hearing criminal matters till the next date of hearing. However, Registry shall ensure that unrestricted Webex Link is made available on the website so that any person, who wishes to view the proceedings can do so through the Webex Link. The Registry shall also ensure that recording facility through the Webex Link be not provided to any person, who wishes to view the proceedings".

The petitioner also relied on high court's decision in *Vijay Bajaj v Union of India*, wherein the court had earlier restrained individuals and entities from editing, morphing or illegally using the court's live-streamed content in any form, in line with Rule 11(b) of Madhya Pradesh Live Streaming and Recording Rules for Court Proceedings, 2021.

It was further claimed that despite these safeguards, short videos, clippings and other recordings of criminal proceedings were being made and uploaded on platforms such as YouTube in violation of the rules. The matter is next listed on September 25.

Read full guidelines:

https://www.livelaw.in/pdf_upload/arihant-tiwari-v-union-620288.pdf

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