



2026:AHC:196458

HIGH COURT OF JUDICATURE AT ALLAHABAD

CONTEMPT APPLICATION (CIVIL) No. - 3944 of 2026

Archana Richhariya and 6 others

.....Applicant(s)

Versus

Sri Parth Sarthi Sen Sharma, Additional Chief
Secretary, Basic Shiksha Anubhag-V, Govt. and 4
others

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Tiwari, Pranesh Kumar
Mishra
Counsel for Opposite Party(s) : Umesh Chandra Kesarwani

Court No. - 53

HON'BLE VIKAS BUDHWAR, J.

1. This Court on 11.08.2026, proceeded to pass the following orders:-

"1. The leading application has been preferred by as many as seven applicants alleging willful disobedience of the order dated 17.02.2026 passed by this Court in Writ Petition No. 179 of 2026 (Arun Pratap Singh and 37 others versus State of U.P. and others) wherein under the writ petition preferred by the applicants came to be allowed with several directions, para- 145, 146, 147, and 148 is quoted hereinunder:

"145. Accordingly, without expressing any opinion on the merits of the individual claims, and in the interest of justice, it is directed that each petitioner shall submit a separate and comprehensive representation/objection before the District Level Committee constituted under the chairmanship of the District Magistrate within a period of one week from today. Upon receipt of such objections, the Committee shall examine the same in light of the applicable rules, the mandate of the Right of Children to Free and Compulsory Education Act, 2009, and the relevant Government Orders, and shall pass a reasoned and speaking order in accordance with law within one month thereafter.

146. For a period of one month from today or until the passing of a final order by the competent authority, whichever is earlier, status quo as existing today shall be maintained.

147. The concerned authority is further directed to forthwith verify, rectify, and update the correct and authentic data on the UDISE portal and, on the basis of such updated data, to undertake posting and deployment of teachers strictly in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, so as to ensure and maintain the prescribed pupil-teacher ratio in its true letter and spirit.

148. With the aforesaid observations/directions, these writ petitions are disposed of."

2. As per the applicants, an interim order came to be passed in the said writ petition on 13.01.2026 which is quoted hereinunder:

"Heard Mr. Ashok Khare, learned Senior Counsel assisted by Mr. Siddharth Khare, learned counsel for the petitioners, Mr. Rahul Kumar, Advocate holding brief of Mr. Umesh Chandra Kesarwani, learned counsel for respondent nos.3 and 5 and Mr. Shashi Prakash Singh, learned Additional Chief Standing Counsel for the State.

The writ petition has been filed challenging the order dated 30.12.2025 passed by Basic Shiksha Adhikari, Chitrakoot as well as seeking quashing the Government order dated 14.11.2025, vide which the petitioners, who are Head Masters as well as Assistant Teachers, have been adjusted in the institutions having no teachers or in institutions which are closed.

Learned counsel for the petitioners submits that there is no point in adjusting the petitioners in mid academic session, i.e. in December, when the session starts in April, and that too in violation of Rule 21 of the Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011.

It has been pointed out that there is urgency in the matter, as the petitioners are required to join at the new place by 15.01.2026, however, Mr. Rahul Kumar, Advocate, holding brief of Mr. Umesh Chandra Kesarwani, learned counsel for respondent nos.3 and 5, informs that Mr. Kesarwani is out of station.

Mr. Shashi Prakash Singh, learned Additional Chief Standing Counsel, prays for and is granted a week's time to obtain instructions in the matter.

In view of above, put up this case as fresh on 19.01.2026.

Till 19.01.2026, no coercive action shall be taken against the petitioners."

3. Post non-compliance of the order passed in the said writ petition, an affidavit of compliance has been filed by opposite party no. 5 annexing therewith a document at page-22 of the affidavit of compliance dated 29.06.2022 mentioning therein that orders would be passed for payment of salary for the period prior to June, 2026 while taking into account the period undergone whereby there was an order of status quo in that regard.

4. In the affidavit of compliance, it has been asserted in para-11 that the applicants have received salary for the month of June, 2026.

5. As regards, the connected application is concerned, there happened to be an interim order dated 13.01.2026 passed in Writ-A no. 179 of 2026 as referred to above and ultimately, the petition came to be disposed off on 17.02.2026, averments whereof has been quoted hereinabove. The applicants herein also came salary.

6. Importantly against the judgement and the order dated 17.02.2026 as referred to above, an intra court appeal being Special Appeal No. 398 of 2026 came to be preferred in which on 06.04.2026 following orders were passed:

"1. Heard Shri Ashok Khare, learned Senior Advocate assisted by Shri Shiddharth Khare and Shri Prashant Mishra, learned Counsel on behalf of original petitioner-appellants, Shri Abhishek Srivastava, learned Chief Standing Counsel, alongwith Shri Ashish Nagwansi, learned Additional Chief Standing Counsel for the State-respondents and Shri Vansh Gopal Mishra, Advocate holding brief of Shri Akhilesh

Kumar Sharma, learned counsel for the B.S.A.

2. While, it is not disputed that redeployment of surplus teacher is a mandate referable to the provisions of the Right to Education Act, at present, the entire dispute revolves around the objectivity and transparency of the exercise undertaken by the State Government.

3. According to the original petitioners-appellants such exercise had been completed in July-August 2025, therefore, no occasion arose to re-initiate the same exercise, midway into the academic session 2025-26. Further, grievance has been voiced for reason of inaccuracy of data on UDISE portal with respect to pupil- teacher ratio existing at individual institutions, where redeployment of surplus teacher, has been proposed. It is another grievance, that no opportunity has been given to the affected teachers/institutions, to either point out any correction required in the data entered on the UDISE portal or to offer any choice of institutions to which a surplus teacher may be redeployed, considering his/her personal difficulties/hardships.

4. Also, it has emerged during the course of hearing that though at least two teachers may be required to run any school, it may remain equally true- that providing such teacher strength though laudable, may be impractical and counter productive, if the students strength at such institutions is below the level of viability/feasibility to run an institution from classes 1 to 5 and 6 to 8. Though one teacher may teach all subjects to students of classes 1 to 5, unless sufficient student strength exists, providing of two teachers to each institution, irrespective of the total student strength and the number of students studying in individual classes, may not serve the true purpose of the Act. In those cases, for the academic session in question, it may be more desirable and practical to adjust such students (for example upto 9) at other institutions or make appropriate arrangement by transferring students from other institutions to the institutions where minimum two teachers may be provided with consent of the parents/guardians of the affected students, such that Government funds including those being spent on salary of teachers are utilized, to the optimum.

5. It has also come up for consideration that the entire mechanism should work seamlessly and transparently, such that, it may be concluded not later than 15th June, 2026, as may further allow for smooth functioning of all affected educational institutions, on their reopening after the summer recess.

6. Shri Abhishek Srivastava, learned Chief Standing Counsel assures to get back with fresh written instructions. Where ever any other arrangement is to be made, the written instruction may briefly indicate any other suggestion, as also reason therefor.

7. Accordingly, put up as fresh on 15.04.2026.

8. Interim protection granted by the learned single judge to continue till the next date of listing."

7. However, the another petition being Writ-A No. 5194 of 2026 (Lavkesh Kumar Agarwal versus State of U.P.) along with the connected petitions came to be preferred in which following orders were passed:

"1. The petitioner has preferred instant writ petition for the following reliefs:

"i. Issue a writ, order or direction in the nature of Certiorari calling for the records of

the case and to quash the impugned order dated 30.12.2025 passed by District Basic Education Officer, Chitrakoot, respondent no. 4, alongside the impugned order dated 28.03.2026, passed by the respondent no. 3 as communicated by the District Basic Education Officer, Chitrakoot (Annexure Nos. 8 and 11 to the writ petition).

ii. Issue a writ, order or direction in the nature of Mandamus commanding the respondent to permit the petitioner to continue to discharge his duties as Headmaster, Primary School, Shivrampur-1, District Chitrakoot, and to pay him salary month by month as and when same falls due, strictly in accordance with law."

2. Earlier, a bunch of writ petitions was filed challenging the transfer orders, wherein in the leading petition being Writ-A No. 179 of 20261, decided on 17.02.2026, the concerned authorities were directed to forthwith verify, rectify, and update the correct and authentic data on the UDISE2 portal and, on the basis of such updated data, to undertake posting and deployment of teachers strictly in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, so as to ensure and maintain the prescribed pupil-teacher ratio in its true letter and spirit. Relevant part of the the judgement is being reproduced herein below:

"145. Accordingly, without expressing any opinion on the merits of the individual claims, and in the interest of justice, it is directed that each petitioner shall submit a separate and comprehensive representation/objection before the District Level Committee constituted under the chairmanship of the District Magistrate within a period of one week from today. Upon receipt of such objections, the Committee shall examine the same in light of the applicable rules, the mandate of the Right of Children to Free and Compulsory Education Act, 2009, and the relevant Government Orders, and shall pass a reasoned and speaking order in accordance with law within one month thereafter.

146. For a period of one month from today or until the passing of a final order by the competent authority, whichever is earlier, status quo as existing today shall be maintained.

147. The concerned authority is further directed to forthwith verify, rectify, and update the correct and authentic data on the UDISE portal and, on the basis of such updated data, to undertake posting and deployment of teachers strictly in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, so as to ensure and maintain the prescribed pupil-teacher ratio in its true letter and spirit.

148. With the aforesaid observations/directions, these writ petitions are disposed of."

3. The record elucidates that representation of the petitioner was to be decided, after the exercise as enumerated in the aforementioned order, within a period of one month from passing of that order i.e. 17.03.2026. However, it has been noticed by this Court that due to failure in compliance of the directions of this Court regarding updation of the UDISE portal, several petitions are being preferred, one such being Writ-A No. 4936 of 20263, wherein on 08.04.2026, learned counsel for the District Basic Education Officer as well as the concerned authorities, i.e., the District Magistrate heading the District Level Committee, requested for two weeks' further time to update

the data on UDISE portal. However, without completing the said exercise, the representation of the petitioner has been rejected by the order impugned dated 28.03.2026, thereby affirming the earlier transfer order dated 30.12.2025.

4. This Court has been informed about a special appeal i.e. Special Appeal No. 398 of 2026⁴ filed against the order passed in Writ-A No. 179 of 2026, wherein the Division Bench of this Court taking into consideration that the entire mechanism should work seamlessly and transparently, such that, it may be concluded not later than 15.06.2026, as may further allow for smooth functioning of all affected educational institutions, on there reopening after the summer recess, posted the matter for 15.04.2026 and extended the interim protection granted in Writ-A No. 179 of 2026, till the next date fixed in special appeal.

5. Passing of order impugned reflects the inaction and failure on the part of the authorities to adhere to the timeline so fixed, without any justifiable cause which amounts to willful disobedience of the order of this Court. By the judgment dated 17.02.2026 passed in Arun Pratap Singh (supra), the competent authority has been specifically directed to update the authentic information on the UDISE portal and thereafter to consider and decide the representation of the petitioner within a stipulated period, such direction is not merely advisory but carries binding force. However, the inaction on the part of the authorities has given rise to a chaotic situation, to curb the same earlier the bunch of writ petitions had been decided.

6. This Court cannot countenance a situation where its directions are rendered illusory by administrative apathy or deliberate inaction. The continued failure of the authority to take a decision, despite lapse of the time granted, prima facie reflects a disrespectful attitude. Such conduct, erodes the sanctity of judicial orders.

7. Even assuming that the Division Bench, in the special appeal, extended the time earlier granted by this Court while deciding Writ-A No. 179 of 2026, there was no occasion or justification for passing the impugned order prior to the completion of the exercise for which such time had been extended.

8. In view of above, this Court is left with no other option but to call upon Principal Secretary, Basic Education, U.P., Lucknow to file a personal affidavit in this regard and explain his conduct.

9. Put up on 28th April, 2026, as fresh.

10. As the special appeal court in the case of Saurabh Kumar Singh & 6 others v. State of U.P. & others⁵, has, by order dated 06.04.2026, interfered in the matter and extended the interim order which was earlier granted by this Court in the bunch of writ petitions decided on 17.02.2026, status quo as on date shall be maintained till the next date of listing, in the present cases also.

11. Mr. Abhishek Srivastava, learned Chief Standing Counsel-VII, Mr. Rishi Kumar, Additional Chief Standing Counsel, Mr. Umesh Chandra Kesarwani, learned counsel appearing for respondent no. 4 as well as Registrar Compliance shall look into compliance of this order."

8. Shri Kesarwani who appears for opposite party no. 5 has made a statement at bar that opposite party no. 5 in the connected petition, Virendra Kumar Sharma who

happens to be Basic Siksha Adhikari, Chitrakoot has been transferred and in his place, one Ranjana Shukla has joined as Basic Siksha Adhikari, Chitrakoot. Let her be impleaded as opposite party no. 6 in the connected application.

9. Since now the controversy boils down to the aspect relating to the payment of arrears of salary and the interpretation of the words status quo, thus, let an affidavit be filed by the opposite party in the leading and the connected application bringing on record the working of the applicants in leading and connected application as well as the position relatable to payment of salary and the treatments so done in that regard by way of an affidavit.

10. Put up this case on 11.09.2026 as fresh."

2. Thereafter, on 11.09.2026 following orders were passed:-

"1. The affidavit of compliance filed by the learned counsel for the applicant, is taken on record.

2. According to learned counsel for the applicant, payment has been made to all the applicants except applicant No. 4, Ashish Kumar Mishra, son of J.P. Mishra.

3. However, in the affidavit of compliance dated 09.09.2026, in paragraph No. 11, it has been asserted that applicant No. 6 has not applied online and, therefore, the outstanding arrears have not been paid through the portal. In paragraph No. 12, it has further been asserted that except applicant No. 6, all the applicants have received payment of outstanding/arrears of salary for the month of January to May, 2026.

4. Be that as it may, a discrepancy has arisen as to whether applicant No. 4 or applicant No. 6 has not been paid the outstanding amount.

5. Learned counsel for the applicant seeks time to file an affidavit clarifying the aforesaid aspect of the matter.

6. As prayed, put up this matter on 18.09.2026, as fresh."

3. An affidavit of compliance has been filed, according to which in the present contempt application, there are 7 applicants, out of which applicant no. 1 to 3 and 5 to 7 have been accorded the benefits, which they are entitled under law, but so far as the applicant no. 4, Ashish Kumar Mishra son of Sri J.P. Mishra is concerned, he has not been accorded benefit.

4. Sri Umesh Chand Kesarwani has invited the attention of the Court towards the affidavit of compliance dated 07.09.2026, Page 14, relevant extract at page 15 so as to suggest that there happens to be a communication of the Finance and the Accounts Officer, Basic Shiksha, Chitrakoot, addressed to District Basic Shiksha Adhikari, Chitrakoot dated 08.09.2026, in which the name of the applicant finds place at Serial No. 26 and the reasons for non-payment is that the applicant no. 4, Ashish Kumar Mishra has not applied online.

5. Sri Prashant Kumar Mishra, learned counsel for the applicant as per instructions submits that the applicant no. 4, Ashish Kumar Mishra son of J.P. Mishra has already applied online on 07.09.2026 and by the time, the communication was made, i.e. on 08.09.2026, the said aspect remained unnoticed.

6. Sri Umesh Chand Mishra, learned counsel for the opposite party submits that in case the applicant has applied, then the payment shall be made as admissible under law.

7. To such a submission learned counsel for the applicant submits that liberty be accorded to the applicant to again approach this Court, in case the order of the writ Court is not complied with, despite the fact that all the formalities have been fulfilled by the applicant no.4.

8. Considering the aforesaid aspect of the matter and bearing in mind the statements made as per the instructions from the respective parties, the contempt application is **consigned to record**, leaving it open for the applicant no. 4, to again approach this Court as and when the situation/ occasion arises.

September 18, 2026

N.S.Rathour

(Vikas Budhwar,J.)