2026:AHC:208511

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15079 of 2026

Ravi Shankar Gupta

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Aishwarya Kumar Singh, Rajesh Kumar Singh, Utkarsh Kumar Singh
Counsel for Respondent(s)	:	C.S.C., Shresth Pratap Singh

Court No. - 6

HON'BLE VINOD DIWAKAR, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and perused the record.

2. The present writ petition has been filed assailing the order dated 09.09.2026 passed by respondent no. 4, insofar as it relates to the petitioner, whereby she has been transferred/adjusted from Primary School Agiaveer, Vikas Khand-Majhwa, to Primary School Madachak, Vikas Khand-Jamalpur, District Mirzapur.

3. Learned counsel for the petitioner submits that the petitioner was initially appointed as an Assistant Teacher in a Basic School, after following the procedure prescribed under the relevant statutory provisions, by the competent authority vide order dated 27.08.2016. Pursuant thereto, he joined on 29.08.2016 at Primary School Agiaveer, Vikas Khand-Majhwa, District Mirzapur. It is further submitted that the said institution has a total enrolment of 97 students and only six regular teachers. Consequently, two teachers were rendered surplus under the applicable provisions of the Right of Children to Free and Compulsory Education Act, 2009. It is further submitted that, under the Government Order dated 14.11.2025, a four-member committee of senior officers was constituted for considering intra-district transfer/adjustment. Learned counsel for the petitioner contends that respondent no. 4 has neither followed the aforesaid Government Order nor adhered to the applicable statutory provisions, particularly those contained in the Right of Children to Free and Compulsory Education Act, 2009, while passing the impugned order of intra-district transfer/adjustment dated

09.09.2026.

4. Per contra, learned counsel for respondent no. 4, in response to the submissions advanced by learned counsel for the petitioner, has placed before the Court a document to contend that the petitioner himself had opted his choice for the school to which he has subsequently been adjusted. It is further submitted that the judgment upon which learned counsel for the petitioner seeks to place reliance is itself under challenge before this Court in Special Appeal No. 398 of 2026.

5. In view of the aforesaid stand taken by the respondents, and particularly having regard to the fact that the petitioner is stated to have himself opted for the institution in question, no interference with the impugned order dated 09.09.2026 is warranted in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

6. So far as the representation stated to have been submitted by the petitioner is concerned, it does not appear to be a statutory representation giving rise to any enforceable right in favour of the petitioner. Moreover, the grievance raised in the said representation essentially relates to the same subject matter which has been considered by this Court in the present proceedings. Once the matter has been deliberated upon and examined by the Court and the petitioner has been found not entitled to any relief, the mere submission of a representation on the same cause cannot furnish an independent or fresh cause for invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

7. Be that as it may, no ground has been made out warranting interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is, accordingly, dismissed.

October 5, 2026
Anil K. Sharma

(Vinod Diwakar,J.)

Digitally signed by :-
ANIL KUMAR SHARMA
High Court of Judicature at Allahabad