



2026 INSC 642

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

**CIVIL APPEAL NOS. OF 2026
(ARISING OUT OF SLP (C) NOS. 7317-7319 OF 2019)**

REENA KUMARI & ORS. ETC.

... APPELLANT(S)

VERSUS

PRAVEER KUMAR & ORS. ETC.

... RESPONDENT(S)

ORDER

1. Leave granted.
2. The present issue arises from the persistent and long-standing non-compliance of the directions issued on 01.02.2013 by the Single Judge of the High Court of Judicature at Allahabad, Lucknow Bench (*hereinafter referred to as ‘the High Court’*). These directions were issued in a batch of writ petitions, including Writ Petition Nos. 190 (S/S) of 2013, 7668 (S/S) of 2011, 7268 (S/S) of 2012, and 3941 (S/S) of 2011.
3. The original issue that arose for consideration before the High Court was, whether the persons who have obtained training as Auxiliary Nurse and Midwife (*hereinafter referred to as ‘ANM’*) and

have rendered long service as ANMs on contractual basis are entitled to be considered for regular appointment on the post of Basic Health Workers (Female). This question was considered by the High Court and *vide* judgment dated 01.02.2013 had come to the conclusion that since the work and duties performed by the appellants are one and the same as required for the post in question, the appellants are entitled to be considered for appointment against the existing vacancies for the post of Basic Health Workers (Female) and for that purpose they are entitled to be given relaxation in case the appellants have not completed the required training of one and half year from the departmental divisional training centers or do not possess the required qualification of Intermediate with Science.

4. Consequently, by the order passed by the High Court, the Respondent-State was directed to consider the appellants for regular appointment to the post of Basic Health Worker (Female). For a comprehensive assessment, the directions issued by the Single Judge of the High Court on 01.02.2013 are reproduced as thus:

“In view of the above, these writ petitions are hereby disposed of with the following directions:

- 1. The petitioners shall be considered for appointment on the post of Basic Health Worker (Female) taking into consideration their work and experience on the post of ANM and by giving them relaxation in the qualification relating to training for the post in question provided the petitioners have obtained the training as per the prescribed qualification at that particular time.*
- 2. The petitioners shall be given relaxation in case they have*

obtained one and half year training for the post in question from any institution other than the departmental divisional training centers.

3. The petitioners shall be given preference against outside candidates for appointment on the post of Basic Health Worker (Female).

4. The petitioners who have become overage for the post in question shall be granted relaxation considering their work and experience.

5. The opposite parties shall make necessary appointment on the post of Basic Health Worker (Female) against the existing vacancies considering the petitioners and similarly situated other candidates. In case any vacancy remains unfilled the same shall be filled from outside candidates.

6. The opposite parties shall complete the required formalities in this regard within a period of six weeks from the date a certified copy of this order is produced before the opposite party nos. 1 and 2 i.e. Principal Secretary, Department of Medical, Health & Family Welfare, Government of U.P. and Director General, Medical, Health & Family Welfare, Lucknow respectively.

It is, however, made clear that the aforesaid directions are not for the persons who had completed the training without having the prescribed qualification at the time they had undergone the training.”

5. It is pertinent to mention here that the Writ Petitions giving rise to the present issue were filed on 20.10.2011 by the appellants possessing the qualification of simple intermediate, which was the requisite educational qualification; however, the Respondent-State modified the educational qualification from simple Intermediate to Intermediate with Science *vide* Government Order dated 12.11.2012. Therefore, seeking further clarification for accommodating the appellants who had completed the training without having the newly prescribed qualification of intermediate with science at the time of undergoing training, Review Petitions were filed by the candidates

possessing qualification of simple intermediate, which were allowed by the High Court *vide* Order dated 21.10.2013 and following directions were issued:

“In view of what has been discussed hereinabove, the review petitions are allowed with a direction that all those persons who were selected as trainees pursuant to the advertisement issued in the year 2002/03 for the Districts of Agra, Sitapur, Meerut and Varanasi prescribing High School as minimum educational qualification and who have successfully completed the said training and are enrolled with U.P. Nurses and Midwife Council after completion of training and were successfully appointed as ANMs and who have submitted their candidature for the ongoing process for appointment as Health Worker (Female) and those application forms merely rejected because they were having educational qualification of High School or Intermediate at the time of their selection as trainees, the number of which has been stated to be 195 in the short counter affidavit filed by the opposite parties with the review petitions, be considered for appointment on the post of Basic Health Worker (Female) in the ongoing selection and the judgment dated 1.2.2013 is reviewed and modified to that extent.

It is however, made clear that such directions have been necessitated in view of the peculiar facts and circumstances of the cases as noted above and, therefore, it deserves to be provided that this judgment shall not form precedence for any other case.”

6. Thereafter, the Special Appeal preferred by the Respondent-State against the Order dated 21.10.2013 in Review Petitions was dismissed by the Division Bench of the High Court *vide* Order dated 17.12.2013. Finally, Special Leave Petition preferred by the Respondent-State against the dismissal of the Special Appeal was also dismissed *vide* Order of this Court dated 04.08.2013, thereby the directions issued by the High Court on 01.02.2013 and 21.10.2013 attained finality.

7. Even after the directions attained finality, its implementation was not carried out by the State, therefore Contempt Petitions¹ were filed, which came to be dismissed by the High Court *vide* order dated 12.10.2018. While dismissing learned Single Judge observed that:

“Accordingly, in my considered opinion, there was no direction given by this Court in its judgment and order dated 01.02.2013 and dated 21.10.2013 that petitioners and other similarly circumstanced persons, who are 195 in number, were to be given a prior right of appointment, that is to say, they were to be appointed first and only thereafter appointment of other candidates irrespective of inter se merit of all the candidates, was to be made. Such an argument, if tested on the touchstone of directions issued by this Court in its order dated 21.10.2013 read with judgment and order dated 01.02.2013, is found to be fallacious.

Reasons of non-selection/non-appointment have already been disclosed by the Director General, Family Welfare in her order dated 04.01.2018 annexed with the counter affidavit.

*Any act by a person to amount to contempt should be willful disobedience of any judgment, order or direction of a Court or willful breach of any undertaking given before the Court, Hon'ble Supreme Court in the case of **Anil Kumar Shahi (2) and others vs. Professor Ram Sevak Yadav and others**, reported in **[(2008) 14 SCC 115]** has held that if there is a direction for consideration of a matter by a court, that would mean that the matter should be considered to the best of understanding of an authority to whom such a direction is given and mere error of judgment in respect of legal position does not constitute contempt for the reason that such an act cannot be termed to be a willful disobedience.*

In the instant case, as observed above, it is not that consideration of the petitioners for appointment to the post in question has not been made, rather they have been considered and have not been found suitable/eligible to be appointed on the post in question on the basis of inter se merit of all the candidates or on account of non-fulfillment of certain requisites while making application for appointment. The issue relating to "priority" versus "preference"

¹ Contempt Petition No. 2660 of 2013 and connected matters

has already been dealt with in the preceding paragraphs of this order.

The facts of the case, in my considered opinion, do not reflect any willful or deliberate attempt or any act on the part of the respondents to disobey or flout the judgments and orders passed by this Court in this matter.

If the petitioners, or any other similarly circumstanced person are aggrieved by their non-selection/appointment, reasons whereof have also been disclosed by the Director General in her affidavit, it will be open to such a candidate/petitioner to challenge his/her non-selection/appointment by taking recourse to any other legal remedy which may be available to him/her under law, including filing of a writ petition. However, any element of willful disobedience of the orders passed by this Court being not traceable in the facts of this case; it cannot be said that the respondents are liable to be tried for committing contempt of the Court.

*For the reasons disclosed above, the contempt petition is hereby **dismissed**.*

Notices issued earlier, if any, shall stand discharged.

It is, however, provided that notwithstanding dismissal of contempt petitions, if the petitioners are aggrieved by their non-selection/appointment on the post in question, it is always open to them to take recourse to any other legal remedy, which may be available to them under law, including filing of writ petition before this Court."

8. Being aggrieved by dismissal of the contempt petitions, the present appeals have been filed. After careful perusal of the directions issued on 01.02.2013 and by the review order of 21.10.2013, no room for doubt is left, that by Direction No. 3 appellants were required to be given 'preference' over outside candidates in appointment. The Direction No. 5, which is the operative one, it is unambiguous that the State to make appointment, against existing vacancies, first considering the appellants and similarly situated candidates, and for outside

candidates only if any vacancy remained unfilled. The above sequence is not open to interpretation differently, it provides directions in explicit wording.

9. The High Court, however, proceeded on the premise that the directions mandated only a '*consideration*' of the appellants and in reaching this conclusion, conflated the concept of '*preference*' in Direction No. 3 with a mere right to be placed in a common merit pool alongside outside candidates. In our view, this reading is erroneous. A '*preference*' is against the outside candidates in appointment, subject to the inter se merit as outside candidates is having no preference at all, otherwise, it would render Direction No. 3 otiose. In this regard clarification is available in later sentences at Direction No. 5, whereby outside candidates may be appointed only when the seats remain vacant. The evident purpose of the directions, read as a whole, was to recognize and protect the legitimate claim of experienced, long-serving Auxiliary Nurses and Midwives to the post of Basic Health Worker (Female) before the vacancies were opened to the outside candidates. At the same time, the Direction No. 5 can be read only to mean that the appellants and similarly situated candidates would first be appointed against existing vacancies, and the residual vacancies only, if any, left would go to outside

candidates.

10. The High Court's reliance on '*inter se merit of all the candidates*' to justify non-appointment of the appellants subverted this sequence. By mixing the appellants with outside candidates in a common merit list, the State did exactly what the directions had forbidden. The High Court also accepted the explanation, contained in the order of the Director General, Family Welfare dated 04.01.2018, as sufficient compliance. The said explanation was premised on the erroneous understanding that the appellants were to be evaluated in competition with outside candidates on merit. The Court has failed to examine whether the State's process of selection had followed the two-stage sequence mandated by Direction No. 5. Therefore, the explanation that proceeds on a wrong reading of the court's directions does not constitute actual compliance, that too by misunderstanding the real intent of the directions.

11. The High Court also erred in applying the standard to decide the contempt case. It relied on the principle that an 'error of judgment' by an authority regarding legal position does not constitute willful disobedience, as held in ***Anil Kumar Shahi (2) and others Vs. Prof. Ram Sevak Yadav and others***². In our view, that principle has its proper application where the direction of the

² (2008) 14 SCC 115

court is itself ambiguous or capable of multiple interpretations, and the authority has, in good faith, chosen one of them. It cannot be pressed into service in the cases, where direction is clear, unambiguous, and the authority has merely chosen to adopt a different way by misunderstanding nature of direction. In the present case, as we have noted above, the Direction Nos. 3 and 5 are unequivocal, however, the understanding of the State that outside candidates could be preferred over insiders is a misreading and departure from the real intent, unexpectedly from the highest hierarchy of the executive be observed as willful and not termed as erroneous.

12. Therefore, we are unable to countenance the nature of directions issued by the High Court for the appellants to seek redressal by filing a fresh writ petition. The contempt jurisdiction exists precisely to enforce compliance to the directions which have attained finality since the Special Leave Petitions have already been dismissed.

13. In the said sequel after hearing all the stakeholders *vide* order dated 05.05.2026 in the proceedings of this case, this Court recorded that the directions contained on 01.02.2013 and 21.10.2013 had not been carried out and complied with. The said

Order is reproduced for ready reference as under: -

“4. The said direction was classified to the extent that all those persons who were selected as trainees pursuant to advertisement issued in the year 2002-2003 for Districts of Agra, Sitapur, Meerut and Varanasi having High School as minimum educational qualification and have successfully completed the training and enrolled with Uttar Pradesh Nurses and Midwife Council and appointed as ANM, if they applied for the ongoing process of appointment on the post of Basic Health Worker (Female); and if their applications have been rejected because of not having the educational qualification of Intermediate at the time of their selection as trainee, the number of which has been 6 stated to be 195 in the short counter affidavit, be considered for appointment on the post of the Basic Health Worker (Female) in the ongoing selection and the judgment dated 01.02.2013 of the High Court was reviewed and modified to that extent. This direction was to apply to the 195 candidates in addition who fall within that category as indicated in the review petitions. Therefore, the direction initially issued is intact to appoint the petitioners and similarly situated, and further the 195 persons who fall within the category as specified in the review petitions. Contrary orders passed by the High Court in various contempt proceedings or the reply is unacceptable since the special leave petition against those directions has already been dismissed by this Court. We have perused the additional affidavit filed by the Director General, Family Welfare, Uttar Pradesh on behalf of respondent nos. 1 to 3, and their counter affidavit, in our view, the said direction has not been complied with.

5. Therefore, with an intent to give an opportunity to the non-applicants and to submit a compliance report in terms of the above, we grant two weeks’ time to produce the compliance along with the list prepared as directed hereinabove. Otherwise, Mr. Amit Kumar Ghosh, Additional Chief Secretary and Dr. Hari Das Agarwal, Director General in the Department of Medical Health, Family Welfare & Medical Education both shall remain personally present before this Court. It is made clear that in case compliance is reported, their presence would not be required.

6. List on 21.05.2026, to be taken on priority.”

14. In compliance, the respondent filed the affidavit dated 19.05.2026,

stating as thus –

“3. That upon receipt of the aforesaid directions, the Government of Uttar Pradesh, Medical Section-10, vide Letter No. 86/5-10-2026 dated 13.05.2026, issued appropriate directions to the concerned authorities. Pursuant to the said Government Letter, an Office Memorandum dated 15.05.2026 was issued, directing the appointment of the Petitioners and similar candidates with immediate effect.

4. That with respect to the 195 candidates, the compliance status is as under:

(i) Appointment orders have been duly issued in favour of 181 candidates.

(ii) 3 candidates are deceased.

(iii) 5 candidates are non-petitioners and had never worked in the department on contractual basis.

(iv) 6 candidates remained absent during counselling/document verification proceedings and were non-petitioners.

5. That the appointment orders have also been issued in favour of the Petitioners in the connected Writ Petitions, the details whereof are as follows:

(i) Appointment orders have been issued in favour of all 56 Petitioners in Writ Petition No. 3941/2011 (Pushpa Kumari Pal & Others).

(ii) Appointment orders have been issued in favour of all 54 Petitioners in Writ Petition No. 7868/2011 (Reena Kumari & Others).

(iii) Appointment orders have been issued in favour of all 12 Petitioners in Writ Petition No. 7268/2012 (Aradhana Yadav & Others).

(iv) In Writ Petition No. 190/2013 (Seema Singh & Others), appointment orders have been issued in favour of 06 out of the total 19 Petitioners. The remaining 13 petitioners had neither worked in the department on contractual basis nor received training pursuant to the advertisement issued by the department; rather, they had obtained training from private institutions.”

15. The matter was then placed before this Court on 21.05.2026. This Court took note of the compliance report and the appointment orders issued by the State, and observed that certain appellants either before

this Court or before the High Court could not receive their appointment orders. Therefore, directed to supply the appointment orders forthwith to all appellants through their respective counsel for early compliance.

16. Finally, when the matter was taken up today, it has been brought to our notice that, pursuant to the order dated 21.05.2026, the appointment letters have now been received by the appellants, which have been confirmed by learned counsel on the instruction of the respective clients. Accordingly, the order stands substantially complied now by the respondents, although subsequent to the order dated 05.05.2026 passed in the proceedings of this case.

17. At this juncture, it is necessary to restate the constitutional framework governing the execution of judicial mandates. Article 129 of the Constitution of India declares this Court to be a Court of Record, vesting in it the inherent power to punish for contempt of itself. The power to punish for civil contempt is a potent mechanism explicitly designed to secure public confidence in the administration of justice. As this Court held in **Anil Ratan Sarkar v. Hiral Ghosh**³, once an order passed by a competent court is clear and unambiguous, its implementation cannot be conditional upon a party's subjective understanding. Willful disobedience signifies an act done voluntarily with the intent to disregard the law. The directions of 01.02.2013, read with the review order of 21.10.2013, are, as we have held above, clear and unambiguous. The State's years-long

³ (2002) 4 SCC 21

failure to implement them may be termed as willful non-compliance.

18. This Court held in ***Kapildeo Prasad Sah v. State of Bihar***⁴, the power to punish for contempt must be exercised with extreme caution, its primary objective being to maintain an effective legal delivery system rather than to serve as an instrument of retribution. Where a party has taken bona fide, substantive, and comprehensive steps to purge the initial non-compliance, and has executed the judicial mandate in letter and spirit, the Court must lean towards acknowledging compliance rather than inflicting punitive incarceration. The power of contempt is a means to an end, the end being compliance. Once compliance is secured, the punitive arm of the court's contempt jurisdiction ordinarily yields.

19. On a thorough review of the compliance placed before this Court, though belatedly, we are satisfied that the State Respondents have now substantively purged their non-compliance and executed the core directions of the courts by issuing the appointment orders. In view of the compliance reported and acknowledged by the appellants, the personal presence as directed, stands dispensed with.

20. Accordingly, the impugned order of the High Court dismissing the contempt petitions are hereby set aside. Having regard to the compliance, we dispose of these proceedings with the following further operative directions:

⁴ (1999) 7 SCC 569

- (i) The respective appellants are directed to join their duties at their designated places of posting at the earliest possible opportunity.
- (ii) The State Respondents shall facilitate the seamless joining of all selected candidates without creating any further procedural or administrative hurdles.
- (iii) All pending Interlocutory Applications for intervention and impleadment shall stand disposed of in terms of the final order.
- (iv) The rule nisi stand discharged.

21. Before parting, we consider it necessary to observe that the original directions in this case were issued on 01.02.2013 i.e. over thirteen years ago, to complete the appointment process within six weeks of the receipt of a certified copy of the order. What followed instead was a prolonged saga of non-compliance, review petitions, contempt proceedings, further appeals, and repeated interventions by this Court. Women who had served the public health system of this State for years as ANMs, often in remote and difficult postings, were denied their legally valid service. They were compelled to litigate for over a decade to obtain what should have been given to them within six weeks.

22. The State being a model employer, occupies a position of trust vis-à-vis its employees. It is not merely a litigating party that this Court has repeatedly affirmed. A model employer is expected to honour court orders

not because it has no choice but respecting the rule of law and the legitimate claims of those who serve it. The State's conduct in this case fell far short of that expectation and made an unsuccessful attempt to carry out the directions based on misunderstanding.

23. It is a matter of concern that clear and final judicial directions could remain unimplemented for thirteen years, compelling persons of modest means to pursue litigation up to this Court. Every year of delay meant a year of lost seniority, lost emoluments, and lost dignity for these women. The human cost of institutional non-compliance is rarely counted, but it is real and it is heavy.

24. We therefore call upon the State of Uttar Pradesh and commend this as a general principle to all State governments and public authorities, to treat compliance with judicial directions not as a burden to be resisted or delayed, but as a constitutional obligation to be discharged promptly, particularly when the directions concern the service rights of employees. Institutional introspection in this regard is not optional; in fact it is necessary. Appropriate administrative mechanisms must be put in place to ensure that directions of courts are monitored, tracked, and complied with within the time prescribed by the court. The State is expected to take note of the same and institute a framework to fix accountability on erring officials whose non-compliance results in obstruction in access to justice. Therefore, this order be communicated to the highest administrative authorities for introspection, and the immediate development of the

necessary compliance mechanism.

25. Accordingly, these appeals stand allowed and disposed of with symbolic cost of Rs.1,00,000/- which shall be deposited in State Legal Services Authority within eight weeks, which shall be utilized for children and women in the State. Pending application(s), if any shall stand disposed of.

.....,J.
[J.K. MAHESHWARI]

.....,J.
[ATUL S. CHANDURKAR]

**NEW DELHI;
MAY 27, 2026.**