



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – A No. - 14242 of 2025

Indra Devi

.....Petitioners(s)

Versus

State Of U.P.
And 2 Others

.....Respondents(s)

Counsel for Petitioners(s)	:	Harsh Narayan Singh, Prabhakar Awasthi
Counsel for Respondent(s)	:	C.S.C., Rajesh Khare

Court No. - 35

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard learned counsel for both the parties.
2. Petitioner has filed this writ petition with the following prayers:

“i. Issue a writ, order or direction in the nature of Certiorari calling for the records of the case and quash the impugned order dated 30.08.2025 passed by the District Basic Education Officer, Banda, respondent no. 3 (Annexure No.1 to the writ petition).

ii. Issue a writ, order or direction in the nature of Mandamus commanding the District Basic Education Officer, Banda, respondent no. 3 to permit the petitioner to continue to discharge her duties as Head Teacher in Composite Institution, Pailani, Block Tindwari, District Banda and also to pay her salary, month by month, as is admissible in law.”
3. This Court is flooded with the matters pertaining to the attendance and non-attendance of teachers in primary educational institutions. In the present case also, the suspension order has been passed on the same cause of action.

4. The facts mentioned in Paragraph 1 of the suspension order dated 30.08.2025 is quoted below for the kind perusal of the Additional Chief Secretary/Principal Secretary, Basic Education Department, Government of U.P.; the Director General, School Education, Government of U.P. and other concerned officers who are under an obligation to ensure the imparting of unbarred education to children belonging to poor villagers residing in rural areas:

"जिला अधिकारी महोदया बाँदा द्वारा आज दिनांक 30.08.2025 को अपरान्ह मे लगभग 01.30 बजे उच्च प्राथमिक विद्यालय पैलानी कम्पोजिट क्षेत्र तिन्दवारी जनपद बाँदा का स्थलीय निरीक्षण किया गया जिसमे निरीक्षण के दौरान विद्यालय मे कार्यरत प्रधानाध्यापक श्रीमती इन्द्रा देवी प्र०अ०, उ० प्रा० वि० कम्पोजिट पैलानी क्षेत्र तिन्दवारी जनपद बाँदा मौके पर विद्यालय में उपस्थित नहीं पायी गयी तथा उपस्थित पंजिका मे उनके प्रातः के हस्ताक्षर कर नदारत रहने की उपस्थित मे पायी गयी तथा विद्यालय में अधिकांश स्टाफ के बिना कोई सूचना के अनाधिकृत रूप से प्रदत्त / देय विभागीय नियम / निर्देशनुसार आनलाइन माध्यम कोई अवकाश नहीं लिया गया और किसी भी स्टाफ के द्वारा अवकाश सम्बन्धी कोई विवरण आनलाइन / आफलाइन के माध्यम से दर्ज नहीं किया गया तथा विद्यालय मे अपरान्ह 01.30 बजे तक अध्यनरत छात्र / छात्राओ की उपस्थित भी दर्ज नहीं की गयी जो अत्यन्त लापरवाहीपूर्ण कृत्य है। विद्यालय में निरीक्षण के दौरान उपस्थित पाये गये। जबकि इसके पूर्व के दिवसो मे नांमांकन के सापेक्ष अधिक उपस्थित भरे जाने की स्थित पायी गयी है। विद्यालय मे विभाग द्वारा प्रदत्त 02 टैबलेट प्र० अ० व वरिष्ठ शिक्षक को प्राप्त है जिनका प्रयोग विभागीय कार्यो सूचनाओ में नहीं किया जा रहा है जिस पर जिलाअधिकारी महोदया बाँदा द्वारा संस्था / विद्यालय की प्रमुख श्रीमती इन्द्रा देवी प्रधानाध्यापक की प्रधानाध्यापिका को मुख्य रूप से व्यापत अव्यवस्थाओ पर अत्यन्त नाराजगी व्यक्त करते हुए उक्त सम्बन्ध मे प्रधानाध्यापिका को मुख्य रूप से प्रथम दृष्टया दोषी पाये जाने के आरोप मे उनके विरुध दण्डात्मक कार्यवाही किये जाने के निर्देश निरीक्षण के दौरान दुरभाष पर अधोहस्ताक्षरी को प्रदान किये गये है।"

5. Without proper attendance of the teacher as well as staff of the primary institution, the purpose of the Right of Children to Free and Compulsory Education Act, 2009 shall be frustrated and thus the fundamental right of education of the children belongs to the poor villagers, shall be violated by the teachers who are not appearing in time

and imparting education up to the period fixed for teaching in the institution.

6. Due to the absence of teachers from school, there is a negative impact on students' learning, such as lower academic achievement and it creates unequal learning opportunities, especially for students from disadvantaged backgrounds who cannot afford private tutor or coaching. Additionally, other teachers are burdened with additional work, disrupting normal school functioning, and this may also decrease the number of students in the primary and junior schools of the State of Uttar Pradesh. Children are the future of our nation.

7. This Court observes such as in the word of ordinary people such as:

"एक गुरु-शिक्षक, अपनी विद्यालय में उपस्थित एवं शिक्षण व्यवहार से एक अबोध बालक को व्यक्ति से व्यक्तित्व बनाता है, शिक्षा व्यक्ति का स्तर बदल देती है। शिक्षित संयमित व्यक्ति नर से नारायण, देवतुल्य होकर पूजनीय हो जाते हैं।

शिक्षा, साहित्य, संगीत "बिना शिक्षक", के अपरकल्पनीय है और बिना शिक्षा; साहित्य के व्यक्ति जैसे बिना पूँछ या सींग के पशु के समान हो जाता है। साहित्य एवं शास्त्र में भी लिखा है कि:-

साहित्य संगीत कला विहीन; साक्षात् पशुः पुच्छ विषाणहीनः

पूर्व में जब स्कूल नहीं होता था तो साधू और ऋषि मुनी अपने निवास स्थान पर बिना स्वार्थ के गुरुकुल चलाते थे और कहा जाता है शिक्षा एक परमार्थ का कार्य है। इस विषय में भी साहित्य एवं शास्त्र में कहा गया है कि:-

वृक्ष कबहुँ नहिं फल भखै, नदी न संचै नीर।

परमारथ के कारने, साधुन धरा सरीर॥

गुरु के उत्कृष्ट शिक्षा, आचरण एवं अनुशासन से शिष्य अनुशासन में रहते हुए उत्कृष्ट एवं विशिष्ट शिक्षा प्राप्त कर व्यक्ति से व्यक्तित्व एवं नर से नारायण

बनने की प्रक्रिया में अग्रसर हो जाता है तभी गुरु को परमब्रम्ह कहा जाता है।
हमारे शास्त्र में लिखा गया है कि:-

गुरुर् ब्रह्मा गुरुर् विष्णुः

गुरुर् देवो महेश्वरः।

गुरुः साक्षात् परब्रह्म

तस्मै श्रीगुरवे नमः॥

गुरु का स्थान इस भारत वर्ष की पावन धरती पर माता-पिता और भगवान से प्रथम है और इन्हें सबसे पहले प्रणाम किया जाता है। शिक्षक-गुरु को भारत वर्ष में आध्यात्मिक माता-पिता का दर्जा दिया जाता है। "

8. From the point of students, education is a lifelong process, and it requires teachers' twenty-four-hour dedication as it was in Gurukul. Nowadays, all the basic education administration should focus on the education of children belonging to poor villagers studying in village primary and junior secondary schools, but they are engaged in focusing on the behaviour of teachers, as the teachers are deemed to be self-disciplined personalities. This is overburdened with the cause of action of teachers' behaviour such as absence, child abuse and embezzlement. After getting the pious job of a teacher, if a teacher comes on time to the institution and imparts teaching to the students and leaves the institution after the expiry of the period, there might not be any problem.

9. The State Government has made a policy to check the institution in respect of quality teaching in the institution primary school of U.P. State as digital attendance and constituting.. Task Force at District Level and Block Level.

10. The District Magistrate and Basic Siksha Adhikari shall submit reports about the District Level Task Force and Block Level Task Force for inspection to ensure quality education.

11. For monitoring teachers' attendance, a Government Order (G.O.) regarding attendance digitalization and related work has been issued,

permitting the process to be carried out digitally but the same is not on ground.

12. A self-disciplined person as a teacher, their conduct should not be regulated by any statute even then, the State Government, in respect of the absence of teachers and quality education, adopted policy. There are many cases of teachers coming to the Court due to the absence of teachers and action has been taken by the authority. On the other hand, some teachers are coming to the institution treating it not only as a job but also as a pious obligation and are teaching in the institution, so they are overburdened, and it also affects the violation of the fundamental right provided under Article 14 of the Constitution.

13. The Chief Secretary, Government of U.P., as well as the Additional Chief Secretary, Basic Education; Additional Chief Secretary of Social Welfare Department and Additional/Principal Secretary, Minority Department, Director General of Schools Education of Government of U.P. Lucknow; Director, Basic Education, Lucknow; Additional Director, Basic Education, Prayagraj Government of U.P. and District Basic Education Officers are directed to come up with certain rules and regulations for ensuring the presence of the teachers in the institution from the beginning as well as up to the end of the period of a day which is fixed for teaching for children of poor villagers residing in rural areas.

14. This Court is having opinion that the fundamental right of a child belonging to a poor villager studying in a primary educational institution cannot be violated by any person even teacher who is treated as a Government employee/State under the Constitution of India.

15. The Chief Standing Counsel, Basic Education Department as well as Mr. Ashish Kumar Nagvanshi, learned Additional Chief Standing Counsel is directed to seek instructions on the law as well as facts and

the material which are necessary for the presence of the teachers and other staff in the primary educational institution.

16. Mr. Rajesh Khare, learned counsel for the Basic Education Board shall also obtain instructions about the mechanism which ensures the presence of the teachers in the institution.

17. Put up this case **as fresh on 30.10.2025.**

18. The cause of action which has been mentioned in the present writ petition shall be considered after obtaining the instructions from the concerned authorities.

(PRAVEEN KUMAR GIRI, J.)

October 16. 2025

K. Tiwari