



2026:CGHC:20603-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 359 of 2026

1 - Jagelal Patel S/o Late Sadharam Patel, Aged About 59 Years, R/o Village and Post - Bodla, Near Durga Temple, Tahsil and P.S. Bodla, District Kabirdham (Kawardha) Chhattisgarh

... Appellant

versus

1 - State of Chhattisgarh, Through The Secretary, Public Health Engineering Department, Mahanadi Bhawan, Naya Raipur Chhattisgarh

2 - Engineer in Chief, Directorate Public Health Engineering Department, New Mantralaya, Capital Complex, Mahanadi Bhawan, Raipur Chhattisgarh

3 - Chief Engineer, Public Health Engineering Department, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh

4 - Superintending Engineer of (Administration) Office Engineer-in-Chief, Public Health Engineering Department, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh

5 - Executive Engineer, Public Health Department, Kabirdham, Near Mahamaya Mandir, In Front of Bisen Hospital, Kawardha, Tahsil and District Kabirdham Chhattisgarh

6 - Assistant Engineer, Public Health Department, Kabirdham, Near

Mahamaya Mandir, In Front of Bisen Hospital, Kawardha, Tahsil and District Kabirdham Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Ms. Deblina Maity, Advocate.
For State/Respondents	:	Mr. Prasun Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

04-05-2026

1. Heard Ms. Deblina Maity, learned counsel for the appellant as well as Mr. Prasun Bhaduri, learned Deputy Advocate General appearing for the State.

2. By way of this writ appeal, appellant has prayed for following relief(s):-

“1. It is therefore, prayed that this Court of Hon'ble Division Bench may kindly be pleased to allow this writ appeal and set-aside the order dated- 19.02.2026 passed by Hon'ble Single bench in W.P. (S) 3441/2019.

2. That, this Hon'ble Court may further please to direct the concerned respondent no.3 to regularize the appellant/petitioner on the post of Helper and provide him all consequential benefits with regard to his service.

3. Any other relief, which this Hon'ble Court deems fit and proper may also be awarded along-with the cost of the petition, in the interest of justice.”

3. The present intra Court appeal has been filed against the order

dated 19-02-2026 passed by the learned Single Judge in WPS No.3441 of 2019 and other connected matters, whereby the writ petition filed by the appellant/writ petitioner has been dismissed.

4. It has been pointed out by learned counsel appearing for the appellant as well as learned counsel appearing for the State that in an identical matter, this Bench has dismissed **WA No. 344 of 2026 (Chatur Singh Rajput Vs. State of Chhattisgarh)** vide order dated 28-04-2026 observing as follows:-

“13. After appreciating the submissions of learned counsel for the parties as also the materials on record, learned Single Judge has passed the impugned order while deciding batch of writ petitions, in following terms:-

“5. A careful perusal of the record would show that the case of the petitioners was considered against the 16 vacant posts of Hand Pump Technician and by the impugned orders, the competent authority has clearly recorded a finding that the petitioners do not have the requisite educational qualification for the post of Hand Pump Technician as per the Rules of 2016 and thereafter, proceeded to rejected the applications of the petitioners, which is absolutely in accordace with law. So far as the contention made by learned counsel for the petitioner is concerned that the case of the petitioners could have been considered for the post of Hand Pump Helper, it has nowhere been brought on record that the post of Hand Pump Helper is lying vacant for which petitioners’ case can be considered. In that view of the matter, I do not find any merit in these writ petitions.

6. Accordingly, these writ petitions are dismissed leaving the parties to bear their own cost(s).”

14. A plain reading of the impugned order passed by the learned Single Judge would reveal that the claim of the appellant/writ petitioner has been duly considered in the backdrop of the

applicable Recruitment Rules, 2016 and the material placed on record, and the learned Single Judge has rightly come to the conclusion that the competent authority had already examined the cases of the petitioners against the available posts and recorded a categorical finding regarding non-fulfilment of the requisite educational qualifications. The rejection of the claim, therefore, cannot be said to be arbitrary or de hors the statutory framework so as to warrant interference in exercise of intra-court appellate jurisdiction.

- 15.** It is well settled that regularization cannot be claimed as a matter of right merely on the basis of long continuance in service, particularly when the initial engagement is not in accordance with the prescribed recruitment rules. In the present case, though the appellant has emphasized his long tenure and the fact that he has worked for several years, the same, by itself, does not confer any indefeasible right to seek regularization de hors the statutory provisions or in absence of fulfilment of eligibility criteria.
- 16.** Insofar as the contention of the appellant that his case ought to have been considered for the post of Hand Pump Helper is concerned, the learned Single Judge has rightly observed that no material was placed on record to demonstrate availability of any sanctioned vacant post for such consideration. Even otherwise, the direction for regularization can be issued only when there exists a sanctioned post and the incumbent satisfies the eligibility conditions prescribed therefor. In absence of such foundational facts, no positive direction for regularization could have been granted.

17. This Court also finds that the learned Single Judge has taken into consideration all relevant aspects of the matter, including the earlier round of litigation and the directions issued therein, and has thereafter declined interference upon finding that the decision of the competent authority does not suffer from illegality, perversity or procedural impropriety. The scope of interference in an intra-court appeal being limited, this Court does not find any compelling ground to take a different view.
18. Consequently, in view of the foregoing analysis, this Court is of the considered opinion that the impugned order dated 19.02.2026 passed by the learned Single Judge does not call for any interference. The writ appeal, being devoid of merit, is accordingly **dismissed**.
19. There shall be no order as to costs.”

They further submit that since the facts and issue involved in the present case is identical to that of **WA No.344 of 2026**, this appeal may also be disposed of in the same terms.

5. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to WA No.344 of 2026, this Court deems it appropriate not to take a view other than what has been taken in WA No. 344 of 2026.

6. Accordingly, the present appeal is dismissed in terms of the order dated 28-04-2026 passed in WA No. 344 of 2026.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice