



2026:AHC:112897



AFR
Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 29926 of 2016

Ashwani Kumar Awasthi and 3 others

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Abhishek Mishra, Gopal Verma, H.A.B. Sinha, Hari Manish Bahadur Sinha, Rahul Mishra, Sharad Kumar
Counsel for Respondent(s)	: C.S.C.

Alongwith:

- | | |
|----|--|
| 1. | WRIA/4362/2020 Smt. Nisha Mishra and 6 others Vs. State of U.P. and 4 others |
| 2. | WRIA/4416/2020 Sabina Begum and 14 others Vs. State of U.P. and 5 others |

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

- The petitioners in the present batch of petitions were selected for the Special BTC Training Course, 2004. The controversy involved in these writ petitions are similar in nature that under the Government Order dated 14.01.2004, it was specifically provided that the candidates selected for the said training course would be paid a stipend of Rs. 2,500/- per month from the commencement of their training until the date of their appointment, however, the respondent authorities have denied to pay the stipend on the ground that, by means of a corrigendum letter dated 14.05.2015, the condition contained in the earlier Government order had been modified, providing that the stipend would be payable only for the duration of the training period and not till the date of appointment, as was originally stipulated.

2. When the petitioners leading writ petition being **Writ-A No. 29926 of 2016** along with some other persons, were not paid the aforesaid stipend, they preferred **Writ-A No. 64689 of 2015**¹, in which this Court directed the concerned authority to consider the grievance of the petitioners therein and pass appropriate orders. Pursuant thereto, the claim of the petitioners was rejected vide order dated 18.05.2016 on the ground that, by means of a corrigendum letter dated 14.05.2015, the condition contained in the earlier Government order had been modified, providing that the stipend would be payable only for the duration of the training period and not till the date of appointment, as was originally stipulated. Similarly, the claim of other petitioners in connected two other writ petitions has been rejected by orders dated 09.06.2015 and 30.07.2015, thus, the petitioners herein have challenged the claim rejection orders along with the corrigendum letter dated 14.05.2015.
3. Earlier, **Writ-A No. 29926 of 2016** was decided on 03.02.2020 by passing the following order:

“Heard learned counsel for the petitioners and learned Standing Counsel for respondents.

By means of the present writ petition, the petitioners have sought for issuance of writ of certiorari to quash the order dated 18.5.2016 passed by the respondent No.1 and corrigendum dated 14.5.2015 with the further prayer to issue a writ of mandamus to command the respondent No.2 to make immediate payment of remaining stipend as per Clause-3(12) contained under Government Order dated 14.1.2004.

Brief fact of the case is that the petitioners appeared in Special B.T.C. Training Course, 2004, wherein they were selected. Under the Government Order dated 14.1.2004, it was provided that the candidates, who have been selected for Special B.T.C. Training Course shall be given stipend of Rs.2,500/- per month from the start of training till the date of appointment.

In regard to the controversy that whether the training through correspondence course is valid or not for consideration of claim for the selection for Special B.T.C. Training Course was subject matter of challenge before this Court in bunch of writ petition. The petitions were decided and ultimately, the Hon'ble Supreme Court vide judgment and order dated 26.4.2013 held that B.Ed. course through correspondence is valid. After the selection, the petitioners claimed stipend as per the Government Order issued on 14.1.2004. The respondents paid stipend for 6 months only and not till the date of appointment to the petitioners. Although, till date, no appointment letter has been issued to the petitioners.

1 Apra Goel & 7 Others v. State of U.P. & 3 Others

The controversy in regard to the payment of stipend came before this Court in Writ-A No.49574 of 2010, which was decided vide judgment and order dated 8.12.2014 and following direction was issued :-

"On the other hand, learned counsel appearing for the petitioners again relies upon paragraph 3(12) of the Government Order dated 14.1.2004, which clearly stipulates that from the date of selection for Special BTC Course till the appointment the candidate would be entitled for stipend of Rs.2,500/-.

Paragraph 3(12) of the Government order dated 14.1.2004 is unambiguous and nothing to the contrary has been presented to the Court. In my view, the petitioners are entitled for stipend till they are appointed as Assistant Teachers in the Primary School, therefore, from May 2005 till December 2005 the petitioners are entitled for stipend of Rs.2,500/- per month in case there is nothing contrary in law against such entitlement.

Subject to the aforesaid, writ petition is allowed."

The order passed by the learned Single Judge was subject matter of challenge in Special Appeal (Defective) No.321 of 2015 which was decided vide order dated 27.4.2015, by holding the following observation :-

"The aforesaid provision makes it clear that the stipend was liable to be paid during the period of training and until the order of appointment was issued. The impugned order of the learned Single Judge is hence consistent with the clear mandate of paragraph 3(12) of the Government Order. The reliance which has been placed by the learned Standing Counsel on a subsequent Government Order dated 9 July 2007, which is placed on the record, is misconceived. That Government Order merely states that the recruitment process had been concluded. It has no bearing on the liability to pay stipend, which is governed by paragraph 3(12) of the earlier Government Order extracted above. For these reasons, we find no merit in the special appeal and it is, accordingly, dismissed. There shall be no order as to costs."

Thereafter, the matter went up to the Hon'ble Supreme Court and the S.L.P. filed by the State Government was dismissed vide judgment and order dated 12.10.2015. A review was also sought, which has also been dismissed by the Hon'ble Supreme Court vide order dated 10.11.2016.

In view of the above, the matter is set at rest. The petitioners are also entitled for the benefit claimed in the present writ petition.

Accordingly, the writ petition is finally disposed of with the direction to the respondents to ensure payment of stipend to the petitioners with effect from the date of training till the date of appointment in view of Clause-3(12) contained under Government Order dated 14.1.2004 and as per the judgment passed in Writ-A No.49574 of 2010, Special Appeal (Defective) No.321 of 2015 as well as affirmed in the S.L.P. by the Hon'ble Supreme Court vide judgment and order dated 12.10.2015, within a period of 3 months from the date of production of certified copy of this order."

4. The aforesaid judgment and order dated 03.02.2020 was challenged by the State by filing **Special Appeal No. 11 of 2021²**, wherein the following order was passed on 27.01.2021:

2 State Of U.P. Through Secretary, Basic Education And 3 Others Vs. Ashwani Kumar Awasthi And 3 Others

“By this appeal a challenge is made to the impugned order dated 03.02.2020 passed by the learned Single Judge on a writ petition preferred by the non-appellant with the following prayers;

"(a) Issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 18.05.2016 passed by respondent no. 1 and office order/corrigendum dated 14.05.2015 also be quashed.

(b) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 2 make immediate payment of remaining stipend amount as mentioned in the Government Order dated 14.01.2004 in Para 3 (12) till his appointment as Assistant Teacher with interest 18%.

(c) Issue any other writ, order or direction in the nature of which this Hon'ble Court may deem fit and proper in the circumstances of the case.

(d) Award the cost of the petition to the petitioners."

The writ petition has been decided in reference to the earlier litigation and the Government Order dated 14.01.2004, without addressing the issue raised in reference to the subsequent government order/corrigendum dated 14.05.2015. By the aforesaid order, a modification was made in regard to the benefit of stipend. It was made limited to the period of training after entering into Special B.T.C. course.

The issue in reference to the government order/corrigendum dated 14.05.2015 has not been addressed effectively by any of the Court, though, a review petition preferred by the State Government before the Apex Court has been dismissed but the judgment aforesaid does not propound a ratio.

Taking into consideration aforesaid and as prayed by learned counsel for the parties, the impugned order dated 03.02.2020 passed by the learned Single Judge is set-aside with remand of the case to the learned Single Judge to be decided afresh in reference to all the prayers made by the petitioners in writ petition.

Appeal is allowed with the direction given above.”

5. The present petitions are being heard afresh in terms of the directions issued by the Division Bench of this Court while deciding the aforesaid Special Appeal, particularly with regard to the issue arising out of the subsequent Government Order/corrigendum dated 14.05.2015.
6. Learned counsel for the petitioners submits that the Government order dated 14.01.2004 was issued with the due approval and sanction of the State Government and specifically provided that the candidates selected for the Special BTC Training Course, 2004 would be entitled to payment of a stipend at the rate of Rs. 2,500/- per month from the commencement of their training till the date of their appointment. It is contended that the said Government order created a substantive and enforceable right in favour of the

selected candidates, and the authorities were bound to act in accordance with the terms and conditions contained therein.

7. Learned counsel for the petitioners submits that benefit of payment of stipend from commencement of training till their appointment having been granted by a duly sanctioned Government order, could not subsequently be curtailed or withdrawn retrospectively by means of a mere corrigendum dated 14.05.2015, particularly after the petitioners had already completed the training and acquired a vested right to receive the stipend in terms of the original Government order. According to the petitioners, the corrigendum seeks to alter the very substance of the policy decision contained in the Government order dated 14.01.2004 by restricting payment of stipend only up to the training period instead of till the date of appointment, which amounts to a substantive amendment and not a mere correction or clarification.
8. Learned counsel for the petitioners contends that the corrigendum dated 14.05.2015 travels beyond the scope of a mere corrigendum or clarification, inasmuch as it substantially alters the policy decision embodied in the original Government order dated 14.01.2004. It is argued that a corrigendum can ordinarily be issued only to correct clerical, typographical, or inadvertent errors and cannot be used as an instrument to amend, modify, or take away substantive benefits already granted under a duly sanctioned Government order.
9. It is further submitted that the petitioners had already acquired a vested and accrued right to receive stipend till the date of appointment in terms of the original Government order, and such right could not have been retrospectively taken away after lapse of several years by issuing the impugned corrigendum. The corrigendum, therefore, according to the petitioners, is arbitrary, unreasonable, and violative of Articles 14 and 16 of the Constitution of India, apart from being contrary to the doctrine of legitimate expectation.

10. Learned counsel for the petitioners submits that the original Government order dated 14.01.2004, having been issued with the sanction of the Governor, was subsequently amended by another Government order dated 20.02.2004, which was also issued with the sanction and approval of the Governor. It is contended that the amendment introduced by the Government order dated 20.02.2004 specifically modified certain conditions relating to the Special BTC Training Course, while maintaining the stipulation regarding payment of stipend to the selected candidates .
11. It is further submitted that the very fact that the earlier Government order dated 14.01.2004 was amended by issuance of a fresh Government order dated 20.02.2004, duly sanctioned by the Governor, clearly demonstrates that any substantive alteration in the conditions of the original policy could only have been made through another properly sanctioned Government order. According to the petitioners, the subsequent corrigendum dated 14.05.2015, not being in the nature of a duly sanctioned amendment but merely styled as a corrigendum, could not legally curtail or withdraw the substantive benefit of stipend payable till the date of appointment, which had been granted under the original Government order.
12. Learned counsel for the petitioners submits that, with respect to the dispute relating to payment of stipend, several writ petitions came to be filed before this Court. One such writ petition, being **Civil Misc. Writ Petition No. 49574 of 2010³**, was allowed by judgment and order dated 08.12.2014. Against the aforesaid judgment, the State preferred **Special Appeal Defective No. 246 of 2015⁴**, which too was dismissed by order dated 01.05.2015.
13. It is further submitted that, against the aforesaid orders, the State respondents approached the Apex Court by filing **SLP (Civil) No. 29614 of 2015**, which also came to be dismissed. Similarly, **Special Appeal No. 321 of 2015⁵**, was also dismissed. Accordingly, paragraph 3.12 of the Government order dated

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4 State of U.P. through Secretary Basic Education & 3 Others v. Vishishtha BTC Shikshak Welfare Asso. & 2 Others

5 State of U.P. & 2 Ors. Vs. Dharendra Pratap Singh

14.01.2004 stood affirmed and the controversy relating to payment of stipend attained finality up to the Supreme Court.

14. It is further submitted that, thereafter, the State filed **Review Application No. 3450 of 2016 in SLP (Civil) No. 29614 of 2015⁶**, raising the plea that the issue pertained to Vishisht/Special BTC Training, 2004, the selection process whereof had been conducted pursuant to Government order dated 14.01.2004 as amended by Government order dated 20.02.2004. Reliance was placed upon paragraph 3.12 of the Government order, which provided that stipend at the rate of Rs. 2,500/- per month would be payable to the selected candidates till they completed the requisite training, passed the examinations conducted under the control of the State Council of Educational Research and Training, and secured regular appointment on the post of Assistant Teacher in Primary Schools of the Board. The State, in the review application, further contended that the Government order dated 14.01.2004 had subsequently been amended by corrigendum dated 14.05.2015 and, therefore, the judgment dated 12.10.2015 required reconsideration in light of the amended Government order. However, the aforesaid review application also came to be dismissed.
15. In view of the aforesaid facts, learned counsel for the petitioners submits that the controversy regarding payment of stipend already stands settled by the Apex Court, and the petitioners, being similarly situated, are entitled to payment of stipend from the commencement of their training till the date of their appointment in terms of the Government order dated 14.01.2004.
16. During the pendency of the present writ petitions, the other petitions were earlier allowed by judgment and order dated 03.02.2020. Against the aforesaid judgment, a Special Appeal was preferred, which came to be decided by order dated 27.01.2021, whereby the matter was remanded to the learned Single Judge for fresh consideration, particularly with regard to the issue arising from the corrigendum dated 14.05.2015.

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17. Learned counsel for the petitioners further submits that, in another set of similarly situated matters, the State had filed **Special Appeal No. 532 of 2018** before this Court, which was decided by judgment and order dated 18.02.2020. The said appeal was allowed in favour of the claimants holding them entitled to the benefit of stipend in terms of the Government order dated 14.01.2004.
18. It is further submitted that the aforesaid judgment was challenged by the State before the Apex Court by filing **SLP (C) No. 137 of 2021⁷**, wherein once again the State raised the issue relating to the amended corrigendum dated 14.05.2015. However, despite the aforesaid contention having been specifically raised, the Special Leave Petition also came to be dismissed by order dated 11.07.2022.
19. Accordingly, learned counsel submits that the issue with regard to entitlement of stipend under the Government order dated 14.01.2004, notwithstanding the subsequent corrigendum dated 14.05.2015, already stands concluded against the State by successive judicial pronouncements extending up to the Supreme Court, and therefore the petitioners are entitled to the same relief.
20. In view of the aforesaid submissions, it is contended that the impugned orders cannot be sustained in the eyes of law, inasmuch as the same are arbitrary, illegal, unreasonable and contrary to the Government orders dated 14.01.2004 and 20.02.2004, as well as the law laid down by this Court and affirmed up to the Apex Court. It is, therefore, prayed that the impugned orders may be quashed and set aside, and the petitioners may be granted all consequential benefits, including payment of stipend from the commencement of their training till the date of their appointment, in accordance with the original Government order dated 14.01.2004.
21. Learned Additional Chief Standing Counsel appearing for the respondents, however, submits that the case of the petitioners is founded upon the Government order dated 14.01.2004, under which the petitioners claim

7 State of Uttar Pradesh & Ors. Vs. Vandana Singh and others

entitlement to payment of stipend at the rate of Rs. 2,500/- per month not only during the training period but also till the date of their appointment. Since the said amount was not paid, the petitioners, along with other similarly situated persons, filed Writ-A No. 64689 of 2015, wherein a direction was issued to the competent authority to consider the grievance of the petitioners and pass appropriate orders.

22. It is submitted that, pursuant to the aforesaid directions, the claim of the petitioners was duly considered and rejected by the Joint Secretary by order dated 18.05.2016 on the ground that, by means of corrigendum letter dated 14.05.2015, the conditions contained in the earlier Government order had been modified so as to make the stipend payable only up to the period of training and not till the date of appointment as originally provided.
23. Learned counsel for the respondents further submits that the petitioners have challenged the corrigendum dated 14.05.2015 mainly on the ground that the same was not issued under the authority or sanction of the Governor and, therefore, could not validly amend the earlier Government order dated 14.01.2004, which had been issued with the approval of the Governor. According to the petitioners, the corrigendum is consequently inoperative in law and, therefore, the order dated 18.05.2016 rejecting their claim for stipend is liable to be set aside.
24. It is further submitted that the challenge to the Government order/corrigendum dated 14.05.2015 is essentially based on the plea that the original policy decision contained in the Government order dated 14.01.2004 had been issued after obtaining specific approval of the Governor, whereas the subsequent modification curtailing the period of stipend was effected only at the level of the Secretary and not through a fresh Government order duly sanctioned by the Governor.
25. Accordingly, the principal legal issue which arises for consideration in the present case is as to whether, by means of a corrigendum issued by the Government, the substantive stipulation relating to payment of stipend till the

date of appointment could legally be altered by restricting the period of such payment only up to completion of the training course.

26. The core legal issue, as raised by learned counsel for the respondents, is whether a corrigendum issued for clarifying that stipend to Special BTC trainees would be payable only during the training period, and not till the date of appointment, required fresh approval or sanction of the Hon'ble Governor, particularly when the original Government order dated 14.01.2004, containing the earlier stipulation, had itself been issued with the approval of the Governor.
27. In other words, the question which falls for consideration is whether the corrigendum dated 14.05.2015 merely clarifies the original policy and corrects an inadvertent error, or whether it substantially alters the conditions of the original Government order so as to necessitate issuance of a fresh Government order with the sanction of the Hon'ble Governor.
28. Learned counsel for the respondents submits that, so far as the constitutional scheme governing the conduct of executive business of the State is concerned, it would be apposite to refer to Article 166 of the Constitution of India, which regulates the manner in which the business of the Government of a State is to be transacted.
29. It is submitted that Article 166(1) provides that all executive actions of the Government of a State shall be expressed to be taken in the name of the Governor. Article 166(2) further provides that orders and instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules framed by the Governor, and once so authenticated, the validity thereof cannot be questioned on the ground that the same was not duly made or executed. Article 166(3) empowers the Governor to frame rules for the more convenient transaction of the business of the Government and for allocation of such business amongst the Ministers, except in matters where the Governor is required to act in his discretion.

30. Learned counsel submits that the significance of Article 166 lies in ensuring legal accountability and administrative efficiency by prescribing a formal procedure for executive actions and by enabling systematic delegation of authority within the governmental framework. According to the respondents, under the Rules of Business framed under Article 166(3), only specified categories of matters involving important policy decisions, constitutional or statutory mandates, or issues of substantial significance are required to be placed before the Hon'ble Governor for approval. Routine, clerical, administrative, or clarificatory matters are ordinarily dealt with at the departmental level by the Minister-in-charge or competent departmental authorities and do not require fresh approval of the Governor.
31. It is thus contended that a corrigendum issued merely for correcting or clarifying an earlier Government order does not fall within the category of matters mandatorily requiring approval of the Governor and can validly be issued at the departmental level.
32. Learned counsel for the respondents has further placed reliance upon the judgment of **B.K. Srinivasan & Ors. v. State of Karnataka & Ors.**⁸ to contend that the validity of an executive decision primarily depends upon its proper authentication in accordance with Article 166 of the Constitution, whereas the internal process by which such decision is arrived at is regulated by the Rules of Business framed by the State Government. According to the respondents, once an order is duly authenticated in the manner prescribed, its validity cannot ordinarily be questioned on the basis of alleged irregularities in the internal governmental procedure.
33. It is submitted that the aforesaid judgment recognizes the distinction between the formal validity of an executive order and the internal decision-making mechanism within the Government. Learned counsel submits that the Rules of Business framed under Article 166(3) of the Constitution of India permit delegation of governmental functions and allocation of business amongst Ministers and departmental authorities, thereby enabling routine

8 (1987) 1 SCC 658 : AIR 1987 SC 1059

administrative and ministerial functions to be discharged without requiring the Governor's personal approval in every matter.

34. The respondents further submit that the distinction between ministerial acts and substantive policy decisions is well recognized in constitutional and administrative law. Ministerial or administrative acts include routine, clerical, explanatory, or clarificatory actions taken for proper implementation of governmental decisions, whereas substantive acts involve creation of new rights, withdrawal of vested rights, or formulation of fresh policy decisions. According to the respondents, only matters involving important policy decisions, constitutional obligations, or statutory mandates are required to be submitted for approval of the Governor under the applicable Rules of Business.
35. In this regard, reliance has also been placed upon the **Uttar Pradesh Secretariat Instructions and the Uttar Pradesh Authentication (Orders and Other Instruments) Rules, 1975⁹** framed under Article 166 of the Constitution of India, which regulate the manner in which Government business is transacted and executive orders are authenticated within the State of Uttar Pradesh. Learned counsel submits that the said Rules, 1975 contemplate that ordinary governmental business is to be disposed of by the Minister-in-charge of the concerned department, and only specified categories of matters of exceptional importance are required to be placed before the Governor.
36. It is thus contended that routine clerical, explanatory, or clarificatory matters do not require fresh approval of the Governor, and therefore a corrigendum clarifying the scope of payment of stipend under the earlier Government order could validly be issued at the department level. According to the respondents, the corrigendum dated 14.05.2015 did not constitute a fresh policy decision but merely clarified the original intent of the Government order dated 14.01.2004, and hence no separate approval of the Governor was legally required.

9 The Rules, 1975

37. Upon analysis of the constitutional scheme and the Rules of Business framed under Article 166 of the Constitution of India, the critical position which emerges is that only such matters which involve important policy decisions, constitutional obligations, statutory mandates, or issues specifically required under the Constitution or any statute be placed before the Governor for necessary approval or sanction.
38. On the other hand, routine administrative matters, ministerial acts, clerical corrections, explanatory communications, or clarificatory corrigenda are ordinarily excluded from the category of matters requiring the Governor's approval and may validly be dealt with at the departmental level in accordance with the Rules of Business.
39. Thus, the distinction essentially lies between a substantive decision involving formulation or alteration of governmental policy, creation or extinguishment of rights, or exercise of constitutional/statutory power on the one hand, and routine or clarificatory administrative actions intended merely to explain, correct, or implement an existing decision on the other. While the former category ordinarily requires approval of the Governor in terms of Article 166 and the applicable Rules of Business, the latter category does not.
40. Learned counsel for the respondents submits that a corrigendum issued for the purpose of correcting, explaining, or clarifying an earlier Government order does not fall within the category of matters mandatorily requiring approval of the Governor and, therefore, such corrigendum can validly be issued at the departmental level in accordance with the Rules of Business framed under Article 166 of the Constitution of India.
41. It is further submitted that there exists a well settled distinction between a clerical or clarificatory act, the legal effect whereof is merely ministerial in nature, and a substantive modification amounting to a fresh governmental decision. According to the respondents, a ministerial or clarificatory act intended to remove ambiguity, correct an inadvertent error, or explain the true purport of an earlier order does not require fresh approval of the Governor,

since such action does not result in formulation of a new policy or creation of new rights and liabilities. However, where the alteration is substantive in character and its legal effect amounts to taking a fresh policy decision, modifying vested rights, or introducing a material change in the earlier governmental policy, such action would require approval of the Governor in terms of Article 166 of the Constitution and the applicable Rules of Business.

42. On the strength of the aforesaid distinction, learned counsel for the respondents submits that the corrigendum dated 14.05.2015 was merely clarificatory in nature and intended to rectify the scope of the original Government order dated 14.01.2004 regarding payment of stipend, and therefore the same did not require fresh approval or sanction of the Governor.
43. Learned counsel for the respondents, placing reliance upon the judgment of **State of Bihar v. D. N. Ganguly & Ors.**¹⁰, submits that ministerial or clerical acts do not amount to a fresh exercise of statutory or executive power. It is contended that where an authority merely corrects an apparent error, clarifies an ambiguity, or rectifies an inadvertent omission in an earlier order, such action retains the character of a ministerial act and does not constitute taking of a fresh policy decision.
44. According to the respondents, the principle laid down in the aforesaid judgment recognizes that correction of apparent errors or issuance of clarificatory directions does not amount to review or reconsideration of the original decision, provided the substance of the original policy remains unchanged. It is thus argued that a corrigendum issued for correcting or clarifying the true intent of an earlier Government order can validly be issued at the departmental level without requiring fresh approval of the Governor, since such action is merely ancillary to the implementation of the original decision and not an independent exercise of executive power.
45. Learned counsel for the respondents has further placed reliance upon the judgment of the Apex Court in the case of **Master Construction Co. (P)**

10 AIR 1958 SC 1018 : 1959 SCR 1191

Ltd. v. State of Orissa & Another¹¹ to contend that errors apparent on the face of the record may be corrected by the competent authority, provided such correction does not alter the substance of the original decision.

46. It is submitted that, in the aforesaid judgment, the Supreme Court has recognized the distinction between correction of an accidental or clerical mistake and alteration of a substantive determination. The Court observed that where the correction merely removes an obvious error, omission, or ambiguity so as to give effect to the true intention underlying the original order, such correction would not amount to review or reconsideration of the matter. However, if the purported correction changes the essential nature or substance of the original decision, the same would travel beyond the scope of a mere correction.
47. On the strength of the aforesaid principle, learned counsel for the respondents submits that executive authorities possess inherent ministerial powers to rectify mistakes, remove ambiguities, and issue clarificatory corrigenda for proper implementation of governmental decisions. According to the respondents, the corrigendum dated 14.05.2015 merely clarified the actual scope of the stipend payable under the Government order dated 14.01.2004 and did not introduce any fresh policy decision or substantive alteration requiring approval of the Governor.
48. In the case of **Indian Council for Enviro-Legal Action & Ors. v. Union of India**¹², the Supreme Court has observed that every Court or authority possesses inherent power to correct errors in order to ensure that justice is done and to prevent abuse of the process. The Court recognized that procedural or accidental mistakes, clerical omissions, or errors arising from inadvertence can always be corrected so that the record reflects the true intention of the authority passing the order. The Supreme Court has further observed that the power to rectify accidental slips or omissions is ancillary to the exercise of judicial or executive power and that correction of such

11 AIR 1966 SC 1047 : (1966) 3 SCR 99

12 (1966) 3 SCC 212

mistakes does not amount to review of the original decision, provided the substantive rights determined by the original order are not altered.

49. Relying upon the aforesaid principle, learned counsel for the respondents submits that the executive authorities are competent to issue clarificatory or corrective corrigenda in order to remove inconsistencies or rectify inadvertent errors in earlier Government orders, and such exercise would fall within the scope of ministerial or administrative powers rather than constituting a fresh policy decision requiring approval of the Governor.
50. Lastly, learned counsel for the respondents has placed reliance upon the judgment of Apex Court in the case of **S. Nagaraj & Ors. v. State of Karnataka & another**¹³ to contend that every authority possesses inherent power to correct accidental mistakes, slips, or omissions in order to ensure that the record reflects the true intent of the decision originally taken.
51. It is submitted that, in the aforesaid judgment, the Supreme Court observed that justice is a virtue which transcends all barriers and that the purpose of the Court or authority is to render substantial justice. The Court further held that where an error is attributable to accidental slip, omission, or inadvertence, the same may always be corrected, and such correction does not amount to review of the original decision on merits. The Supreme Court emphasized that the power to correct mistakes is inherent in every authority so as to avoid perpetuation of an obvious error and to prevent miscarriage of justice.
52. Learned counsel for the respondents contended that the principle laid down in the aforesaid judgment clearly recognizes the distinction between correction of an accidental or clerical error and reconsideration of the merits of the original decision. While review involves re-examination of the substantive decision itself, correction of an accidental slip merely brings the order in conformity with the true intention underlying the original decision. On the basis of the said principle, learned counsel submits that the corrigendum dated 14.05.2015 was merely corrective and clarificatory in nature, issued to

13 1993 Supp (4) SCC 595 : (1993) Supp 2 SCR 1

rectify an inadvertent inconsistency in the earlier Government order dated 14.01.2004, and therefore the same cannot be treated as a fresh policy decision requiring approval of the Governor or as an impermissible review of the original Government order.

53. Applying the aforesaid principles to the facts of the present case, learned counsel for the respondents submits that the corrigendum dated 14.05.2015, whereby payment of stipend was confined only to the training period, merely operates as a clarification of the original Government order dated 14.01.2004 and does not amount to formulation of a new policy or withdrawal of any vested right. According to the respondents, the corrigendum only clarifies the actual period for which stipend was intended to be paid and, therefore, falls within the realm of a ministerial or clarificatory act. Consequently, no separate approval or sanction of the Governor was required for issuance of the said corrigendum.
54. It is further submitted that if approval of the Governor were to be insisted upon for every corrigendum, clarification, or clerical correction issued by the Government, the entire administrative machinery would be rendered unworkable and the very purpose underlying the Rules of Business framed under Article 166 of the Constitution would stand defeated. According to the respondents, settled constitutional practice and administrative law recognize that routine explanatory or corrective actions can validly be undertaken at the departmental level without necessitating approval at the highest executive level.
55. Learned counsel for the respondents further submits that, in the instant case, the corrigendum dated 14.05.2015 does not alter the substance of the policy regarding payment of stipend, but merely clarifies the duration for which such stipend was payable. Since no substantive change in policy was introduced, the corrigendum cannot be treated as a fresh executive decision requiring sanction of the Governor.

- 56.** In view of the aforesaid submissions, learned counsel for the respondents contends that the impugned order rejecting the claim of the petitioners suffers from no illegality warranting interference by this Court under Article 226 of the Constitution of India, and consequently the writ petitions are liable to be dismissed.
- 57.** Heard Mr. H.M.B. Sinha, learned counsel for the petitioners, Mr. Rishi Kumar, learned Additional Chief Standing Counsel for the State and perused the record.
- 58.** The controversy which falls for determination before this Court lies in a narrow compass. The principal issue is whether the corrigendum dated 14.05.2015, whereby the payment of stipend to Special BTC Trainees was confined only to the period of training instead of extending till the date of appointment, constitutes a mere clarificatory or ministerial act, or whether it effects a substantive alteration in the policy embodied in the Government Order dated 14.01.2004, thereby necessitating approval of the Hon'ble Governor in terms of Article 166 of the Constitution of India and the Rules of Business framed thereunder.
- 59.** The distinction between a Government order embodying a policy decision and a corrigendum intended merely to correct or clarify an earlier order is no longer res integra. A Government order, particularly issued with the approval of the Governor, represents an exercise of executive policy making power and is capable of creating enforceable rights and obligations. A corrigendum, on the other hand, is ordinarily intended to rectify clerical, typographical, accidental, or explanatory errors so as to give effect to the true intent of the original order. The legal permissibility of a corrigendum is thus confined to correction without alteration of substance. Once a purported corrigendum travels beyond the realm of clarification and seeks to curtail, modify, or extinguish rights flowing from the original policy decision, it ceases to remain ministerial in character and assumes the colour of a substantive executive determination.

60. The constitutional framework under Article 166 undoubtedly permits allocation and transaction of governmental business at departmental levels, and every routine administrative or clerical action does not require the personal approval of the Governor. Equally well settled is the principle that ministerial or clarificatory acts may validly be undertaken by competent departmental authorities without recourse to the Governor. However, the crucial test is whether the subsequent action merely clarifies the original intent or whether it materially alters the rights and liabilities flowing from the original Government order.
61. In the case of **State of Bihar & Ors. v. Kripalu Shankar & Ors.**¹⁴, the Apex Court referring the observations made in the case of **Bachhittar Singh v. State of Punjab**¹⁵, has expounded the constitutional sanctity attached to executive action under Article 166 of the Constitution of India. The Court lucidly held that mere departmental notings or internal expressions of opinion do not attain the character of enforceable executive action unless the same are formally expressed in the name of the Governor and duly authenticated in the manner prescribed by the Rules of Business. The Supreme Court emphasized that executive action acquires legal efficacy only upon constitutional authentication and communication. The ratio of the aforesaid judgment unmistakably reinforces the principle that a substantive governmental determination issued with the sanction of the Governor cannot subsequently be diluted or modified through an informal departmental exercise lacking corresponding constitutional imprimatur.
62. The Apex Court in the case of **Commissioner of Police, Bombay v. Gordhandas Bhanji**¹⁶, has held that public orders are to be construed objectively with reference to the language employed therein and cannot subsequently be supplemented, varied, or explained away by affidavits or administrative explanations. The Court authoritatively observed that public authorities are bound by the tenor of the order actually issued and not by

14 (1987) 3 SCC 34

15 AIR 1963 SC 395

16 AIR 1952 SC 16 : 1952 SCR 135

subsequent attempts to reinterpret its content. Applying the aforesaid principle, once the Government order dated 14.01.2004 expressly contemplated payment of stipend till the date of appointment, the executive could not subsequently curtail the extent of such entitlement under the nomenclature of a “corrigendum” while retaining the façade of a mere clarification.

63. In the case of **Sant Ram Sharma v. State of Rajasthan & Ors.**¹⁷, the Supreme Court recognized the binding force of executive instructions and administrative policy decisions issued in exercise of executive power. The Court observed that executive instructions, so long as they do not contravene statutory provisions, govern the field of administration and create enforceable norms regulating governmental action. The Government order dated 14.01.2004, therefore, cannot be trivialized as a mere administrative communication devoid of legal consequences, rather, it constituted a substantive executive policy regulating financial entitlement of Special BTC trainees.
64. The doctrine of legitimate expectation and accrued rights flowing from governmental representation has elaborately been considered by the Apex Court in the case of **State of Punjab v. Nestle India Ltd. & Another**¹⁸, wherein it has been held that governmental representations and policy assurances, once acted upon by affected parties, create enforceable expectations which cannot be arbitrarily withdrawn to the detriment of beneficiaries. The Court underscored that fairness in State action is an indispensable component of Article 14 of the Constitution and that executive authorities are not permitted to resile capriciously from representations which have induced legitimate reliance. In the present case, the trainees entered and completed the Special BTC Training on the assurance contained in paragraph 3.12 of the Government order dated 14.01.2004, and consequently the stipend entitlement acquired an enforceable and accrued character incapable of being extinguished through a unilateral departmental clarification. Equally

17 AIR 1967 SC 1910 : (1968) 1 SCR 111

18 (2004) 6 SCC 465

instructive is the decision in the case of **Mohinder Singh Gill & Another v. Chief Election Commissioner, New Delhi & Others**¹⁹, wherein the Supreme Court propounded the celebrated principle that an order must stand or fall upon the reasons contained therein and cannot subsequently be supplemented by fresh explanations. The Court cautioned against validating executive action on the basis of post facto rationalizations. The attempt of the respondents to characterize the corrigendum dated 14.05.2015 as merely explanatory, despite its palpable effect of curtailing the duration of stipend, therefore cannot withstand judicial scrutiny.

65. The scope of correction of clerical or accidental errors has been examined by the Supreme Court in the case of **Master Construction Co. (P) Ltd. v. State of Orissa & Another**²⁰, wherein it is observed that accidental slips, typographical mistakes, or apparent omissions may undoubtedly be corrected so long as such correction does not alter the substance of the original determination. The Court drew a clear distinction between rectification of an obvious mistake and modification of the substantive content of an order. A correction which transforms the extent of rights originally conferred necessarily transcends the permissible boundaries of a ministerial correction.
66. The cumulative effect of the aforesaid authorities leaves no room for ambiguity that while executive authorities possess incidental power to issue clerical corrections, explanatory notes, or ministerial clarifications, such authority terminates at the point where the proposed correction materially alters substantive rights, financial entitlements, or policy conditions embodied in the original Government Order. Once the alteration ceases to be explanatory and assumes the character of a substantive modification, the constitutional discipline contemplated under Article 166 becomes indispensable.
67. In the considered opinion of this Court, the corrigendum dated 14.05.2015 cannot be construed as a mere clerical or explanatory exercise. The original Government order dated 14.01.2004, as amended on 20.02.2004,

¹⁹ (1978) 1 SCC 405 : AIR 1978 SC 851

²⁰ AIR 1966 SC 1047 : (1966) 3 SCR 99

unequivocally contemplated payment of stipend to the selected trainees till the date of their appointment. The subsequent corrigendum, by restricting such payment only to the duration of training, effectively truncates the period of entitlement and thereby deprives the beneficiaries of a substantive financial benefit which had accrued under the original policy. Such curtailment cannot be characterized as correction of an accidental slip or removal of ambiguity. It amounts, in substance and effect, to modification of the original policy decision itself.

68. The submission advanced on behalf of the respondents that the corrigendum merely clarifies the duration of stipend does not commend acceptance. A clarification explains, it does not diminish policy. A corrigendum corrects an error and it does not rewrite the policy. The impugned corrigendum, by materially altering the extent of monetary entitlement granted under the original Government order, travels far beyond the permissible limits of a ministerial correction.
69. This Court is also unable to lose sight of the fact that the original Government order was issued with the sanction and approval of the Governor and constituted the foundational policy governing the Special BTC Training Scheme. Any action having the effect of substantially modifying the conditions of such policy, particularly one affecting vested or accrued benefits, could only have been undertaken through issuance of a fresh Government order in accordance with the constitutional procedure contemplated under Article 166 and the applicable Rules of Business. Such a substantive alteration could not legally have been introduced through a departmental corrigendum lacking corresponding approval.
70. The judgments relied upon by the respondents, including **D. N. Ganguly (supra)**, **Master Construction Co. (P) Ltd. (supra)**, **Indian Council for Enviro-Legal Action (supra)** and **S. Nagaraj (supra)**, do not support the case of the respondents inasmuch as the principles laid down therein pertain to correction of accidental, clerical, or inadvertent errors without affecting the substantive nature of the original decision. The said judgments cannot be read

to confer authority upon the executive to alter substantive policy conditions or extinguish accrued rights under the guise of issuing a corrigendum.

71. Moreover, the issue relating to entitlement of stipend under the Government order dated 14.01.2004 already stands settled in the earlier rounds of litigation extending up to the Hon'ble Apex Court, wherein the entitlement of similarly situated trainees to stipend till the date of appointment stood affirmed. The attempt made through the corrigendum dated 14.05.2015 to dilute the effect of the original policy and the judicial pronouncements rendered thereupon cannot be sustained in law.
72. Accordingly, this Court holds that the corrigendum dated 14.05.2015, insofar as it seeks to restrict payment of stipend only up to the training period, is not a mere clarificatory or ministerial act but constitutes a substantive modification of the original Government order dated 14.01.2004. In absence of issuance of a valid Government order with due approval in accordance with Article 166 of the Constitution of India, the said corrigendum cannot be given legal effect. Consequently, the order dated 18.05.2016 rejecting the claim of the petitioners on the basis of the aforesaid corrigendum is unsustainable and liable to be quashed.
73. The writ petitions accordingly succeed and are allowed. The corrigendum dated 14.05.2015, to the extent indicated above, and the consequential orders under challenge in respective writ petitions, dated 18.05.2016, 09.06.2015 and 30.07.2015 are hereby quashed. The respondents are directed to extend to the petitioners the benefit of stipend in terms of the Government order dated 14.01.2004 read with the Government Order dated 20.02.2004, and to ensure payment of the admissible amount expeditiously, preferably within a period of four months from the date of production of a certified copy of this order before the competent authority.
74. No order as to costs.

(Mrs. Manju Rani Chauhan,J.)

May 15, 2026

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