



2026:AHC:60912

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3583 of 2026

Smt. Vinita Sharma And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Avinash Chandra Tiwari, Shyam Kishore Tripathi
Counsel for Respondent(s)	: Bhupesh Pratap Singh, C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Mr. Bhupesh Pratap Singh, learned counsel for the BSA has passed on the the instructions to the Court. It is taken on record.

2. Heard learned counsel for the petitioner, learned Standing Counsel for the State, Mr. Bhupesh Pratap Singh, learned counsel for respondent nos. 3 & 4, and perused the record.

3. The petitioners have preferred instant writ petition for the following reliefs:

i. Issue a writ, order or direction in the nature of mandamus directing the respondents to make payment of all admissible increment, arrears of back-wages/salary, seniority and other admissible dues from the date equally placed and working Assistant Teachers i.e. Sarita Rani, Rohitash Singh, Abdul Shajid, Arun Kumar and Narendra Kumar who were selected and undergone training along with petitioners for the post of Assistant Teacher Primary School selected in pursuance of advertisement dated 27.07.2016 as their name placed in the letter dated 05.11.2016 who are being paid full salary from the date of their joining i.e. 01.07.2017 working in different Primary Schools and are equally placed persons along with the petitioners in faithful and strict compliance of the judgment dated 30.11.2018 passed by this Hon'ble Court in Civil Misc. Writ Petition No. 19390/2017 (Vinita Sharma and another Vs. State of U.P. and others).

ii. Issue a writ, order or direction in the nature of mandamus directing the Respondents to calculate the arrears of back wages payable from 1.07.2017 till the date of allowing the petitioners to work on 20.07.2024 along with 12% interest on arrears for the post of Assistant Teacher Primary School and all consequential benefits of promotion etc. to save the interest of justice.

4. Learned counsel for the petitioners submits that though the petitioners had secured higher marks than the cut-off of 'women general category', however, when their case was not considered they filed Writ-A No. 19390 of 2017,

which was decided by order dated 30.11.2018 directing that the petitioners shall be allowed to appear in post training examination within four weeks from the date of presentation of certified copy of the order and thereafter results would be declared if they are found ultimately successful in the examination, and they shall be offered appointment in accordance with law. Against the said order, a special appeal being Special Appeal No. 261 of 2020 (State of U.P. and others v. Vinita Sharma and others) was filed, which was dismissed with the cost, by order dated 31.08.2022. The respondents filed special leave petition before the Apex Court being Special Leave Petition (Civil) Diary No. 26741 of 2023 (The State of Uttar Pradesh & ors. v. Vinita Sharma & ors.), which was also dismissed by order dated 21.08.2023. Thereafter, the State preferred a review petition (Diary No. 45812 of 2023), which was dismissed vide order dated 09.01.2024.

5. After filing of contempt petition being Contempt Application (Civil) No. 3821 of 2023, when the contempt court took cognizance of the matter, the petitioners after completion of the training were given appointment on 20.07.2024, however, they are not being given the departmental increment, arrears of backwages, seniority, other admissible dues from the date from which the assistant teachers, namely, Sarita Rani, Rohitash Singh, Arun Kumar, Narendra Kumar, Abdul Shajid, who were selected and had undergone training with the petitioners for the post of Assistant Teacher, Primary School are being given. The petitioners being similarly placed with the aforementioned Assistant Teachers are also entitled for the same benefit.

6. Learned counsel for the petitioners contends that regarding the aforesaid grievance, the petitioners have moved a representation before respondent no. 3 but nothing has been done till date, thus, a direction may be issued to decide the same and all benefits as admissible to the petitioners may be given with interest.

7. On the basis of instructions, learned counsel for respondent nos. 2 & 3 submits that as the matter of the petitioners was pending before this Court, therefore, the grievance was not looked into. He further submits that in case the petitioners move fresh representation, same shall be considered in accordance with law expeditiously.

8. Considering the facts and circumstances of the case but without expressing any opinion on the merits of the case set up on behalf of the

petitioners, the present writ petition is **disposed of** by providing that the petitioners may make fresh individual applications/representations, ventilating all their grievances, supported by such documents, as may be advised, before the respondent no.3 - Secretary, Basic Shiksha Parishad, U.P., Prayagraj, within two weeks from today along with a certified copy of this order. On such representation being made, respondent no.3 shall make all endeavours to consider and decide the same, strictly in accordance with law, by means of a reasoned and speaking order, after giving proper opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of six weeks from the date of production of certified copy of this order, if there is no legal impediment.

March 24, 2026

DS

(Mrs. Manju Rani Chauhan,J.)