



2026:AHC:169280

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 9479 of 2026

Sapna Jain

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Kumar Jain
Counsel for Respondent(s)	:	C.S.C., Shashi Prakash Rai

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Sri Nikhil Singh, Advocate holding brief of Sri Shashi Prakash Rai, learned counsel for the respondent no. 2.

2. Present petition has been filed with the following prayer:-

"(i) Issue a writ, order or direction in the nature of mandamus directing the respondent concerned for payment of salary of termination period out of service between 16.12.2022 to 23.2.2023 and implementation of salary increment and allowances and her absence from service during said period has to be treated as period spent on duty for all purpose."

"(ii) Issue a writ, order or direction in the nature of mandamus directing the respondent concerned specially the District Basic Education Officer, Lalitpur to consider and decide the representation dated 16.4.2026 within stipulated period."

3. When the case was taken up on 7.7.2026, Court has passed the following order:-

"1. Heard Mr. Manish Kumar Jain, learned counsel for the petitioner, learned Standing Counsel for the State-respondent, Mr. Shashi Prakash Rai, learned counsel for the respondent no.2 and perused the record."

2. The present writ petition has been filed inter-alia for the following reliefs:-

"i. TO ISSUE a writ, order or direction in the nature of mandamus directing the Respondent concerned for payment of salary of termination period out of service between 16.12.2022 to 23.2.2023 and implementation of salary increment and allowances and her absence from service during said period has to be treated as period spent on duty for all purpose."

ii. TO ISSUE a writ, order or direction in the nature of mandamus directing Respondent concerned specifically the District Basic Education Officer Lalitpur to consider and decide the Representation dated 16.4.2026 [filed as Annexure No.10 to this Writ Petition] pending before them within time as stipulated by this Hon'ble Court. iii. TO ISSUE any other & further order, as this Hon'ble Court may deem fit & proper in the facts and circumstances of the present case; iv. TO AWARD cost of the Writ Petition to the Petitioner."

3. Learned counsel for the petitioner submits that the petitioner was terminated by order dated 16.12.2022 passed by the District Basic Education Officer, Lalitpur. The said termination order was challenged by means of filing Writ-A No. 241 of 2023, wherein the aforesaid termination order was set aside by order dated 06.02.2023 passed by the Co-ordinate Bench of this Court, after which the petitioner was reinstated in service on 23.02.2023. Thereafter, the petitioner moved a representation for payment of salary for the period between 16.12.2022 to 23.02.2023 (the period during which the petitioner did not work after being terminated), as well as for other consequential benefits. However, nothing has been done till date.

4. Mr. Shashi Prakash Rai, learned counsel for Respondent No. 2 prays for and is granted two weeks' time to obtain instructions in the matter.

5. Put up this case on 22.07.2026, as fresh."

4. On 22.7.2026, Court has passed the following order:

"Mr. Shashi Prakash Rai, learned counsel for the respondent- BSA, on the basis of instructions, which have been passed on to the Court today and kept on record, submits that as the petitioner did not work for the period from 16.12.2022 to 23.02.2023, therefore he is not entitled for the salary or any benefits for the aforesaid period. He requests one week's time to bring the instructions on record by means of filing an affidavit. Ordered accordingly.

Put up this case on 04.08.2026 as fresh."

5. In compliance of the aforesaid orders, Sri Nikhil Singh, Advocate holding brief of Sri Shashi Prakash Rai, learned counsel for the respondent no. 2 has filed personal affidavit of respondent no.2, which is taken on record. In the said affidavit, it is stated that though the termination order of the petitioner was set aside in Writ-A No.241 of 2023 as decided on 6.2.2023. However, there is no specific direction for payment of back wages and arrears of salary to the petitioner for the period from the date of termination, i.e., 16.12.2022, till the date of reinstatement in service, i.e., 23.02.2023. It is further stated that Rule 54 mandates a separate statutory exercise to be undertaken by the competent authority for reinstatement. Mere reinstatement does not automatically

determine the entitlement to full back wages unless the statutory conditions prescribed under Rule 54(2) are satisfied.

6. Learned Standing Counsel for the respondent- BSA submits that in case detail representation mentioning with all documents placed before the respondent no.2, claim of the petitioner shall be considered and decided in accordance with law at the earliest.

7. Considering the facts and circumstances of the case and without going into the merits of the case and with the consent of the parties, the writ petition is **disposed of** by providing that the petitioner may make fresh detailed representation, ventilating all his grievances, supported by all such documents, as may be advised, before the respondent no.2, within **three weeks** from today along with a certified copy of this order. On such representation being made, respondent no.2 shall make all endeavours to consider and decide the same, strictly in accordance with law, as expeditiously as possible, preferably within a period of **two months** thereafter.

August 12, 2026
Junaid

(Mrs. Manju Rani Chauhan,J.)