



Supreme Court Daily Digest

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Disclaimer: We have made these notes (shared below) based on our understanding of the above Supreme Court judgments. You are requested to read original judgments before using our notes for any purpose. You can click on the case names below to access original judgment.

Ishaat-E-Taleem Trust vs State of Maharashtra 2025 INSC 1063 -Art.21,30 Constitution- RTE Act - Minority Educational Institutions - Referred To Larger Bench

Right of Children to Free and Compulsory Education Act, 2009- Section 23 - Teacher Eligibility Test- Obtaining the TET qualification under the RTE Act is mandatory – In-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service - The provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided-

Directions issued: Those teachers who have less than five years' service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, if any such teacher (having less than five years' service left) aspires for promotion, he will not be considered eligible without he/she having qualified the TET- Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to- To qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be considered by the appropriate department in the Government upon a representation being made by him/her - Those aspiring for appointment and those in-service teachers aspiring for appointment by promotion

must, however, qualify the TET; or else, they would have no right of consideration of their candidature. (Para 214)

Constitution of India - Article 30 - Right of Children to Free and Compulsory Education Act, 2009 -Section 12(1)(c) - Supreme Court doubts correctness of the Constitution Bench judgment in Pramati Educational and Cultural Trust exempting minority educational institutions, whether aided or unaided, falling under clause (1) of Article 30 of the Constitution, from the purview of the entirety of the RTE Act - Questions referred: Whether the RTE Act infringes the rights of minorities, religious or linguistic, guaranteed under Article 30(1) of the Constitution? And, assuming that Section 12(1)(c) of the RTE Act suffers from the vice of encroaching upon minority rights protected by Article 30 of the Constitution, whether Section 12(1)(c) should have been read down to include children of the particular minority community who also belong to weaker section and disadvantaged group in the neighbourhood, to save it from being declared ultra vires such minority rights?-What is the effect of non-consideration of Article 29(2) of the Constitution in the context of the declaration made in Pramati Educational and Cultural Trust (supra) that the RTE Act would not be applicable to aided minority educational institutions? - Whether, in the absence of any discussion in Pramati Educational and Cultural Trust (supra) regarding unconstitutionality of the other provisions of the RTE Act, except Section 12(1)(c), the entirety of the enactment should have been declared ultra vires minority rights protected by Article 30 of the Constitution? (Para 210)

Constitution of India - Article 30, 21A- Both Article 21A and Article 30(1) occupy high constitutional position and must be interpreted

harmoniously by complementing each other. In our opinion, there is no inherent conflict between Article 21A and Article 30(1).

Constitution of India - Article 21A- Article 21A, which guarantees the right to free and compulsory education for all children aged 6 to 14, inherently includes the right to universal elementary education—education that reaches every child, regardless of background. It also embraces the idea of a common schooling system, where children from diverse socio-economic and cultural groups learn together in shared spaces. (Para 99) Quality of teachers and teaching standards are integral to the fundamental right to education. (Para 156)

Constitution of India - Article 29, 30- Article 30(1) has never been construed as conferring blanket immunity on minority institutions from all forms of regulation - With respect to unaided minority institutions, the interpretation of Article 30 must be guided by its underlying purpose of preserving the cultural, linguistic, and educational identity of minority communities and promoting their welfare- The mere admission of a “sprinkling of outsiders” neither defeats the purpose of Article 30 nor does it dilute or alter the minority character of such institutions. (Para 143) Article 30(1), in the context of aided minority institutions, is subject to the mandate of Article 29(2), which expressly prohibits denial of admission to any citizen in institutions maintained by the State or receiving State aid, on grounds of religion, race, caste, language, or any of them - An educational institution maintained by the State or receiving aid out of State funds cannot deny admission on, inter alia, grounds of religion. (Para 141) The minority status of an institution must be grounded in a genuine commitment to serve its community, and not merely operate as a vehicle for evading constitutional duties. (Para 185)

Service Law - The term 'appointment' means not only initial appointment but also covers appointment by 'promotion', among others. (Para 194) Appointment and recruitment are two distinct but not unrelated concepts. Recruitment is the broader process of which selection is a part that culminates in an appointment. Recruitment can be carried out from various sources, which are broadly classified into internal and external sources. Internal sources would comprise individuals who are already employed within the organization. This would include an appointment by promotion or transfer. External sources, on the other hand, consist of individuals who are not currently in the service of the recruiting organization. Direct recruitment is an appointment from external sources or from open market, so to say. (Para 196)

Precedents- Constitution of India - Article 141 - The law declared by the Supreme Court binds all courts which would include itself too- But SC possess a unique authority, unlike the high courts and the subordinate courts, to re-examine legal principles laid down by previous Benches. Such re-examination, however, cannot obviously be resorted to except for compelling reasons. (Para 121) Two judges SC Bench can merely doubt the view expressed by a larger Bench; not differ and depart from such view of a larger Bench- IT cannot render findings different to what has been expressed therein and direct them to be treated as final. This would only create chaos by making the same binding on all in terms of Article 141 of the Constitution. (Para 207) The true impact and legacy of a judicial pronouncement lies not merely in the precision of its reasoning, but by whether it stands the test of time; whether, years after its pronouncement, it continues to respond meaningfully to the problem it set out to address and serve the ends of justice or has failed to do so. The test of such a decision is whether it has alleviated or aggravated the

practical challenges it sought to remedy and lived realities it endeavoured to shape.(Para 132)

Motilal Agarwala vs State of West Bengal 2025 INSC 1062 - S.31 Arbitration Act - Delivery Of Award

Arbitration and Conciliation Act 1996 - Section 31 - The delivery of an arbitral award under Section 31(5) is not a matter of mere formality. It is a matter of substance -The expression “party”, as defined in Section 2(1)(h) would be a person who is a “party” to an arbitration agreement- In order to constitute an effective service, a copy of an award, where such party is the Ministry of a particular Department, is to be delivered to a person who has the knowledge and is the best person to understand and appreciate an award and more particularly, to take decision for its challenge - The authorised representative of the State could not have taken the final decision to challenge the award. It is only the Secretary of the concerned Department or the Executive Engineer, who could be said to be the competent authority to take a decision as to whether the award could be challenged or not. (Para 21-25)

Sushil Kumar Tiwari vs Hare Ram Sah 2025 INSC 1061 - POCSO - Ss. 223,464 CrPC -Principle Of Beyond Reasonable Doubt

POCSO Act - Juvenile Justice (Care & Protection) Act, 2015 - The determination of minority is essential to extend the protection of these legislations, however, as long as the age conclusively appears to be under 18 years, the special protections carved out in favour of children cannot

be diluted by insisting upon a rigid determination of the age, that too when it was not even questioned at the right time. (Para 17) once the minority of the victim was beyond doubt, the special protection of POCSO Act ought not to have been diluted by raising a fictitious doubt regarding the precise age of the victim. (Para 18)

Evidence - Natural variations, errors and inconsistencies are not to be elevated to the standard of a reasonable doubt or to hold that the prosecution has failed. There is nothing like perfect evidence in a Court and in fact, perfection is often suggestive of tutoring and manufacturing of evidence. The availability of evidence as well as the quality of evidence are not open to judgment on any pre-determined parameters. For, these aspects not only depend upon the quality of investigation but also upon the societal circumstances prevalent in the area of crime. They also depend upon the level of awareness, not only of the persons involved in the case but also of the members of the locality who often appear as witnesses. Therefore, the Courts must be alive to the state of affairs on the ground and in that backdrop, it must examine whether the inconsistencies and gaps have been properly explained or not. If so, such inconsistencies and gaps may not affect the case of the prosecution. However, if the prosecution fails to explain the inconsistencies in its case, an adverse inference may be drawn against it. (Para 22)

POCSO Act - Merely on account of non-availability of DNA analysis, the case of the prosecution cannot be discarded, especially because the purpose of identification has been fulfilled on the strength of other credible evidence. (Para 24)

Code of Criminal Procedure 1973 - Section 464 - Mere discovery of an error, irregularity or omission in the framing of charge does not ipso facto render the decision of the Court as invalid. In fact, even a case

of non-framing of charge is not liable to be discarded on that ground alone. In order to vitiate the decision, what is necessary is the failure of justice as a result of such error or omission or irregularity. (Para 26)

Code of Criminal Procedure 1973 - Section 223- Mere irregular conduct of a joint or separate trial does not vitiate the trial as a whole and the proof of failure of justice is sine qua non for holding the trial as invalid- When a ground of nonjoinder or misjoinder of charges/trial is taken before an Appellate Court, the test to be applied is whether such non-joinder or misjoinder has resulted into a failure or miscarriage of justice and has prejudiced the accused. It is not enough for the Appellate Court to merely hold that the Trial Court ought to have tried certain persons jointly or separately in the facts and circumstances of the case. (Para 31-32) Mere noncompliance of the procedure contemplated under Section 223 does not ipso facto render the trial as invalid, and the same cannot form the basis of returning a finding of prejudice and failure of justice. (Para 35)

Criminal Trial - Principle Of Beyond Reasonable Doubt - A reasonable doubt is one that renders the version of the prosecution as improbable, and leads the Court to believe in the existence and probability of an alternate version of the facts. It is a serious doubt which must be backed by reason. The underlying foundation of the principle of beyond reasonable doubt is that no innocent should face punishment for a crime that he has not done. But a flipside of the same, of which we are conscious, is that at times, owing to a mis-application of this principle, actual culprits manage to find their way out of the clutches of law. Such misapplication of this principle, resulting into culprits walking free by taking benefit of doubt, is equally dangerous for the society. Every instance of acquittal of an actual culprit revolt against the sense of

security of the society and acts as a blot on the criminal justice system. Therefore, not only should no innocent face punishment for something that he has not done, but equally, no culprit should manage an acquittal on the basis of unreasonable doubts and misapplication of procedure. (Para 36)

Triveni Engineering and Industries Ltd. vs State of Uttar Pradesh 2025 INSC 1060 -S.19 NGT Act - Ss.21,22 Water Act

National Green Tribunal Act, 2010 - Section 19(1)- NGT exercises judicial functions. Therefore, it is all the more necessary for the NGT to adhere to a fair procedure which is statutorily laid down of which principles of natural justice are an inalienable part. Rigor of Section 19(1) is qua the procedure to be adopted by the NGT in conducting its proceedings. It cannot be stretched to abandon the statutory procedure laid down under Sections 21 and 22 of the Water Act and by outsourcing investigation to administrative committees by overlooking the statutory provisions and basing its decisions on the recommendation of such administrative committee. This is not within the remit of NGT. (Para 31)

Ramesh Chand (D) vs Suresh Chand 2025 INSC 1059 - Ss. 53A, 54 TP Act - Will - Power Of Attorney - Agreement To Sell

Transfer of Property Act, 1882 - Section 54 - Agreement To Sell does not confer a valid title on the plaintiff as it is not a deed of conveyance as per Section 54 of the TP Act. At best, it only enables the plaintiff to seek for specific performance for the execution of a sale deed and does not create an interest or charge on the suit property (Para 17) -

Difference between a sale deed and an agreement for sale, or a contract for sale - A contract for sale of immovable property is a contract that a sale of such property shall take place on terms settled between the parties. While a sale is a transfer of ownership; a contract for sale is merely a document creating a right to obtain another document, namely a registered sale deed to complete the transaction of sale of an immovable property. Section 54 in its definition of sale does not include an agreement of sale and neither confers any proprietary rights in favour of the transferee nor by itself creates any interest or charge in the property. If after entering into a contract for sale of property, the seller without any reasonable excuse avoids executing a sale deed, the buyer can proceed to file a suit for specific performance of the contract. (Para 15)

Will - Mere fact that the Will was registered will not grant validity to the document- In order to rely upon a Will, the same has to be proved in accordance with law. A Will has to be attested by two witnesses, and either of the two attesting witnesses have to be examined by the propounder of the will - Section 68 of the Evidence Act makes it mandatory to examine at least one of the attesting witnesses of the Will - SC also held that the High Court finding that the requirement of examining the attesting witnesses springs into action only in cases of disputes between legal heirs is erroneous. (Para 27)

Will - When there is not even a whisper of reasoning in the Will as to why the propounder choose to exclude other three children from the bequest, and whether any other properties or assets were given to them, SC observed: It is highly unlikely that a father would grant his entire property to one of his children, at the cost of three others, without there

being any evidence of estrangement between the father and the children.
(Para 27)

Transfer of Property Act, 1882 - Section 53A - The essential conditions for invoking the doctrine of part-performance as envisaged u/s 53A of TP Act discussed- One of the main ingredients for taking shelter under Section 53A is the factum of possession. Unless the transferee in the instrument of agreement to sale is able to prove that he has been in possession of the suit property, no benefit u/s 53A will be given. (Para 30-31)

Power of Attorney - A power of attorney is a creation of an agency whereby the grantor authorizes the grantee to do the acts specified therein, on behalf of grantor, which when executed will be binding on the grantor as if done by him. It is revocable or terminable at any time unless it is made irrevocable in a manner known to law. A General Power of Attorney does not ipso facto constitute an instrument of transfer of an immovable property even where some clauses are introduced in it, holding it to be irrevocable or authorizing the attorney holder to effect sale of the immovable property on behalf of the grantor. It would not ipso facto change the character of the document transforming it into a conveyance deed - A power of attorney is not a sale. A sale involves transfer of all the rights in the property in favour of the transferee but a power of attorney simply authorises the grantee to do certain acts with respect to the property including if the grantor permits to do certain acts with respect to the property including an authority to sell the property.
(Para 18-19)

**State of Telangana vs Kalluri Naga Narasimha Abhiram 2025
INSC 1058 - Art.245 Constitution - Medical College Admission -
Local Candidate**

**Telangana Medical & Dental Colleges Admission (Admission
into MBBS & BDS Courses) Rules, 2017 - Local Candidate -**

Telangana HC expanded the definition of 'local candidate' to include any student who produced his residence certificate issued by a competent authority of the Government of Telangana - Allowing appeal, SC observed: Without a definition of what constitutes residence or at least without reference to a statute or rule prescribing the issuance of a residence certificate, the directions issued by the High Court would only result in an anomalous situation, making the reservation unworkable and open to a series of litigation. (Para 23) - Rule defining a local candidate perfectly in order - There was no warrant for a reading down when the definition is clear. (Para 33)

Constitution of India - Article 245,246 - The source of power to legislate has to be traced to Article 245 read with 246, while the entries in the three lists under the Seventh Schedule of the Constitution are fields of legislation, demarcated as exclusively available to the Union, the State and concurrently; with the Parliament having overriding powers in matters enumerated as concurrent. When enacting a legislation, it is also permissible that the Parliament or the State Legislature may choose to occupy the various fields under the three lists but restricting to such demarcation of powers delineated under Article 246. (Para 18)

State of Punjab vs Ex. C. Satpal Singh 2025 INSC 1056 - Punjab Police Rules

Punjab Police Rules, 1934 - A plain reading of Rule 16.2(1) of the Rules of 1934 suggests that it consists of two parts, the first part where the punishment of dismissal can be awarded to the delinquent for the gravest act of misconduct. However, in the second part, the punishment can be awarded as a cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. While imposing punishment for such continued misconduct proving incorrigibility and complete unfitness for police service, the length of service of the offender is required to be taken into consideration, which is missing in the case of the first part of Rule 16.2(1) of the Rules of 1934.
