



2025:AHC:215801

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14242 of 2025

Indra Devi

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

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

Along with :

1.
Writ - A No. 15566 of 2025:
Smt. Leena Singh Chauhan
Versus
State of U.P. and 2 others

A.F.R.

Court No. - 2

HON'BLE PRAKASH PADIA, J.

1. Teachers are essential members of our society. They are pillars of knowledge, shaping the future of our kids- they are educators, mentors, guides, and inspirations.

2. According to Dr Radhakrishnan, the success of the educational process depends considerably on the teacher, for it is the teacher who has to implant alms, and to build the character of the students.

3. Mahatma Gandhi, the Father of the Nation has stated that "a teacher cannot be without character. If he lacks it, he will be like salt without its savour. A teacher must touch the hearts of his students.

4. The aforesaid writ petitions have been filed challenging the order dated 30.08.2025 and 11.07.2025 respectively passed by the District Basic Education Officer, by which the petitioners in the aforesaid writ petitions have been placed under suspension on the ground that they were not found in the institution at the time of inspection.

5. Since the controversy involved in all the above writ petitions are similar hence these are being decided by a common order.

6. While entertaining the Writ Petition No.14242 of 2025, observations were made by this Court vide order dated 16.10.2025 that Court is flooded with the matters pertaining to the attendance and non-attendance of teachers in primary educational institutions. It was further observed that without proper attendance of teachers as well as staff of the primary institution, the purpose of the Right of Children to Free and Compulsory Education Act, 2009 will be frustrated. Ultimately the

following observations were made by this Court on 16.10.2025:-

"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. "

7. Pursuant to the order passed by this Court, instructions dated 28.11.2025 is placed before this Court by Shri Abhishek Srivastava, learned Chief Standing Counsel appearing on behalf of State-respondent, the same is taken on record. Paragraph-4 of the aforesaid instructions reads as follows:-

"4. मुख्य सचिव, उ०प्र० शासन की अध्यक्षता में सम्पन्न उक्त बैठक दिनांक 30.10.2025 में लिए गये निर्णय के क्रम में शासन के कार्यालय ज्ञाप संख्या-1/1134710/2025-68-5005/6/2025 दिनांक 06.11.2025 (छायाप्रति संलग्न) द्वारा अपर मुख्य सचिव, बेसिक शिक्षा विभाग, उत्तर प्रदेश शासन की अध्यक्षता में प्राथमिक एवं उच्च प्राथमिक विद्यालयों के अध्यापकों की उपस्थिति सुनिश्चित करने के संबंध में सुविचारित प्रस्ताव उपलब्ध कराने हेतु एक समिति का गठन किया गया। उक्त समिति की बैठक दिनांक 13.11.2025 में लिये गये निर्णय के अनुसार प्रकरण में आवश्यक कार्यवाही सुनिश्चित करायी जायेगी। उक्त बैठक से संबंधित कार्यवृत्त दिनांक 27.11.2025 संलग्न है।"

8. Pursuant to the aforesaid meeting of Committee was held on 13.11.2025 in which the following decision was taken:-

अपर मुख्य सचिव, बेसिक शिक्षा विभाग, उ०प्र० शासन की अध्यक्षता में प्राथमिक एवं उच्च प्राथमिक विद्यालयों के अध्यापकों की उपस्थिति सुनिश्चित करने हेतु गठित समिति की दिनांक 13.11.2025 को सम्पन्न बैठक का कार्यवृत्त।

उपस्थिति-उपस्थिति पत्रक संलग्न है।

मा० उच्च न्यायालय इलाहाबाद में योजित रिट याचिका संख्या-ए 15586/2025 श्रीमती लीला सिंह चौहान बनाम उ०प्र० राज्य व अन्य तथा रिट याचिका संख्या-ए-14242/2025 श्रीमती इन्दिरा देवी बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 16.10.2025 के अनुपालन में विचार-विमर्श हेतु दिनांक 30 अक्टूबर, 2025 को मुख्य सचिव महोदय की अध्यक्षता में सम्पन्न बैठक में लिये गये निर्णय के क्रम में प्राथमिक एवं उच्च प्राथमिक विद्यालयों के अध्यापकों की उपस्थिति सुनिश्चित करने हेतु गठित समिति की बैठक अपर मुख्य सचिव महोदय की अध्यक्षता में सम्पन्न हुई।

2. उक्त सम्पन्न बैठक में सचिव, माध्यमिक शिक्षा परिषद, उ०प्र० द्वारा माध्यमिक शिक्षा विभाग के विद्यालयों में प्रचलित शिक्षकों की उपस्थिति से संबंधित ऑनलाइन डिजिटल प्रणाली का प्रस्तुतीकरण किया गया। प्रस्तुतीकरण के पश्चात् विचार विमर्श के उपरान्त समिति द्वारा निम्नलिखित बिन्दुओं पर मत स्थिर किया गया:-

1. शिक्षकों को उपस्थिति हेतु विद्यालय प्रारम्भ होने से 01 घंटे का मार्जिन दिया जायेगा। उक्त अवधि के बाद सिस्टम लॉक हो जायेगा।
2. जिन विद्यालयों में नेटवर्क की अनुपलब्धता के कारण उपस्थिति दर्ज करने में समस्या आ रही हो वहां ऑफलाइन मोड में उपस्थिति दर्ज की जायेगी जो नेटवर्क आने पर ऑनलाइन डिजिटल प्रणाली में सिक हो जायेगी।
3. विद्यालय के प्रधानाध्यापक द्वारा उक्त उपस्थिति प्रणाली में उपस्थिति दर्ज की जायेगी।
4. यदि किसी प्रधानाध्यापक द्वारा उपस्थिति दर्ज करने में असमर्थता व्यक्त की जाती है तो उनसे चार्ज ले कर अन्य अध्यापक को यह जिम्मेदारी दी जायेगी।
5. किसी भी अध्यापक के विरुद्ध अनुपस्थिति के संबंध में बिना कारण बताओ नोटिस जारी किये तथा अध्यापक का पक्ष जाने किसी भी प्रकार की कोई कार्यवाही नहीं की जायेगी।
6. महानिदेशक, स्कूल शिक्षा, उ०प्र० की अध्यक्षता में एक तकनीकी समिति का गठन किया जायेगा, जो माध्यमिक शिक्षा विभाग के विद्यालयों में शिक्षकों के उपस्थिति से संबंधित ऑनलाइन डिजिटल प्रणाली बेसिक शिक्षा विभाग में लागू किये जाने हेतु आवश्यक डिजिटल प्लेटफार्म तैयार करेगी।
7. अल्पसंख्यक कल्याण विभाग एवं समाज कल्याण विभाग शिक्षकों की उपस्थिति से संबंधित उपर्युक्त व्यवस्था को अपनाने के लिये स्वतंत्र हैं। यदि वे चाहें तो इससे इतर व्यवस्था अपना सकते हैं।

अन्त में बैठक सधन्यवाद सम्पन्न हुई।

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उप सचिव

9. In this view of the matter, it is argued that policy decision has already been taken by the State-

Government to prepare the policy for digital attendance of teaching and non-teaching staff in the primary institution.

10. Heard learned counsel for the petitioner, Sri Abhishek Srivastava, learned Chief Standing Counsel for the respondent-State and Sri Rajesh Khare, learned counsel for the respondent no.3-District Basic Education Officer, Banda as well as Sri Hare Ram Tripathi, learned counsel for the respondent-Basic Education Officer, Etawah in the connected writ petition.

11. Importance of teacher (Guru) as has been mentioned in the Brahmanda Puran reads as follows:-

***"Guru is Shiva sans his three eyes,
Vishnu sans his four arms
Brahma sans his four heads.***

He is parama Shiva himself in human form"

12. Guru is the God, say the scriptures. Indeed, the guru in the Vedic tradition is looked upon as one not less than God. "Guru" is an honorific designation for a preceptor, or teacher, as defined and explained variously in the scriptures and ancient literary works, including the epics; and the Sanskrit term has been adopted by English, as well. The Concise Oxford Dictionary of Current English defines a guru as "Hindu spiritual

teacher or head of religious sect; influential teacher, revered mentor." The term is well known around the world, used to refer to a teacher of particular skill and talent.

13. Scriptural definitions aside, gurus are quite real more so than the gods of mythology. Basically, the guru is a spiritual teacher leading the disciple on the path of "god-realization." In essence, the guru is considered a respected person with saintly qualities who enlightens the mind of his disciple, an educator from whom one receives the initiatory mantra, and one who instructs us in rituals and religious ceremonies.

14. The Vishnu Smriti and Manu Smriti contains regards to Acharya (teacher), along with the mother and the father, as the most venerable gurus of an individual. According to Deval Smriti, there can be eleven kinds of gurus, and according to Nama Chintamani, ten. Depending on his functions, the guru is categorized as rishi, acharyam, upadhyaya, kulapati or mantravetta.

15. The Upanishads have profoundly underlined the role of the guru. Mundak Upanishad says that to realize the supreme godhead holding samidha grass in his hands, one should surrender himself before the guru who knows the secrets of Vedas.

16. Spiritual works, his sphere of instruction soon included subjects like **Dhanurvedya (archery)**, **Arthashastra (economies)** and even **Natyashastra (dramatics)** and **Kamashastra** (sexology).

17. Such was the ingenuity of the all-pervading intellect of the ancient Acharyas that they included even shastra, like thievery, Shudrakar's celebrated play. Mricchakatikam tells the story of Acharya Kanakashakti, who formulated the Chaurya Shastra, or the science of thievery, which was further developed by gurus such as Brahmanyadeva, Devavrata, and Bhaskarnandin.

18. Gradually, the institution of Gurukula, or in-forest-hermitage became a system in which where disciples learned at the feet of guru for long years. The great urban universities at Takshashila, Vikramashila, and Nalanda essentially evolved from these tiny gurukulas tucked away in deep woods. If we have to believe the records of Chinese travelers who visited Nalanda at that time, around 2700 years ago, there were more than 1,500 teachers teaching various subjects to more than 10,000 students and monks. These great universities were as prestigious in their time as Oxford or MIT universities are today.

19. Ancient scriptures and literary works make many references to gurus as well as their disciples.

20. The most popular legend, found in the Mahabharate, is the story of Ekalavya, who, after being rejected by the teacher, Dronacharya, went into the forest and made a statue of his teacher. Treating the statue as his guru, with great devotion Ekalavya he taught himself the art of archery, soon exceeding the skills of even the guru himself.

21. In the Chandogya Upanishad, we meet an aspiring disciple, Satyakama, who refuses to tell lies about his caste in order to get an admission in the gurukula of Acharya Haridrumat Gautam.

22. And in the Mahabharata, we come across Karna, who did not bat an eyelid while telling Parashurama that he belonged to the Bhrigu Brahmin caste, just in order to obtain the Brahmastra, the supreme weapon.

23. Apart from the same, the functioning of teacher and importance of teaching has been dealt with from time to time in large number of cases which can be seen in the observations of the Hon'ble Apex Court. In the case of **Avinash Nagra Vs. Navodaya Vidyalaya Samiti and Others** reported in **(1997) 2 Supreme Court Cases**

534 held that the success of the educational process depends considerably on the teacher, the teacher is the primary functionary to transmit the intellectual and ethical values to the young. He should encourage the attitude of free enquiry and rational reflections. The relevant portion of the aforesaid judgment namely paragraph nos.9 to 11 reads as follows:-

"9. On the functions of a teacher, at p. 133, according to Dr Radhakrishnan, the success of the educational process depends considerably on the teacher, for it is the teacher who has to implant alms, and to build the character of the students. According to Laski, at bottom of the education, the quality of a university is always in direct proportion to the quality of its teacher. A good teacher is one who knows his subject, is enthusiastic about it and one who never ceases to learn. Communication with the students and sense of commitment to his work are necessary. A good teacher, therefore, according to Dr Radhakrishnan, is one who is objective, just, humble and is open to correction. According to Whitehead the teacher must be a self-confident learned man. The teacher, therefore, is the primary functionary to transmit the intellectual and ethical values to the young. He should encourage the attitude of free enquiry and rational reflections. The teacher should try to remove the leaden weights of pride and prejudice, passion and desire which are likely to cloud a student's vision. The devoted teacher is not only concerned with the child's intellectual development but also has the obligation to attend to his moral, emotional and social growth as well.

10. Mahatma Gandhi, the Father of the Nation has stated that."a teacher cannot be without character. If he lacks it, he will be like salt without its savour. A teacher must

touch the hearts of his students. Boys imbibe more from the teacher's own life than they do from books. If teachers impart all the knowledge in the world to their students but do not inculcate truth and purity amongst them, they will have betrayed them". Shri Aurobindo has stated that "it is the teacher's province to hold aloft the torch, to insist at all times and at all places that this nation of ours was founded on idealism and that whatever may be the prevailing tendencies of the times, our children shall learn to live among the sunlit peaks". Dr S. Radhakrishnan has stated that "we in our country look upon teacher as gurus or, as acharyas. An Acharya is one whose aachar or conduct is exemplary. He must be an example of Sadachar or good conduct. He must inspire the pupils who are entrusted to his care with love of virtue and goodness. The ideal of a true teacher is andhakaraniridhata gurur itya bhidhiyate. Andhakar is not merely intellectual ignorance, but is also spiritual blindness. He who is able to remove that kind of spiritual blindness is called a guru. Are we deserving the noble appellation of an acharya or a guru?" Swami Vivekananda had stated that "the student should live from his very boyhood with one whose character is a blazing fire and should have before him a living example of the highest teaching. In our country, the imparting of knowledge has always been through men of renunciation. The charge of imparting knowledge should again fall upon the shoulder of Tyagis".

11. It is in this backdrop, therefore, that the Indian society has elevated the teacher as "Guru Brahma, Gurur Vishnu, Guru Devo Maheswaraha". As Brahma, the teacher creates knowledge, learning, wisdom and also creates out of his students, men and women, equipped with ability and knowledge, discipline and intellectualism to enable them to face the challenges of their lives. As Vishnu, the teacher is preserver of learning. As Maheswara, he destroys ignorance. Obviously, therefore, the teacher was placed on the pedestal below the

parents. The State has taken care of service conditions of the teacher and he owes dual fundamental duties to himself and to the society. As a member of the noble teaching profession and a citizen of India he should always be willing, self-disciplined, dedicated with integrity to remain ever a learner of knowledge, intelligently to articulate and communicate and imbibe in his students, as social duty, to impart education, to bring them up with discipline, inculcate to abjure violence and to develop scientific temper with a spirit of enquiry and reform constantly to rise to higher levels in any walk of life nurturing constitutional Ideals enshrined in Article 51-A so as to make the students responsible citizens of the country. Thus the teacher either individually or collectively as a community of teachers, should regenerate this dedication with a bent of spiritualism in broader perspective of the constitutionalism with secular ideologies enshrined in the Constitution as an arm of the State to establish egalitarian social order under the rule of law. Therefore, when the society has given such a pedestal, the conduct, character, ability and disposition of a teacher should be to transform the student into a disciplined citizen, inquisitive to learn, intellectual to pursue in any walk of life with dedication, discipline and devotion with an enquiring mind but not with blind customary beliefs. The education that is imparted by the teacher determines the level of the student for the development, prosperity and welfare of the society. The quality, competence and character of the teacher are, therefore, most significant to mould the calibre, character and capacity of the students for successful working of democratic institutions and to sustain them in their later years of life as a responsible citizen in different responsibilities. Without a dedicated and disciplined teacher, even the best education system is bound to fail. It is, therefore, the duty of the teacher to take such care of the pupils as a careful parent would take of its children and the ordinary principle of

vicarious liability would apply where negligence is that of a teacher. The age of the pupil and the nature of the activity in which he takes part are material factors determining the degree and supervision demanded by a teacher."

24. The Role of teacher has again been reiterated by the Hon'ble Apex Court in paragraph-20 of the judgment in the case of **Andhra Kesari Educational Society Vs. Director of School Education And others** reported in **(1989) 1 Supreme Court Cases 392**. Paragraph-20 of the aforesaid judgment reads as follows:-

"20. Before parting with the case, we should like to add a word more. Though teaching is the last choice in the job market, the role of teachers is central to all processes of formal education. The teacher alone could bring out the skills and intellectual capabilities of students. He is the "engine" of the educational system. He is a principal instrument in awakening the child to cultural values. He needs to be endowed and energised with needed potential to deliver enlightened service expected of him. His quality should be such as would inspire and motivate into action the benefiter. He must keep himself abreast of everchanging conditions. He is not to perform in a wooden and unimaginative way. He must eliminate fissiparous tendencies and attitudes and infuse nobler and national ideas in younger minds. His involvement in national integration is more important, indeed indispensable. It is, therefore, needless to state that teachers should be subjected to rigorous training with rigid scrutiny of efficiency. It has greater relevance to the needs of the day. The ill-trained or sub-standard teachers would be detrimental to our educational system; if not a punishment on our children. The Government and the University must, therefore, take care to see that inadequacy in the training of teachers is not compounded by any extraneous consideration."

25. In the case of ***Sukh And Others Vs. State of Rajasthan And others*** reported in ***1989 Supp (2) Supreme Court Cases 189***, it was held that the primary school teachers are of utmost importance in developing a child's personality in the formative years. Paragraph-7 of the aforesaid judgment, reads as follows:-

"7. These observations are equally relevant to primary school teachers with whom we are concerned. The primary school teachers are of utmost importance in developing a child's personality in the formative years. It is not just enough to teach the child alphabets and figures, but much more is required to understand child psychology and aptitudes. They need a different approach altogether. Only trained teachers could lead them properly. The untrained teachers can never be proper substitute to trained teachers. We are, therefore, unable to give any relief to the petitioners."

26. Hon'ble Apex Court in the case of ***Manager, Nirmala Senior Secondary School Port Blair Vs. N.J. Khan and others*** reported in ***(2003) 12 Supreme Court Cases 84*** has held that a teacher affects eternity and Educational institutions are temples of learning. Paragraph Nos.1, 2 and 10 of the aforesaid judgment reads as follows:-

"1. A teacher affects eternity. He can never tell where his influence stops; said Henry Adam. Any educational institution for its growth and acceptability to a large measure depends upon the quality of teachers.

2. Educational institutions are temples of learning. The virtues of human intelligence are mastered and harmonised by education. Where there is complete harmony between the teacher and the taught, where the teacher imparts and the student receives, where there is complete dedication of the teacher and the taught in

learning, where there is discipline between the teacher and the taught, where both are worshippers of learning, no discord or challenge will arise. An educational institution runs smoothly when the teacher and the taught are engaged in the common ideal of pursuit of knowledge. It is, therefore, manifest that the appointment of teachers is an important part in educational institutions. The qualifications and the character of the teachers are really important.

10. The allegations made against respondent Khan are no doubt of a very serious nature and certainly if proved, do not befit a teacher. The clay-like minds of young children are shaped into beautiful moulds by teachers. They shape the future course of the students. To a great measure their behaviour, character, reputation leave imprints in the minds of the young children. If their conduct, behaviour and reputation is full of blemish that would not be for the interest and in the welfare of the students. Respondent Khan has denied the allegations and has alleged bias. But we do not think it necessary to apine one way or the other. Whatever be the truth, the undisputed fact is that the litigation has continued unabated for long years. It would neither be in the interest of respondent Khan nor the institution if respondent Khan is continued in the institution. By making this observation, it is not to be construed as if we have found the allegations to be true. On the contrary, the welfare of the institution, the reputation of respondent Khan has been considered by us in the proper perspective. If an act or omission of an employee reflects upon his character, reputation,. Integrity or devotion to duty or is an unbecoming act, certainly the employer can take action against him. In this context, reference may be made to the following observations of Lopes, C.J. in Pearce v. Foster (QBD at p. 542):

"If a servant conducts himself in a way inconsistent with the faithful discharge of his duty in the service, it is misconduct which justifies immediate dismissal. That

misconduct, according to my view, need not be misconduct in the carrying on of the service of the business. It is sufficient if it is conduct which is prejudicial or is likely to be prejudicial to the interests or to the reputation of the master, and the master will be justified, not only if he discovers it at the time, but also if he discovers it afterwards, in dismissing that servant."

This view was reiterated by a three-Judge Bench of this Court in Union of India v. K.K. Dhawan reported in (1993) 2 SCC 56 and Indian Rly. Construction Co. Ltd. v. Ajay Kumar reported in (2003) 4 SCC 579."

27. In the case of ***Sushmita Basu and others Vs. Ballygunge Siksha Samity and others*** reported in ***(2006) 7 Supreme Court Cases 680*** it was held that the profession of teaching is a noble profession and teacher fulfils a great role in the life of the human. He is the "Guru". Paragraph-5 of the aforesaid judgment reads as follows:-

"We must remember that the profession of teaching is a noble profession. It is not an employment in the sense of it being merely an earner of bread and butter. A teacher fulfils a great role in the life of the nation. He is the "guru". It is the teacher, who moulds its future citizens by imparting to his students not only knowledge, but also a sense of duty, righteousness and dedication to the welfare of the nation, in addition to other qualities of head and heart. If teachers clamour for more salaries and perquisites, the normal consequence in the case of private educational institutions, if the demand is conceded, would be to pass on the burden to the students by increasing the fees payable by the students. Teachers must ask themselves whether they should be the cause for putting education beyond the ken of children of parents of average families with average incomes. A teacher's profession calls for a little sacrifice

in the interests of the nation. The main asset of a teacher is his students, former and present. Teachers who have lived up to ideals are held in great esteem by their disciples. The position of the guru, the teacher, in our ethos is equal to that of God (Matha Pitha Guru Daivam). The teachers of today must ensure that this great Indian concept and the reverential position they hold, is not sacrificed at the altar of avarice."

28. In the case of ***Har Pal Singh and others Vs. State of U.P. and others*** reported in **2011 SCC Online All 3523**, it has been held by the Division Bench of this Court that from time immemorial in our Indian Culture and society a teacher has been the most revered person. Paragraph Nos.1 to 7 of the aforesaid judgment reads as follows:-

"1. From time immemorial in our Indian culture and society a teacher has been the most revered person, which would be seen from the following verse:

*"Gurur brahma Gurur vishnu Gurur devo maheshwara
Guru sakshat parabrahma tasmai shri gurave namaha
akhanda mandalakaram yena characharam vyaptam
darshitam yena tasmai shri gurave namaha" tat padam*

2. When translated in English it means

"Guru is Brahma Guru is Vishnu Guru is Shiva. The true Guru is the Highest, formless God. I prostrate before the holy Guru. The unbounded is the endless canopy of the sky, the omnipresent in all creation, both animate and inanimate I bow to Sri Guru who reveals to us the ultimate reality"

3. The famous saint Kabir in the 15 Century eulogised the teacher the following couplet

"Guru Govind dou khade, kaake laagoon paye Balihari guru aapki, Govind diyo milaye."

4. When translated in English it means:

"I face both God and my guru. Whom should I bow to first?"

5. I first bow to my guru because he's the one who showed me the path to God

6. However, the question that arise in these appeals is whether the teachers who have been placed in such an exalted position justify the faith entrusted in them even in the current century or whether they have fallen prey to selfish individual interests and seek personal gains through administrative jobs which are no part of their teaching assignments

7. From the aforesaid, it would be seen that in our society teachers are placed on a higher pedestal than even God. However, in this 21 Century, some of the teachers, who occupy an exalted position in our society, have forgotten their duties as a teacher and instead want to hold and continue the administrative post while retaining their position as a teacher. The present appeals are a glaring example of the downfall of the standard professed by teachers in our country. We hasten to add that by this we do not mean that all teachers are indulging in such activities, majority of them do not."

29. In the case of ***Parimal Kumar and others Vs. State of Jharkhand and others*** reported in **2025 SCC OnLine SC 210** it was again held that the role played by a teacher, especially when dealing with students in primary schools, is of utmost importance. Relevant

paragraphs namely paragraph nos.2, 3 & 7 of the aforesaid judgment reads as follows:-

"2. As the case pertains to selection of Assistant Teachers, I wish to add a few lines regarding importance of their role in nation building They are to teach in Primary and Upper Primary Schools ie. upto Class VIII. The role played by a teacher, especially when dealing with students in primary schools, is of utmost importance. Teachers educate the young minds, much like sculptors shaping clay, to mould them into better human beings The, imprint a teacher leaves on the minds of their students is everlasting.

3. The status of a teacher is well said in the Sanskrit verse taken from Guru Gita which is said to be part of Visvasaratantra. from Uttarakhand of Skandapurana. The same is reproduced hereunder.

"Gurur Brahma Gurur Vishnu, Gurur Devo Maheshwara; Guru Sakshat Param Brahma, Tasmai Shri Gurave Namah"

This Shloka refers to the Guru as none other than Brahma The creator, Vishnu-The sustainer and Shiva-The destroyer, since the Guru creates, sustains knowledge and destroys ignorance. By doing so he liberates the disciple from the ocean of samsara, from the trap of Maya, thereby attaining Moksha. For this, we bow down with utter humility and total gratitude to the Guru. (Source Guru Gita which is said to be part of Visvasaratantra from Uttarakhand of Skandapurana).

7. The importance of a teacher as narrated by Pandit Mohan Malaviya (the founder of the Banaras Hindu University) was highlighted in the following lines:

...It lies largely in his teacher's hand to mould the mind of the child who I father of the man. If he is patriotic and devoted to the national cause and realizes his responsibility, he can produce a race of patriotic men and women who would religiously place the country above

the community and national gain above communal advantage."

30. From perusal of the aforesaid, it is clear that time and again importance of teacher (Guru) has been dealt with in the Hindu Literature and by the Hon'ble Apex Court. The reverence accorded to teachers in Indian culture is not merely symbolic but reflects a deep seated recognition of their transformative role. From the ancient Gurukula system to present day educational frame work teachers have consistently carried forward the legacy of knowledge, values and ethical conduct. Any dilution of the status, dignity of teachers would have far reaching consequence not only for students but society at large.

31. It is well known fact that in large number of primary institutions throughout the State of U.P., teachers are not attending the institution on time. It is obligation on the State to ensure imparting unbarred education to children belonging to the primary institutions. The matters are coming every day before this Court in which allegations were made against the teachers and headmasters of the institution to the effect that they are not attending the institution within time. The Right of Children to Free and Compulsory Education Act, 2009 has already promulgated by the Central Government in the year

2009 according to which right to education to the children is a fundamental right. In case teachers will not attend the institution within time it will frustrate the mandate of the Act, 2009 and the children will be deprived off from this fundamental rights guaranteed under Article 21-A of the Constitution of India which was inserted in to the Constitution by means of the Constitution (86 Amendment) Act, 2002 which mandate every State to provide free and compulsory education to all children in the age group of 6 to 14 years.

32. In this view of the matter and also in the interest of justice, without interfering with the orders of suspension, which are under challenge in the present writ petitions, writ petitions are **disposed of** with a direction to the disciplinary authority to conclude the disciplinary proceedings initiated against them most expeditiously and positively within a period of **two months** from the date of receipt of certified copy of this order.

33. A further mandamus is issued to the respondent no.1 namely **Special Secretary, Basic Education, State of U.P. at Lucknow** to take a policy decision and also to take all possible steps for ensuring the presence of teachers in school within time. The aforesaid decision

be taken by the Respondent No.1 most expeditiously and positively within a period of 3 months from today.S

(Prakash Padia,J)

December 2, 2025

Swati