



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14242 of 2025

Indra Devi

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Harsh Narayan Singh, Prabhakar Awasthi

Counsel for Respondent(s) : C.S.C., Rajesh Khare

Court No. - 35

HON'BLE PRAVEEN KUMAR GIRI, J.

1. This Court has passed order on 16.10.2025 directing the State authorities to come out with a policy which should be practical on the ground in respect of attendance of the teacher in the institution as the same is going on in the added educational institution or in other department of the State, otherwise without teacher, teaching is not possible and the children of poor villagers will be deprived of the educational guaranty provided under the Right of Children to Free and Compulsory Education Act, 2009 and also adopted by the State Government in 2011 as well as Article 21, 21A and Article 14 of the Constitution of India.

2. Learned Standing Counsel for the State submits that pursuant to the order of this Court, today a meeting is going on under the chairmanship of Chief Secretary, Government of Uttar Pradesh.

3. After independence, there is no mechanism in the teaching department for ensuring attendance of the teachers at the ground level. If the government had made any measure for attendance of teachers, the dispute would not have come before this Court. Therefore, in the era of technology, the attendance of teacher should be recorded at the time prescribed under the Rules and Acts through virtual/electronic mode.

4. Some relaxation may be granted to the teacher if they are coming late for five to ten minutes due to some reasons and not habitual, but they have to be present in the institution everyday, while the attendance of the

teachers should be at 10.00 O' Clock or as the time fixed at the time of prayer.

5. The State Government is directed to come with a solid solution ensuring attendance of the teacher in the institution where the children of poor villagers are studying.

6. So far as the petitioner is concerned, learned counsel for the petitioner submits that the petitioner is giving undertaking that she is ready to upload her signature as well as attendance as provided by the electronic gadget on the prescribed portal and also giving undertaking that she will upload her attendance on portal at prescribed time in future and shall be present in the institution on due time.

7. If the petitioner comes out with such an undertaking that she shall not repeat such thing in future and will upload her attendance on time through electronic gadget, the Court will take lenient view and may quash the impugned order without entering into the merits of the case granting pardon as this has happened first time and it will not be repeated in future.

8. List the matter on 10.11.2025 as fresh to enable the State respondents to provide instruction to ensure the presence of teachers as it is going on in the other institution/department of the State.

(Praveen Kumar Giri,J.)

October 30, 2025
DKS