

News

The Supreme Court condemns courts that ask the government "to consider" a petition rather than rendering a decision.



The Supreme Court noted that it is ineffective for courts to routinely refer issues to the relevant authorities for their "consideration" rather than the court making a decision.

In *Mahendra Prasad Agarwal v. Arvind Kumar Singh*, the Supreme Court recently criticized what it called "consider jurisprudence," referring to the increasing practice of courts remanding cases to government authorities for reconsideration rather than rendering a definitive ruling on the legal dispute at hand.

Such actions prolong the dispute and damage the justice delivery system, according to a bench comprising Justices PS Narasimha and Alok Aradhe.

"There is no question that the 'consider jurisprudence' that is so frequently used these days—if we may use that phrase—to throw the ball out of the Court is ineffective and detrimental to the system," the Bench said.

The Court emphasized that remedies must come after the existence of a legal entitlement. It emphasized that if a case merits relief, it must be granted right away and that constitutional and statutory remedies are not intended for scholarly or theoretical discussion.

"If a case merits relief, it must be provided immediately, without hesitation if necessary. Avoiding or delaying relief is not the same as balancing the equity. The Court stated that these are issues with how the law operates and is not a matter of law." "Consider jurisprudence" is detrimental to the system and ineffective. If a case is worthy of relief, it must be given immediately, without hesitation if necessary.

The Supreme Court

The Bench made the statement after critically observing how a 16-year-old disagreement between Uttar Pradesh college teachers was protracted due to the High Court's repeated remand of the case to the relevant authorities for reconsideration.

The Bench further stated that it is remarking on the harmful practices of courts, including the Supreme Court, rather than just this specific instance.

The facts we have so far discussed show a depressing reflection of our legal system, not of our laws, but of how we apply them and carry out our judicial remedies. We shouldn't be misunderstood for preaching because the Supreme Court may also engage in such episodic disposal. In an order issued on February 10, the Court stated, "We are working to make sure that we take note of it and change our direction."

The Court is dealing with a dispute that began in 1993 when a group of teachers were hired by a private institution in Uttar Pradesh. The State was providing the college with some financial support at the time.

However, the State government implemented a policy in August 2000 that forbade the establishment of new positions and financial support for non-aided colleges.

After this policy change, the lecturers asked the State Exchequer for approval of their positions and regular salary payments, arguing that since they were carrying out their regular teaching duties, they ought to be treated equally with other personnel.

They requested this kind of relief from the Allahabad High Court in 2010. The High Court instructed the Director of Education to review their claim and provide a spoken and reasoned ruling rather than providing substantive relief. Citing the 2000 policy, the Director denied the claim in March 2011.

What transpired was a protracted legal cycle. The High Court overturned the decision in 2013 and ordered the authorities to give the case another look.

Reiterating that the positions were under a self-financing plan and that the college administration, not the State, was paying salaries, the authorities once more denied the allegation.

The High Court overturned the decision once more in 2023 and sent the case back for more review.

The instructors filed a contempt case, claiming they had not followed the High Court's orders. The administration issued another comprehensive rejection order on May 9, 2025, while those processes were ongoing.

In spite of this new directive, the High Court ordered that Mahendra Prasad Agarwal, the Principal Secretary of Higher Education in Uttar Pradesh, be charged with contempt.

This infuriated the Principal Secretary, who went to the Supreme Court.

After reviewing the case, the Supreme Court observed that neither a directive outlining the government's obligations nor a clear and unequivocal instruction regarding the rights of lecturers had been issued by the High Court. Regarding the existence of a right, its infringement, and the precise obligations of the government, there hasn't been a clear and definitive directive. The government wouldn't have a choice if there had been such clarity. It really shouldn't have an option. Either cooperate, file an appeal, or be found in contempt. The courts must clearly state their direction and, if required, outline the process and mode of compliance," the Court stated.

The Bench also issued a warning against the increasing trend of using contempt proceedings as a quick fix to get relief.

It stated that the academics should contest the government's detailed order dated May 9, 2025, rather than pursuing contempt, since it had not been contested in this instance.

The highest court allowed the lecturers to submit a new plea contesting the government's ruling dated May 9, 2025, pointing out that the case had already lasted more than 16 years.

Additionally, it instructed the High Court to determine the writ petition on its merits rather than remanding the case to the State authorities.

The Court stated unequivocally that the High Court should issue precise and unambiguous directives for compliance if it determines that the complaint has substance.

The highest court further stated that if it doesn't, it has the authority to reject the writ petition for unambiguous and straightforward grounds.

Additionally, by April 30, 2026, the Court asked the Chief Justice of the High Court to appoint the case to a suitable bench for ultimate resolution.