

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

CIVIL APPEAL NO. _____ OF 2026
(Arising out of SLP (C) No.5678 of 2025)

Pratap Singh Baghel

...Appellant(s)

Versus

Akanksha Shukla

...Respondent(s)

ORDER

Leave granted.

2. The appellant, Secretary, Board of Basic Education, Prayagraj, Uttar Pradesh, is aggrieved with the impugned order issued in the contempt case, *prima facie* finding disobedience with the judgment and order dated 26.09.2023 passed in Writ Appeal No.6926 of 2023, in which the first respondent was the appellant.

3. The impugned order indicates that the direction in the judgment from which contempt is alleged, was to consider the claim of the writ petitioner in terms of Rule 8(2)(d) of the U.P. Basic Education (Teachers)(Posting) Rules, 2008. It was found that despite the rule having been quoted, the

impugned order does not consider its impact; which gave rise to the notice issued on contempt.

4. We are unable to find any contempt on a reading of the order passed at Annexure P6. Annexure P6 definitely quotes Rule 8(2)(d), which is to the effect that applications for inter-state transfer of women or male teachers, though, would not be entertained for 5 years, in special circumstances, applications of woman teachers would be considered for inter-district transfer to the district of their husband's residence/ in-law's place. It is also specified in the order that a Council Teacher has her cadre in the local area (rural or city) and in the event of transfer, there is a change of cadre and none can seek transfer as a matter of right, especially, since at the time of appointment, the teacher had voluntarily chosen her cadre and joined thereat. The order further looks at the provisions in the Right of Children to Free and Compulsory Education Act, 2009¹, which mandates a particular student-teacher ratio to be maintained in every school as specified in the schedule.

5. Insofar as the petitioner is concerned, there are two grounds raised to reject her inter-district transfer request. One, that in considering the inter-district transfer on the basis

¹ Hereinafter referred to as 'the Act of 2009'

of online verification done, the 1st respondent received a weightage of 12 marks, while for being transferred out of Bahraich District on an inter-district transfer, the minimum cut-off weightage is 22. Further, it is also stated that in the Composite School, Sikanderpur, Development Block Mahsi, District Bahraich, where the 1st respondent is posted, the student strength is 137, against which only 2 teachers are working in the primary section. As per the Act of 2009, the school requires 5 teachers and if one of the two teachers available is transferred, it would disrupt the studies of the students enrolled. We are of the opinion that the reasons rejecting the transfer are fully justified.

6. The plea of the 1st respondent in her application is that she is living with her two-and-a-half-year old daughter, alone in Bahraich, whereas her in-laws and her husband, who is the only son of his parents, are in Lucknow. This is a universal problem faced by employees and one cannot, on the mere displacement from the family, claim an inter-district transfer, which in the present case also entails a cadre change; as a matter of right. Rule 8(2)(d) is only a relaxation insofar as woman employees are concerned, which cannot, however, result in jeopardizing the studies of the students. Every teacher should remember that the educational system is

primarily for the students and not to further the career of the teachers or to enable convenient postings to the teachers.

7. We find absolutely no reason to uphold the order of the High Court and we set aside the same.

8. The Contempt Application (Civil) No.236 of 2024 shall stand closed.

9. The appeal is allowed.

10. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
OCTOBER 05, 2026.**

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.5678/2025

[Arising out of impugned final judgment and order dated 18-02-2025 in CAC No. 236/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

PRATAP SINGH BAGHEL

Petitioner(s)

VERSUS

AKANKSHA SHUKLA

Respondent(s)

IA No. 114017/2025 - EXEMPTION FROM FILING O.T.

Date : 05-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Ms. Aishwarya Bhati, A.S.G.
Mr. Ankit Goel- 2442, AOR
Mr. Varun Yadav, Adv.

For Respondent(s) :Mr. Shashank Singh- 3052, AOR
Ms. Prapti Shrivastava, Adv.
Mr. Amritya Sen, Adv.
Ms. Sweety Gautam, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. The relevant part of the order is as under:-

*"7. We find absolutely no reason to uphold the order of the High Court and we set aside the same.
8. The Contempt Application (Civil) No.236 of 2024 shall stand closed.*

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

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(Signed order is placed on the file)

(POOJA SHARMA)
COURT MASTER (NSH)