BLOGS

Important Supreme Court Cases & Decisions: October 2021 (Part 2/3)

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As a law school aspirant preparing for CLAT or any other law exam, you are required to stay on top all legal developments that take place in the country. At CLATalogue, we have compiled a list of all important Supreme Court cases and decisions delivered in October 2021. These are important from, both, an examination point of view and for your general knowledge.

1. Manohar Lal Sharma Union of India & Ors*.[i]*

This case, i.e., the Pegasus case order is discussed at length in a separate article here.

1. Hariram Bhambhi v. Satyanarayan [ii]

Bench: DY Chandrachud and BV Nagarathna, JJ.

The Court made observations about Section 15A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in this case.

The rationale of the provision was discussed by the Court in the following terms, "Many High Court decisions have noted that Section 15A was introduced to protect the rights of the victims and witnesses whose rights as equal beneficiaries of the criminal justice system are often overlooked due to their **weak social position**.", and the Court went on to refer to various High Courts' observations.

3. Sarabjeet Singh Mokha v. District Magistrate, Jabalpur [iii]

Bench: DY Chandrachud, Vikram Nath and BV Nagarathna, JJ.

In this case related to the National Security Act, or 'NSA', the Supreme Court set aside the order of detention against a detenu under the Act on the following grounds:

"Accordingly, the order of detention is invalidated on two grounds: first, the unexplained delay on part of the State Government in deciding the representation of the appellant and second, the failure of the Central and State Governments to communicate the rejection of the representation

to the appellant in a timely manner."

The detenu had earlier made a representation against the detention order. The Court also referred to a previous case [iv] where some contradictory observations were held, but refrained from commenting on the merit of that decision.

This judgment included important observations on the rights guaranteed to undertrial persons and detainees under Article 22 of the Constitution.[v]

4. Rajneesh Kumar Pandey v. Union of India [vi]

Bench: A.M. Khanwilkar, J.

This case was concerned with the allegations of illegality being committed by relevant authorities in employing teachers for Children with Special Needs, without any certainty of tenure.

The Court laid down a number of directives—to operate throughout all States and Union Territories. The Central Government was directed to "notify the norms and standards of pupil-teacher ratio for special schools and also separate norms for special teachers who alone can impart education and training" to Children with Special Needs.

The Court also talked about creating permanent posts in this regard, in a proper ratio. Proper training and sensitization of the teachers/staff was also mandated.

Additionally, to ensure that the directions are effectively complied with, the Court ordered the statutory[vii] authority to forthwith initiate *suo motu* enquiries regarding compliance and also to prepare compliance reports, consequently.

5. Anun Dhawan & Ors. v. Union of India [viii]

Bench: CV Ramana, CJI; Surya Kant & Hima Kohli, JJ.

This case (Writ Petition) was concerned with the creation of "community kitchens" to deal with the problem of hunger deaths and malnutrition of children.

The Court took note of instances of the problem and directed the Central Government to hold meetings with the State/U.T. Governments to implement the Community Kitchen Scheme.

6. Nasib Singh v. State of Punjab [ix]

Bench: DY Chandrachud, Vikram Nath & B.V. Nagarathna, JJ.

In this case, the Court discussed principles of “re-trial” and “joint trial”. Many previous precedents were referred to and the principles laid down in those cases were reiterated and listed in combination.

In reiterating these principles, the Court also clarified when such *special* trials were not desirable/allowed, for instance, the Court held that retrial can only be allowed in exceptional circumstances.

7. Union of India v. A. Shainamol, IAS [x]

Bench: Hemant Gupta & V. Ramasubramanian, JJ.

The Supreme Court in this case referred to the Indian Administrative Service (Cadre) Rules, 1954, and concluded that a selected candidate didn’t have a choice to be admitted to the cadre of his choice. The allocation of cadre was held not to be a matter of right.

To read part 1 of this article, click here.

[i] Writ Petition (Crl.) No. 314 of 2021 (Order dated 27.10.2021)

[ii] Criminal Appeal No. 1278 of 2021, decided on 29.10.2021

[iii] Criminal Appeal No. 1301 of 2021, decided on 29.10.2021

[iv] Union of India v. Saleena, (2016) 3 SCC 437

[v] *Sarabjeet Singh* (Supra note 2), See “Right to make a representation: Constitutional safeguards and legislative scheme of the NSA”

[vi] Writ Petition (Civil) No. 132 OF 2016, decided on 28.10.2021

[vii] The relevant statute here is Rights of Persons with Disabilities Act, 2016.

[viii] Writ Petition (Civil) No.1103/2019, order dated 27.10.2021

[ix] Criminal Appeal Nos. 1051-1054 of 2021, decided on 08.10.2021

[x] Civil Appeal Nos. 11480-81 of 2018, decided on 22.10.2021