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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

PAMIDIGHANTAM SRI NARASIMHA; J., ALOK ARADHE; J.

SLP (C) NO. 17141 OF 2025; FEBRUARY 10, 2026

MAHENDRA PRASAD AGARWAL *versus* ARVIND KUMAR SINGH & ORS.

Service Law – Salary Payment and Creation of Posts – Private Aided vs. Self-Financed Schemes – Respondents (lecturers) sought government salary payments and post sanctions for subjects run under a self-financed scheme - The High Court had repeatedly issued "reconsideration" directions without deciding the existence of a legal right, leading to a "Second Season" of episodic litigation spanning 16 years - Held: Constitutional and statutory remedies are not for academic discourse; if a case deserves relief, it must be granted "then and there, unflinchingly".

Practice and Procedure – The "Consider Jurisprudence" – The Supreme Court criticized the routine practice of courts issuing directions to "consider" or "reconsider" claims as a means to "throw the ball out of the Court" - Such practice is counterproductive, harms the legal system, and delays justice - Courts must articulate directions in clear terms, specifying the method and manner of compliance to leave the government with no choice but to comply, appeal, or face contempt.

Contempt Jurisdiction – Interim Orders – Noted that the High Court's order directing the framing of charges in a contempt petition while a fresh, detailed government rejection order remained unchallenged was found improper - Contempt should not be a shortcut for relief when appealable orders exist - The Supreme Court permitted the respondents to challenge the latest government order via a fresh writ petition to be heard alongside the contempt proceedings - The High Court is directed to pass a final order on merits and strictly prohibited from remanding the matter back to the authorities for further reconsideration, given the government's clear stance.

[Paras 14-18]

For Petitioner(s): Mr. Vikramjit Banerjee, A.S.G. Mr. Samar Vijay Singh, AOR Ms. Sabarni Som, Adv. Mr. Aman Dev Sharma, Adv. Mr. Pushkar Sharma, Adv. Mr. Vikramaditya Chauhan, Adv. Mr. Gaj Singh, Adv.

For Respondent(s): Mr. Aditya Singh, AOR Mr. Shubham Singh, Adv. Mr. Kamal Kishor, Adv. Mr. Vaseem, Adv. Mr. Anand Ranjan, AOR

J U D G M E N T

1. Leave granted.
2. This appeal by the alleged contemnor is against an interim order passed by the High Court directing listing of the contempt petition for framing of charges. The short facts leading to filing of the contempt petition, followed by the direction as indicated hereinabove are as follows.
3. The respondents were appointed as lecturers in a private college sometime in the year 1993. We are informed that the college was receiving certain financial assistance from the State and this ended with the advent of the Government policy dated 21.08.2000 not to grant and financial assistance to non-aided Government colleges. Challenging this policy by invoking the jurisdiction of the High Court under Article 226 of the Constitution, respondents sought directions for sanction of the posts and also for payment of salaries from out of Government exchequer. By its order dated 07.10.2010, the High Court disposed

of the writ petition and directing the Director of Education, *“to look into the matter and pass a speaking and reasoned order in accordance with law”*. In compliance, the Director of Education passed the following order on 25.03.2011;

"In the light of the above policy decision taken by the government, it is clear that the government has completely banned the creation of posts of teachers/ non-teaching staff in non-government aided colleges. It is not possible to create lecturer posts in B.SC. Physics, Chemistry and Mathematics subjects in Ranveer Rananjay Postgraduate College, Amethi, Sultanpur as desired by the petitioners. Therefore, the representation of the petitioners is hereby dismissed and disposed of.

This order of disposal of the representation is being issued in compliance with the final order dated 7.10.2010 passed in the case number 1523 (S/B)/2010 of Dr. Arvind Kumar Singh and others against the State of U.P. and others, filed in the Hon'ble High Court.

Dr. (Ramanand Prasad)
Director of Education
(Higher Education) U.P., Allahabad."

4. The above referred order was again challenged in the second writ petition and it came to be disposed of on 06.03.2013 with the following direction to reconsider;

"Accordingly, the writ petition is allowed. A writ in the nature of certiorari is issued quashing the impugned order dated 25.03.2011 passed by the Director of Higher Education, opposite party no. 2 with consequential benefits. A writ in the nature of mandamus is issued commanding the respondents to reconsider petitioners' claim with regard to payment of the regular salary in the light of observations made hereinabove and pass a speaking and reasoned order expeditiously say, within a period of three months from the date of production of certified copy of this order and communicate decision.

With the aforesaid direction, the writ petition allowed."

5. Following the above referred direction to reconsider the respondents claim, the authorities again passed an order on 01.07.2013, yet again reiterating their position as under;

"It is clear from the above that the petitioners have been teaching in the college in question only after the implementation of the Government Order dated 21.08.2000/30.08.2000 regarding the ban on creation of posts and payment from the salary payment account, after the approval of the University, and their salaries are being paid by the management from its own sources as per the rules since the year 2003, 2004 and 2007 under the self-financed scheme. It is also clear from the above that the petitioners/management were aware that since the year 2000, there is a policy ban on the State Government giving any financial assistance in any form for the salaries of teachers/non-teaching staff and now new courses are being in new colleges/old aided colleges under the self-financed scheme and their salaries etc. are to be paid by the management from its own sources and not by the State Government. Therefore, now there is no justification for the petitioners or the management to demand creation of posts and payment of salary from the salary payment account.

(6). Therefore, in compliance with the Order dated 06.03.2023 passed by the Hon'ble High Court in Writ Petition No. 1035(S/B)/2011, Dr. Arvind Kumar Singh and three others versus State of Uttar Pradesh and others the joint Representations dated 25.03.2013 and 26.04.2013 of the Petitioners Dr. Arvind Kumar Singh and three others are hereby disposed of."

6. This order was again challenged in the third writ petition and yet again the High Court by its order dated 14.07.2023 passed the following order; Keeping in view the aforesaid discussion, the writ petition deserves to be allowed and is allowed. A writ of certiorari is issued quashing the order dated 01.07.2013, a copy of which is annexure 1 to

the writ petition. The matter is remitted to the respondent no. 1 i.e. Principal Secretary, Higher Education, U.P, Lucknow for passing a fresh order keeping in view the judgment and order dated 06.03.2013 passed by this Court in Writ Petition No. 1035 (SB) of 2011 as well as the discussions made above. Let such an order be passed within a period of two months from the date of receipt of a certified copy of this order.”

7. In the meanwhile, respondents filed a contempt petition alleging non-compliance of the order dated 14.07.2023. While the contempt petition was pending, the department yet again rejected the claim by way of a fresh order on 13.12.2023 and filed an affidavit of compliance.

8. Further narration of facts would sadly indicate that, as the “First Season” with multiple episodes of rejection orders followed by successive ‘consider’ and ‘reconsider’ directions of the High Court reached nowhere, commencement of contempt proceedings seem to have only opened up the “Second Season” of inconclusive directions for filing affidavits after affidavits.

9. Returning to the facts, the Director filed an affidavit and the Court by its order dated 18.07.2024 rejected the affidavit and directed filing of fresh affidavit of compliance.

10. In compliance, the authorities filed a supplementary affidavit on 06.08.2024. The court was not satisfied. However, instead of passing the consequential order, the Court again directed the authorities to file a fresh affidavit of compliance. They did. Court again rejected the affidavit on 20.08.2024. This episodic consideration of affidavit after affidavit continued for some more time when the court issued a similar direction on 24.09.2024 and on 01.05.2025 as well.

11. We are informed that last of the Governmental decision was on 09.05.2025 and in the following terms;

“7. The Faculty of Science was run by the college management under the non-financed scheme since 1993, thereafter this faculty is being run under self-financed scheme. The college management decides under which scheme the various functions of the college will be operated under various schemes run by the Uttar Pradesh government.

8. The new appointments of the petitioners Dr. Arvind Kumar Singh, Dr. Aditya Bahadur Singh, Dr. Manvendra Pratap Singh and Dr. Ajay Kumar Singh have been made in the college by the management after getting approval from the university. For these new appointments, the approval of the university is given only after the petitioners apply for the posts advertised by the college and are successful in the interview organized by the college/university. At present, all these teachers are receiving salary from management sources by accepting the self-financing scheme.

9. The petitioners have demanded by

attaching a supplementary affidavit in the contempt case number-4006/2023 Arvind Kumar Singh and others vs Shri Mahendra Prasad Agarwal (IAS), Principal Secretary Higher Education, for payment of salary on the same basis as the lecturers working in Acharya Narendradev Kisan Postgraduate College, Babhanan, Gonda. In this regard, it is noteworthy that after Acharya Narendradev Kisan Postgraduate College, Babhanan, Gonda was taken on the grant list on 13.07.1976, posts have been created in various courses on 19.05.1998 and the candidates selected by the Commission have been placed on the respective created posts. Therefore, the cases of Ranveer Rananjay PG College, Amethi and Narendradev Kisan Postgraduate College, Babhanan, Gonda are not of the same nature.

10. Therefore, after due consideration, the demand for creation of posts of lecturers in Physics, Chemistry and Mathematics at the graduate level in the concerned college and providing regular

salary to the petitioners is dismissed as baseless, without facts and not in accordance with the Government order and is hereby disposed of.

11. This disposal order is being issued in compliance with the order dated 14.07.2023 passed in Writ Petition No.2001132/2013, Dr. Arvind Kumar Singh and 03 others vs. State of Uttar Pradesh and others.”

12. It is in the above referred context that the High Court passed the order impugned before us directing listing of the contempt case for framing of charges.

13. Facts that we have recounted till now reveal a sad reflection, not our laws, but the way we *practice our laws* and work *our judicial remedies*. We are not to be mistaken as sermonising, for such episodic disposal could feature even in the practice of Supreme Court. Our endeavour is to ensure that we take notice of it and adopt course correction.

14. There is no doubt about the fact that the “consider jurisprudence”, so routinely adopted these days and if we may use the expression - to throw the ball out of the Court, is counterproductive and harms the system.

15. When a claim of a right is legal and justified, relief must follow. The Constitutional or statutory remedies are not intended for academic discourse. If a case deserves relief, it must be granted then and there, unflinchingly if need be. Balancing of equities is not to be confused with avoiding or postponing the relief. These are not matters of law, but of its working and practice. Unlike law and its procedures, good practices that evolve over a period of time are far more precious than written laws, as it is in this practice that we see acceptance and internalization of the spirit of law. It is necessary to recognize, nurture and develop good practices which become habits. These habits come from the shared belief, values and attitudes that breathe vitality into rule of law. Legal culture integrates collective beliefs, fostering habits. It is necessary and in fact compelling to keep our remedies simple, effective and efficient.

16. Returning to the facts of our case, having examined the orders passed by the High Court, we are of the opinion that there has not been a clear and categorical direction about existence of a right, its violation and what exactly the government is to comply. Had there been such clarity, the government would not have choice. In fact, it should have no choice. It should either comply, appeal or face contempt. It is necessary for the courts to articulate its direction in clear terms and also specify the method and manner of compliance if necessary.

17. We have also noticed the recent tendency, a bad practice so to say, to invoke contempt jurisdiction for quick relief, even when appealable orders have already been passed. In this very case, there is a detailed order of the government dated 09.05.2025, and this has remained unchallenged. Though the High Court passed the order impugned before us on 28.05.2025, there is no reference to the decision of the government dated 09.05.2025. It is necessary for the respondents to challenge the said order.

18. The present litigation has spanned for over 16 years. It is therefore necessary to pass the following order;

a) We permit the respondents to file a writ petition against the order dated 09.05.2025. The said writ petition will be taken up along with the contempt proceedings pending before the High Court.

b) The High Court will first take up the writ petition and pass final orders taking into account its earlier orders passed on 7.10.2010, 06.03.2013 and 14.07.2013.

c) The High Court shall not remand the matter back to the authorities for reconsideration as the perspective of the government is clearly evident.

d) If it is satisfied with the merits of the matter, it shall issue clear and categorical directions for compliance. If not, it may dismiss the Writ Petition with clear and simple reasons.

e) High Court will hear the learned counsels for the State as well as the writ petitioners before passing reasoned order.

19. In view of the long delay, we request the Hon'ble Chief Justice to assign these matters to the appropriate bench for final order by 30th April, 2026.

20. In view of the above directions, the Civil Appeal stands disposed of.

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