



HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 398 of 2026

Saurabh Kumar Singh And 6 Others

.....Appellant(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Appellant(s) : Prashant Mishra, Sr. Advocate
Counsel for Respondent(s) : Akhilesh Kumar Sharma, C.S.C.

Court No. - 3

**HON'BLE SAUMITRA DAYAL SINGH, J.
HON'BLE SWARUPAMA CHATURVEDI, J.**

1. Heard Sri Ashok Khare, learned Senior Advocate assisted by Sri Mohd. Yasseen and Sri Prashant Mishra, learned counsel on behalf of the original petitioners/appellants and Sri Abhishek Srivastava, learned Chief Standing Counsel for the State-respondents.
2. Pursuant to the last order, learned Chief Standing Counsel has obtained written instructions. Copy of the same has been made available. Those have been marked as 'X' and retained on record.
3. To cut the controversy short, the direction issued by learned single judge, regarding the principle to be applied for redeployment of surplus teachers, is primarily contained in para no. 135 of the order impugned. For ready reference, it reads as below:

"135. This Court is of the opinion that transfers must conform to the applicable Service Rules and Government Orders issued for implementation of the Right of Children to Free and Compulsory Education Act, 2009. Any action contrary thereto is legally unsustainable. The following should be kept in mind while passing transfer orders.

(i) Maintenance of the prescribed student–teacher ratio is the dominant and overriding factor. Transfers must be based on verified data identifying surplus and deficit schools.

(ii) A rational exercise founded on consolidated district-level data regarding sanctioned strength, working strength, and enrolment is mandatory. Absence of such data renders the process arbitrary.

(iii) Transfers must be justified by genuine administrative necessity and the larger interest of students. Courts ordinarily do not interfere unless statutory violation or mala fides is established, as held in Shilpi Bose (Supra).

(iv) Transfer cannot be punitive, discriminatory, or whimsical. Judicial interference is permissible only when the order is vitiated by mala fides or breach of statutory rules, as reiterated in Gobardhan Lal (Supra).

(v) Accordingly, transfers of Assistant Teachers must be data-driven, policy-compliant, and guided solely by administrative exigency and educational welfare. In the absence of arbitrariness, mala fides, or statutory violation, such transfers do not warrant judicial interference."

4. At present, the correctness of the data being relied by the State authorities is doubted. Reference has been made to the further order dated 13.04.2026 passed by the learned single judge in **Writ A No. 5194 of 2026, Lovekesh Kumar Agrawal vs. State of U.P. and 3 others**, calling for personal affidavit of the Principal Secretary, Basic Education, U.P., Lucknow.

5. Primarily complaint has been voiced by the original petitioner/appellants that the exercise being conducted by the State authorities is opaque, and in any case it does not inspire confidence as the data being relied is being drawn from UDISE portal (managed by the Central Government), is unreliable.

6. It has been stated by learned Chief Standing Counsel that the State authorities are first trying to ensure that at least two teachers are made available at every institution as that minimum number of teachers is required, to run any school.

7. At this stage, it was proposed by the Court that:-

(i) the exercise be conducted by the State authorities to provide at least two teachers at every institution, after physical verification of the data hosted on the UDISE portal, as on 30.04.2026.

(ii) that duly verified data alone may form the backbone of the exercise to be conducted by the District Level Committee constituted under the Government Order dated 14.11.2025 under the Chairmanship of District

Magistrate. In that exercise, the data available on UDISE portal, may remain indicative, only.

(iii) the District Level Committee may require that data to be verified/certified under joint certification by the Principal/Headmaster of the individual institution and the concerned Block Education Officer. Where there may exist any vacancy on the post of Principal or Headmaster at any institution, that joint certificate may be signed by the person officiating on such post or the senior most teacher, as may be the case. If however, there is no teacher at any institution, that data may be jointly certified by the concerned Block Education Officer and the District Basic Education Officer.

(iv) the joint certification would be on the following counts:

(a) Sanctioned strength of the teachers. Wherever subject teachers have been appointed, details of the subject being taught by them may be specified - subject wise, for which they may have been appointed.

(b) Working strength of the teachers with name details of individual teachers. Wherever subject teachers have been appointed, details may be specified, subject wise for which they have been appointed.

(c) Date of joining of the individual teachers.

(d) Student strength as on 30.04.2026.

(e) Name and number of surplus teachers according to the RTE, subject wise, if any, who are proposed to be redeployed.

(v) the above certificate once received by the District Level Committee may be verified and uploaded on the website of the district concerned such as [https:// prayagraj.nic.in](https://prayagraj.nic.in). etc., specific to each district. Also, the same may be made available to the individual teachers through the institutions concerned, by 06th May, 2026.

(vi) Objections if any, may be submitted by teachers proposed to be transferred only, to the District Level Committee, through offline mode, by 13th May, 2026.

(vii) the District Level Committee may decide all such objections and determine the need to redeploy any surplus teacher to any other institutions, so as to ensure at least two teachers are made available at every institution.

(viii) Order that may be passed by the District Level Committee, may also be uploaded on the above described website, as may be commonly become available to all concerned.

8. In carrying out the above exercise, till the next date of listing, the State may only provide for minimum number of two teachers at every institution; no non-surplus teachers, at any institution, may be affected by the exercise to be undertaken by the State under this order; wherever a lady surplus teacher is to be redeployed, all efforts may be made by the District Level Committee to redeploy such teachers, first within the same block. If that is not possible, then to the nearest block well connected by road, preferably, the school nearest to her residence.

9. At present no redeployment may be made of teachers to cater to the requirement of institutions where at least two teachers are available, as on 30.04.2026. Insofar as the implementation of the policy is proposed to be made by the State Government with respect to those surplus teachers, the District Level Committee may complete the exercise in terms of paragraph 7(i) to (v) above, by the next date, but the same may be kept separate from the exercise to be undertaken to provide for minimum number of two teachers, at present. Its fate may be made known to the Court, on the next date.

10. Put up **as fresh** on **22.05.2026**.

11. The above proposal made by the Court has been accepted by the State as also the original petitioners/appellants.

12. Interim protection, granted earlier, to continue till the next date of listing.

(Swarupama Chaturvedi,J.) (Saumitra Dayal Singh,J.)

April 22, 2026

#Vikram/-