

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

CIVIL APPEAL No.4559 of 2026

JAI PRAKASH SINGH

APPELLANT

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

ORDER

1. Appellant, who was awarded M. Phil, Ph. D and D. Litt. degrees, was at the material time holding the post of Reader (Associate Professor) in the Department of Education, Dharam Samaj College, Aligarh, Uttar Pradesh. He and Dr. Pradeep Kumar were appointed as Lecturer on the same day, i.e., 15.3.1990.

2. The respective pay drawn by the appellant and Dr. Pradeep Kumar between 15.03.2000 and 15.03.2005 was as follows:

S.No.	Date of Salary	Salary drawn by the appellant	Salary drawn by Dr. Pradeep Kumar
1.	15.03.2000	12420/-	12000/-
2.	15.03.2001	12840/-	12420/-
3.	15.03.2002	13260/-	12840/-
4.	15.03.2003	13680/-	13260/-
5.	15.03.2004	14100/-	13680/-
6.	15.03.2005	14520/-	14100/-

3. Dr. Pradeep Kumar had moved the High Court of Judicature at Allahabad¹ by instituting a writ petition² for grant of benefit of two advance increments as per provisions of Para 4(iv) of G.O. dated

¹ High Court

² Writ Petition No.26098 of 2008

16.02.1999. The High Court *vide* order dated 15.11.2011 directed grant of two advance increment to Dr. Pradeep Kumar in pursuance of the Ph. D degree awarded on 13.11.2002.

4. In compliance with the said order, the Director of Education (Higher Education), Uttar Pradesh³, passed an order dated 20.06.2012 by which the salary of Dr. Pradeep Kumar was fixed after adding two advance increments and the net salary payable to Dr. Pradeep Kumar as on 01.07.2009 was fixed as Rs.53,513/-.

5. Though the appellant was senior to Dr. Pradeep Kumar, and had obtained the degree of Ph. D in 1990 whereas Dr. Pradeep Kumar had obtained the Ph. D degree in 2002, he started drawing higher pay than the appellant. A representation dated 29.08.2012 was filed by the appellant which was not answered. In pursuance of an order dated 19.12.2012 passed by the High Court on a writ petition, the appellant filed a further representation dated 26.12.2012 which came to be rejected by the Director on 14.03.2013.

6. Aggrieved by the Director's order dated 14.03.2013, the appellant had invoked the jurisdiction of the High Court again by presenting a writ petition⁴. Appellant's grievance was that since he was senior to Dr. Pradeep Kumar and had obtained the Ph. D. degree much before him, his pay should be at par with the pay being given to his junior. In the writ petition, the appellant prayed as follows:

“(a) Issue a writ, order or direction in the nature of certiorari quashing

³ Director

⁴ Writ-A No.21228 of 2013

the impugned order dated 14.03.2013, passed by Respondent No.2 Director of Education (Higher Education), Allahabad (Annexure No.19 to this Writ Petition)

(b) issue a writ, order or direction in the nature of mandamus commanding the Respondents to pay the salary to the Petitioner equal to that of Dr. Pradeep Kumar, who is junior to the Petitioner from the date the petitioner has become eligible alongwith the interest on the arrears;

****"*

7. Unfortunately, for the appellant, the High Court by a cryptic order dated 08.05.2018, dismissed the writ petition. Such order is the subject matter of challenge in this appeal by special leave granted on 15.04.2026 by a coordinate Bench.

8. On the previous occasion, i.e. 01.09.2026, upon hearing learned counsel for the appellant but in the absence of the respondents, we had recorded a *prima facie* satisfaction that the appellant had been given a raw deal.

9. Today, Ms. Goel, learned standing counsel appearing for the State of Uttar Pradesh has appeared.

10. In support of the order under challenge and impugned in the writ petition, Ms. Goel has invited our attention to Government Orders dated 16.02.1999, 01.12.1999 and 28.02.2009. According to Ms. Goel, the appellant did not lay challenge to any of these Government Orders in terms whereof the pay of Dr. Pradeep Kumar was fixed and, therefore, he was rightly declined relief by the High Court.

11. We are afraid, the contention cannot be accepted.

12. Government Order dated 28.02.2009 specifically mandates as follows:

“8. Any teacher who in the present prevalent pay scale in same cadre is getting more salary in comparison to his junior teacher immediately before date 1 January 2006 and in the revised pay scale if his salary is fixed less than his junior teacher then the salary of the senior teacher in the revised pay scale shall be made par with the salary of that junior teacher.”

13. According to the High Court, paragraph 8 of the Government Order dated 28.02.2009 would not be applicable to the appellant because he was not drawing higher salary than Dr. Pradeep Kumar prior to 01.01.2006. This appears to us to be an erroneous finding. The pay of Dr. Pradeep Kumar was raised only after the order dated 15.11.2011 was passed by the High Court on his writ petition. That apart, from the aforesaid chart, it is clear that the appellant was drawing a higher pay than Dr. Pradeep Kumar even before 01.01.2006.

14. Even otherwise, nothing much turns on the absence of challenge to the Government Orders, referred to by Ms. Goel, by the appellant.

15. It is fundamental that a senior officer cannot be paid less than a junior officer holding the same post. The position regarding fixation of pay of the appellant and Dr. Pradeep Kumar is so grossly anomalous that the same violates Article 14 of the Constitution of India as well as the provisions in Article 39(d) of the Constitution. Undisputed facts are that both the appellant as well as Dr. Pradeep Kumar were serving as Readers in the Department of Education and that the appellant had obtained M. Phil and Ph. D degrees prior to Dr. Pradeep Kumar obtaining the same. A junior receiving a higher pay compared to the pay of the senior has to be justified with reference to valid factors. No demonstrable difference in

qualifications for the post, source of recruitment, experience, responsibility and accountability is placed on record which could be proffered as a justification for denying equal pay to the appellant for equal work of equal value. The Government Orders, relied upon by Ms. Goel, embody policy decisions of the Government; however, the same have to yield to the over-arching principles of equality and equal pay for equal work enshrined in the Constitution to the extent they are inconsistent therewith. We, thus, see no valid reason to uphold the impugned order of the High Court. The same stands set aside.

16. The appeal stands allowed. There shall be order in terms of the prayer clauses in the writ petition, noted above in paragraph 6.

17. The financial benefits be made available to the appellant as early as possible, but not later than three months from date.

18. Pending application(s), if any, shall stand disposed of.

....., J.
[DIPANKAR DATTA]

....., J.
[SHEEL NAGU]

**NEW DELHI;
SEPTEMBER 16, 2026.**

ITEM NO.107

COURT NO.5

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.4559/2026

JAI PRAKASH SINGH

Appellant

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondents

Date : 16-09-2026 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Appellant(s) :

Mr. Sudhir Dixit, Sr. Adv.
Mr. Vishal Prasad, AOR
Ms. Ritika Sethi, Adv.
Mr. Utkarsh Dixit, Adv.

For Respondent(s) : Ms. Ruchira Goel, AOR

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal is allowed in terms of the signed order,
which is placed on file.

Pending application(s), if any, shall stand disposed
of.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)