HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 12682 of 2026

Ashok Kumar Singh

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	J.P.N. Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner and Mr. Shailendra Singh, learned Standing Counsel for the State-respondents.

2. This writ petition has been filed with a prayer to quash the impugned order dated 05.05.2026 passed by respondent No. 4, District Inspector of Schools, Ballia and with a further prayer to pay the arrears of salary of the petitioner for February 2010, May 2010 to June 2013, February 2016, bonus for the years 2009-10 to 2012-13 and dearness allowance from January 2010 to April 2010 with interest.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Assistant Teacher in LT Grade on 31.05.1991. Thereafter, his services were regularized vide order dated 03.05.1997 passed by the Deputy Director of Education (Secondary), Azamgarh Region, Azamgarh. Thereafter, on 07.08.2008, as a vacancy of Lecturer in Agriculture Biology arose, the petitioner was promoted to the post of Lecturer (Agriculture Biology) on 07.02.2008. Learned counsel for the petitioner further submits that the salary of the petitioner was withheld. Likewise, salaries of other surplus employees were also withheld. Therefore, a bunch of petitions were filed, the leading being **Civil Misc. Writ Petition No.26307 of 2010, (Dhruv Narain Singh Vs. State of U.P. and others)**. The aforesaid writ petition was decided by order dated 13.01.2017, whereby following directions were issued:-

"(i) In case any teacher/institution is aggrieved by the order passed by the Committee, it would be open to him/it to take such recourse which is available under the law to them.

(ii) The salary to all the teachers, who have been found to be working on the sanctioned post shall be released within two months from the date of production of certified copy of this order."

4. Learned counsel for the petitioner, emphasizing upon page No. 57 of the writ petition, submits that as per the Government Order dated 01.02.2016, seven sanctioned posts of Lecturer were in existence, and therefore, in compliance thereof, a direction for payment of salary to the petitioner along with six others was issued by the Chief Secretary, State Government. Accordingly, the petitioner was receiving salary. However, arrears of salary have not been paid. The petitioner repeatedly represented before the authorities concerned, but nothing was done. Therefore, **Writ-A No.16009 of 2025 (Ashok Kumar Singh vs. State of U.P. and others)** was filed, which was disposed of with liberty to the petitioner to raise his grievance before the concerned respondents. In compliance of the aforesaid order, the impugned order dated 05.05.2026 has been passed, wherein without considering the fact that in compliance of the order passed by this Court the petitioner was already being paid salary as he is working against a sanctioned post, however, arrears of salary have not been paid. The impugned order has been passed only on the ground that the petitioner has approached the authorities after a delay. Therefore, the impugned order is bad as it is in violation of the orders passed by this Court as well as the principles of natural justice.

5. Learned Standing Counsel, on the other hand, submits that there is no illegality in the impugned order, as the Committee was constituted pursuant to the Government Order dated 18.04.2019, wherein seven criteria were to be followed while considering the case of the petitioner as well as similarly situated employees, which are as under:-

"1. The post was sanctioned and available at the time of appointment.

2. The post was advertised in two newspapers having wide circulation within the State.

3. A Selection Committee was duly constituted for the selection process.

4. The selection process was conducted in accordance with the procedure established by law.

5. The selection was approved by the competent authority.

6. The selected candidate possessed the minimum qualifications required for the post on the date of selection.

7. In cases involving outstanding salary, it must be ensured that the concerned individual actually performed duties during the period for which the outstanding salary is being claimed."

6. Accordingly, the representation of the petitioner has been rejected by the impugned order.

7. Learned Standing Counsel further submits that there is delay in

approached this Court, therefore, the writ petition is liable to be dismissed on this ground also. In support of his contention, he has relied upon the judgment of the Co-ordinate Bench of this Court in the case of **Bhagirath Prasad Sharma vs. State of U.P. and 4 Others, decided on 09.07.2024 passed in Writ-A No.9709 of 2024 (Neutral Citation No.- 2024:AHC:111436)** and **Smt. Santosh Kumari Uppal vs. State Of Uttar Pradesh And 6 Others, decided on 18.05.2026 passed in Writ-A No.6923 of 2026 (Neutral Citation No.- 2026:AHC:114362)**. He has also placed reliance upon a judgment passed by Division Bench of this Court in **Special Appeal No.973 of 2024 (Ram Kishor Dixit vs. State Of U.P. And 7 Others):Neutral Citation No.2024:AHC:183119-DB**. He further submits that it is settled law that a person, who is not vigilant and dormant about his/her right, cannot be allowed to agitate his/her right as has been held by the Apex Court in the case of **Central Coalfields Limited through its Chairman and Managing Director & Ors. Vs. Parden Oraon reported in 2021 SCC OnLine SC 299**.

8. This Court is of the opinion that once, after examining the sanctioned strength, the State Government had already directed by order dated 01.02.2016 to make payment of salary to the petitioner, and accordingly this Court while deciding the matter on 13.01.2017 had taken the same into consideration, hence the arrears of salary cannot be denied to him simply on the ground of delay. The Court had not directed for constitution of any committee to look into the sanctioned strength in the order dated 13.01.2017 passed in the bunch of petitions. Since the petitioner, on account of working against a sanctioned post, has already been paid salary, therefore, the arrears of salary cannot be denied simply on the ground of delay, whereas the petitioner has repeatedly approached the authorities concerned.

9. Having considered the submissions of learned counsel for the parties, the impugned order dated 05.05.2026 passed by respondent No. 4 is quashed. The matter is remitted to respondent No. 4 - District Inspector of Schools, District Ballia, to pass an appropriate order for payment of arrears of salary to the petitioner for the period as stated above, after examining whether: (a) the post was sanctioned and available at the time of appointment; (b) the post was advertised in two newspapers having wide circulation within the State; (c) a Selection Committee was duly constituted for the selection process; (d) the selection process was conducted in accordance with the procedure established by law; (e) the selection was approved by the

competent authority; (f) the selected candidate possessed the minimum qualifications required for the post on the date of selection; and (g) in cases involving outstanding salary, it is ensured that the concerned individual actually performed duties during the period for which the outstanding salary is being claimed, expeditiously, preferably within a period of two months from the date of production of a certified copy of this order.

10. The writ petition stands **allowed** accordingly. No order as to costs.

October 29, 2026
Jitendra/-

(Mrs. Manju Rani Chauhan,J.)

Digitally signed by :-
JITENDRA KUMAR YADAV
High Court of Judicature at Allahabad