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(Learning Judgements For A Living)

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June, 2025
Vol 49



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Whether the inquiry conducted by the University's Complaints Committee into allegations of sexual harassment against the appellant violated the principles of natural justice and the relevant service rules, and whether the subsequent dismissal based on such an inquiry could be sustained?

CONTEXT: The appellant, a faculty member at Goa University since 1996 and later Head of the Political Science Department, was accused of sexual harassment by two female students in March 2009. The University's Complaints Committee initiated an inquiry. The appellant denied the allegations, alleged a conspiracy, sought removal of biased members, and requested legal representation and more time due to ill health. The Committee advanced hearing dates, denied him an Advocate, and proceeded ex-parte when he failed to appear. Based on multiple depositions, it found him guilty and recommended dismissal. The appellant's appeal to the Governor (Vice Chancellor) and Writ petition before the Bombay High Court were rejected. He then approached the Supreme Court, challenging the dismissal and the inquiry process.

① The Supreme Court allowed the appeal and set aside the High Court's judgment and the dismissal order.

② It held that the Complaints Committee violated principles of natural justice by rushing the inquiry from May 2009 onwards and denying the appellant a fair opportunity to defend himself.

③ The Court ruled that although a formal trial wasn't required, the process lacked fairness and adequate time for response. The matter was remanded to the Committee to resume the inquiry from 5th May 2009, complete it within three months, and ensure due process.

④ The Court further added that the appellant will not be reinstated or granted back wages until the inquiry concludes and a fresh decision is made.

**AURELIANO
FERNANDES VS STATE
OF GOA AND OTHERS
[CIVIL APPEAL NO.
2482 OF 2014]**

**ARTICLE 311 OF THE
CONSTITUTION OF
INDIA**

**RULE 3C OF THE
CENTRAL CIVIL
SERVICES (CONDUCT)
RULES, 1964**

Does the beta crystalline form of Imatinib Mesylate meet the criteria of patentability under Sections 2(1)(j), 2(1)(ja), and 3(d) of the Patents Act, 1970?

CONTEXT: The dispute arose from Novartis AG's application for a patent for the beta crystalline form of Imatinib Mesylate, a therapeutic drug for chronic myeloid leukemia (marketed as Glivec/Gleevec). The application was initially filed under an older patent regime and was subsequently considered after significant amendments to the Patents Act in 2005, which introduced product patents while incorporating provisions aimed at preventing "evergreening". The patent application faced pre-grant oppositions, and the lower authorities (Assistant Controller and IPAB) ultimately denied the product patent, finding it barred by Section 3(d). Novartis appealed this decision to the Supreme Court.

1 The appeals filed by Novartis AG fail and are dismissed. The Court upheld the denial of the product patent for the beta crystalline form of Imatinib Mesylate.

2 The rationale was that the product failed to meet the requirements of Section 3(d), which required a new form of a known substance to demonstrate enhanced efficacy, and also failed the tests of "invention" under Sections 2(1)(j) and 2(1)(ja) because Imatinib Mesylate was found to be a known substance from the prior Zimmermann patent.

3 The Court found that the claimed properties (flow properties, stability, hygroscopicity) and the asserted increase in bioavailability did not demonstrate enhanced therapeutic efficacy as required by the Act.

NOVARTIS AG VS.
UNION OF INDIA &
OTHERS

[CIVIL APPEAL NOS.
2706-2716 OF 2013]

SECTION 3(d) OF THE
PATENTS ACT, 1970

What are the key legal and administrative challenges involved in restructuring recruitment and promotion within the judicial services?

ALL INDIA JUDGES ASSOCIATION AND OTHERS VS. UNION OF INDIA AND OTHERS [2025 INSC 735]

CONTEXT: This judgement arises from a batch of Interlocutory Applications filed within long-standing proceedings before the Supreme Court concerning the service conditions, recruitment, and promotion of judicial officers in India. The Court considered representations from various High Courts and State Governments regarding issues stemming from previous directions issued in prior All India Judges Association judgements, particularly regarding the effectiveness and implementation of existing recruitment and promotion schemes.

1 The Court dismissed the appeals by issuing comprehensive directions for rule amendments across all States and High Courts. The key decisions include:

- Restoring the Limited Departmental Competitive Examination (LDCE) quota for promotion to Higher Judicial Service (District Judge) to 25% from the existing 10%.
- Reducing the minimum qualifying service for the Higher Judicial Service LDCE to 3 years as Civil Judge (Senior Division), with a total service of 7 years including time as Civil Judge (Junior Division).
- Introducing a new 10% LDCE quota for accelerated promotion from Civil Judge (Junior Division) to Civil Judge (Senior Division) with a minimum 3 years' service as Civil Judge (Junior Division).
- Mandating that vacancies for LDCE be calculated based on cadre strength.
- Directing High Courts to frame or review rules for suitability tests for the 65% promotion quota based on merit-cum-seniority.
- Restoring the requirement of a minimum of 3 years' practice for eligibility to appear in the Civil Judge (Junior Division) examination, calculated from the date of provisional enrolment/registration. The rationale for restoring practice is based on the experience that fresh graduates often lack practical knowledge, court craft, and appropriate temperament. This requirement applies from the next recruitment process.

BAR COUNCIL OF INDIA REGULATIONS

Is the RBI's cut-off date for pension benefits arbitrary or a valid policy decision?

CONTEXT: The dispute arose when a retired RBI employee, who was previously under the Central Provident Fund (CPF) scheme, opted for the pension scheme offered through a 2020 circular. This circular provided a final chance to switch but stipulated that pension would commence from July 1, 2020, with no arrears. The employee challenged the denial of arrears from his retirement date (November 30, 2014). The High Court Division Bench found the denial discriminatory, which the RBI appealed.

① The Supreme Court allowed the appeal by the RBI, setting aside the High Court Division Bench judgment.

② The Court upheld the denial of pension arrears prior to the cut-off date of July 1, 2020. The rationale was that the 2020 circular constituted a distinct scheme with specific terms.

③ Fixing a cut-off date for financial and administrative reasons is a valid policy decision that courts should not interfere with unless arbitrary.

④ Having accepted the scheme's terms, including the prospective date, the employee could not selectively challenge the conditions while enjoying the benefits.

**THE RESERVE BANK
OF INDIA VS.
M.T. MANI AND
ANOTHER
[2025 INSC 769]**

**RBI ADMINISTRATION
CIRCULAR NO. 1
DATED 14.09.2020**

**RBI DETAILED
INSTRUCTIONS DATED
18.09.2020**