

CiteCase SC Daily Digest 12 January 2026

**Dinesh Biwaji Ashtikar v. State of Maharashtra
2026 INSC 56 - S.12 Right To Education Act
-“Neighbourhood School” Obligation To Admit**

Constitution of India - Article 21A ; Right of Children to Free and Compulsory Education Act, 2009 - Section 12- The obligation of a “neighbourhood school” to admit children belonging to weaker and disadvantaged sections of our society- It is necessary and compelling to formulate subordinate legislation by issuing necessary rules and regulations, prescribing the method and manner by which children of weaker and disadvantaged sections are to be admitted in neighbourhood schools. Without such enforceable rules and regulations, the object of Article 21A and the statutory policy under Section 12(1)(c) would be a dead letter - Supreme Court direct the appropriate authorities to prepare and issue, in consultation with the NCPCR and SCPCRs, as the case may be, as well as the National and State Advisory Councils, necessary rules and regulations

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under Section 38 of the Act for implementing the mandate of Section 12(1)(c) of the Act.

Constitution of India - Article 21A -The consequence of identifying the right to elementary education as a positive right is the recognition of correlative duties and identification of five duty bearers, being (i) the appropriate government, (ii) the local authority, (iii) the neighbourhood schools, (iv) the parents/guardians, and (v) the primary school teachers. (Para 6)

Constitution of India - Fraternity -A correct appreciation of fraternity must displace the traditional but mistaken view, often repeated in constitutional discourse, that it is not an enforceable value. Our constitutional jurisprudence compels us to read fraternity as a value requiring the State to structure institutions that nurture co-existence, mutual respect, and a sense of common membership. Unlike equality and liberty, which are frequently framed as individual rights-claims, fraternity is relational; it operates through institutional arrangements

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that enable individuals to “lose suspect identities” based on caste, class or other hierarchies and to form solidaristic bonds. (Para 8)

Centre for Public Interest Litigation v. Union of India; 2026 INSC 55 - S.17 A Prevention Of Corruption Act - Constitutional Validity - Split Verdict

Prevention of Corruption Act, 1988 - Section 17A - Constitutional Validity - Split Verdict - Justice KV Viswanathan held: Section 17A is constitutionally valid, subject to the condition that grant or refusal of the approval by the competent authority mentioned therein will depend on the recommendation of the Lokpal/Lokayukta (in case of States) respectively - Justice BV Nagarathna opinion: Section 17A is contrary to the objects of the said Act and unconstitutional and hence

ought to be struck down - In view of divergent views, matter placed before CJI.

**Kanchana Rai v. Geeta Sharma 2026 INSC 54
-Ss.21,22 Hindu Adoptions and Maintenance Act**

**Hindu Adoptions and Maintenance Act, 1956 -
Section 21,22-** “Any widow of the son” of a deceased Hindu is a dependant within the meaning of Section 21 (vii) of the Act and is entitled to claim maintenance under Section 22 of the Act - (Para 29) A widow of the deceased son of the Hindu is a dependant irrespective of the time she becomes a widow (Para 15)- It cannot be interpreted to mean that only a widow of the predeceased son of a Hindu would be covered by the said definition. (Para 16)

**Hindu Adoptions and Maintenance Act, 1956 -
Section 19,22-** Section 19 contemplates for the maintenance of the daughter-in-law during the lifetime of father-in-law, whereas, Section 22 contemplates

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“maintenance of dependants” including “widowed daughter-in-law” from the estate of her father-in-law meaning thereby that a claim under Section 22 can be raised only after the death of the father-in-law. (Para 28)

Constitution of India - Article 14 -The classification sought to be made between widowed daughters-in-law based solely on the timing of the husband’s death, namely, (a) those whose husbands died 11 during the lifetime of the father-in-law, and (b) those whose husbands died after him; is manifestly unreasonable and arbitrary- Denial of maintenance to one category based on a fortuitous circumstance beyond their control is manifestly arbitrary and violative of the guarantee of equality before law under Article 14 of the Constitution (Para 23) **Article 21** -Article 21 of the Constitution, which guarantees the right to life with dignity. The right to life has been judicially expanded to include the right to livelihood and basic sustenance. Denying maintenance to a widowed daughter-in-law from the estate of her deceased father-inlaw on a narrow or

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technical construction of the statute would expose her to destitution and social marginalization, thereby offending her fundamental right to live with dignity. (Para 24)

Hindu Adoptions and Maintenance Act, 1956 -

Section 4- Section 4 of the Act has an overriding effect but it does not erase away fundamental principles of Hindu law particularly where some doubt is raised about the codified provisions. [Context: Supreme Court quotes "'No mother, no father, no wife, and no son deserves to be forsaken.'" from Manu Smriti while interpreting a provision in Hindu Adoptions and Maintenance Act in favour of a widow.]

Interpretation of Statutes - It is a cardinal principle of interpretation of law that where the provision is clear and unambiguous, it has to be interpreted literally provided the literal interpretation is not in conflict with the purpose of the Act or is otherwise not impractical - The courts cannot add or subtract any word from the text of the statute. The provisions of the statute cannot be re-written

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by the courts by assuming or inferring something which is not implicit from the plain language of the statute. (Para 17-22)

Sujata Bora v. Coal India Limited 2026 INSC 53 - RPwD Act - Corporate Social Responsibility - Reasonable Accommodation

.Concept of “reasonable accommodation” (Para 13- 22)
Rights of persons with disabilities have to be viewed from the prism of Corporate Social Responsibility in order to protect and further such rights. True equality at the workplace can be achieved only with the right impetus given to disability rights as a facet of Corporate Social Responsibility. (Para 27)

Constitution of India - Article 39,41- The principles contained in Articles 39(a) and 41 must be regarded as equally fundamental in the understanding and

interpretation of the meaning and content of fundamental rights. (Para 22)

Alka Shrirang Chavan v. Hemchandra Rajaram Bhonsale 2026 INSC 52 - Specific Relief Act - Transfer Of Property Act - Lis Pendens

Specific Relief Act 1963 -Section 19 ; Transfer of Property Act - Section 52 -Section 19(b) Specific Relief Act would be available to a party to a contract who suffers a subsequent transfer of property -It operates at a stage prior to institution of a suit or proceeding. However, the moment a suit or proceeding is instituted by a party to the contract whereafter there is transfer of the suit property, Section 19(b) of the Specific Relief Act would have to give way to Section 52 of the Transfer of Property Act in which event the doctrine of lis pendens would come into force. (Para 47-50)

Transfer of Property Act - Section 52 - Lis Pendens

- Transfer pendente lite is neither illegal nor void ab initio. But it remains subservient to the decree that may be passed by the court. (Para 66)

Limitation Act 1963- Article 129 - Period of limitation of 30 days for filing an application for possession after removing resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree. This period of 30 days is to be counted from the date of resistance or obstruction- Article 134- The period of limitation for delivery of possession by a purchaser of immovable property at a sale in execution of a decree is one year which limitation period would begin to run from the date when the sale becomes absolute. (Para 71)

Prasanna Kasini v. State of Telangana 2026 INSC 30 - CrPC - Transfer

Code of Criminal Procedure 1973 - Transfer -

Cannot lightly find a bias on the Judge merely because the relative of a party is a Head Constable working in a Police Station coming within the jurisdiction of the Court and/or another relative is working in the District Court itself.
(Para 8)

S. Shakul Hameed v. Tamil Nadu State Transport Corporation Ltd.; 2026 INSC 29 - Motor Accident Compensation

Motor Accident Compensation - Motor Vehicles Act - In this case, averments in claim petition itself indicates that the accident occurred because of the rash and negligent manner in which the bus of the Corporation was being driven- SC held: Though Section 163A of the MV Act was mentioned in the application, the claim is one under Section 166 of the MV Act.

Shalini Bhateja vs State of U.P. 2026 INSC 28

Note: No legal aspects discussed in this judgment

**Union of India v. Paresh Chandra Mondal -
Provident Funds Act - Nominee**

Provident Funds Act, 1925 - Indian Succession Act, 1925 - In cases of a valid nomination, the amount in the provident fund account of the deceased depositor or subscriber is required to be released to the nominee - The requirement to have a probate or letters of administration or succession certificate even in cases of valid nomination will invariably make the Government a party to litigation which should ideally only be between private parties - A nominee is a mere trustee to collect the funds and not the beneficial owner- The mere fact that the amount is released to a valid nominee will not bar the objector(s) or holder(s) of probate or letters of administration or succession certificate from claiming their share from the

amount released to the nominee from a competent court.
(Para 14-15)

**National Insurance Co. Ltd. v. Master Frewin Seby
De Melo - Motor Accident Compensation- Contest
By Insurance Company**

**Motor Accident Compensation - Motor Vehicles
Act 1988- Section 149-** Insurance Company when
impleaded as a respondent in the claim petition has the
right to contest the claim on all available grounds, without
any restriction to grounds available under Section 149(2)
of 8 the 1988 Act. [**Context:** The Supreme Court set aside
the Bombay High Court's order and remitted the case to
reconsider the quantum of compensation in a motor
accident claim where the deceased seaman's minor son
was the claimant.]
