



2026:CGHC:9748

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8738 of 2025

1 - Mahendra Kumar Kurre S/o Pramod Kurre Aged About 32 Years
Occupation Sweeper At Late Lakhiram Agrawal Memorial Medical College
Raigarh, District- Raigarh (C.G.)

2 - Laxmikant Choudhary S/o Tusli Charan Choudhary Aged About 38
Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government
Medical College Dist. Raigarh C.G.

3 - Duleshwar Yadav S/o Ratthulal Yadav Aged About 43 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical
College Dist. Raigarh C.G.

4 - Ranjeet Kumar Jatwar S/o Ramlal Jatwar Aged About 41 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical
College Dist. Raigarh C.G.

5 - Shubham Banjare S/o Jaypal Singh Banjare Aged About 29 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical
College Dist. Raigarh C.G.

6 - Krishna Kumar Soni S/o Premlal Soni Aged About 30 Years

Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

7 - Meera Goswami S/o Mohan Goswami Aged About 33 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

8 - Prabhudan Ekka S/o Jiwan Ekka Aged About 44 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

9 - Subash Deep S/o Ramesh Deep Aged About 40 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

10 - Kailash Sandy S/o Shivparshad Aged About 31 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

11 - Amit Sanday S/o Budu Sanday Aged About 40 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

12 - Raymati Khadiya W/o Binod Khadiya Aged About 35 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

13 - Jwala Singh Sidar S/o Shyam Lal Sidar Aged About 30 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

14 - Geeta Sidar W/o Ramprasad Sidar Aged About 42 Years
Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

15 - Shusuma Kujar W/o Jagan Sai Kujar Aged About 39 Years

Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

16 - Shakuntala W/o Tikanchad Aged About 35 Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

17 - Seema Ratiya W/o Anil Ratiya Aged About 29 Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

18 - Geeta Rathiya W/o Tiharu Rathiya Aged About 40 Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

19 - Dashrbanti Ekka W/o Ashok Ekka Aged About 43 Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

20 - Usha Sonwani W/o Keshv Kumar Sonwani Aged About 39 Years Occupation Sweeper At Late Shri Lakhiram Agarwal Government Medical College Dist. Raigarh C.G.

21 - Chednibai Chauhan W/o Jayaingh Chauhan Aged About 51 Years Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

22 - Sunita Sarthi W/o Late Sawan Sarthi Aged About 41 Years Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

23 - Arjun Patel S/o Ramu Chauhan Aged About 36 Years Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

24 - Krishna Kumar Chauhan S/o Maniram Chauhan Aged About 28 Years

Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

25 - Purandhar Bhoya S/o Ballabh Bhoya Aged About 45 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

26 - Pavitra Sarthi S/o Kanhuram Sarthi Aged About 40 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

27 - Shivdhanram Xess S/o Sundar Xess Aged About 49 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

28 - Pradeep Kumar Kavar S/o Vedu Singh Aged About 30 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

29 - Suryakant Nirala S/o Hemlal Aged About 31 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

30 - Ranjeet Banjare S/o Gherkaram Aged About 38 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

31 - Vinay Kumar Suren S/o Chamru Ram Aged About 46 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

32 - Laxmin Bai W/o Ramcharan Aged About 49 Years
Occupation Sweeper At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist. Raigarh C.G.

33 - Khemraj Bareth S/o Kirtan Bareth Aged About 30 Years
Occupation

Sweeper At Late Shri Lakhiram Agrawal Government Medical College
Raigarh Dist. Raigarh C.G.

34 - Ranjeet Sande S/o Prem Sande Aged About 50 Years Occupation
Sweeper At Late Shri Lakhiram Agrawal Government Medical College
Raigarh Dist. Raigarh C.G.

35 - Nandram S/o Ramu Patel Aged About 28 Years Occupation Sweeper
At Late Shri Lakhiram Agrawal Government Medical College Raigarh Dist.
Raigarh C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Its Secretary Health And Family
Welfare Department, Mantralaya, Mahanadi Bhawan Naya Raipur, District
Raipur Chhattisgarh

2 - Under Secretary Medical Education Department Mantralaya, Mahanadi
Bhawan Naya Raipur District Raipur Chhattisgarh

3 - Commissioner Medical Education North Block Sector-19, Swasth
Bhawan II nd Floor Nawa Raipur Atal Nagar, Raipur District Raipur (C.G.)

4 - Director Directorate Of Medical Education North Block, Sector-19,
Swasth Bhawan II nd Floor Nawa Raipur Atal Nagar, Raipur District
Raipur (C.G.)

5 - Late Lakhiram Agrawal Memorial Through Its Dean Government
Medical College Raigarh District- Raigarh (C.G.)

... Respondent(s)

For Petitioners	: Mr. Mateen Siddiqui, Advocate
For State	: Mr. Virendra Verma, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

24/02/2026

1. Petitioners, pleading that they were engaged as Sweeper on contract basis pursuant to advertisement issued on 02.01.2017 have been discontinued from their service by oral order from March 2025, have filed this writ petition seeking following reliefs:

“10.1 The Hon'ble Court may kindly be pleased to direct the respondent Dean, Late Lakhiram Agrawal Memorial Medical College Raigarh C.G. to allow the petitioners to perform their duties as Sweeper at Late Lakhiram Agrawal Memorial Medical College Raigarh C.G.

10.2. The Hon'ble Court may kindly be pleased to direct the respondent State to consider the candidature of the petitioners for regularization on the post of Sweeper against the sanctioned post in Late Lakhiram Agrawal Memorial Medical College Raigarh C.G.

10.3 The Hon'ble Court may kindly be pleased to direct the respondent State to grant any other relief which this Hon'ble Court deems fit and proper in favour of the petitioners as per the facts & circumstance of the present case, in the ends of justice.”

2. Learned counsel for the petitioners submits that some of the petitioners were appointed as Sweeper on contract basis in the year 2017 and some of the petitioners in the year 2016. In some of the appointment order issued by respondent- Govt. Medical College Raigarh, there is mention that appointment was being made for a period of one year or until regular appointment is made on the said post. Posts on which petitioners are working are sanctioned posts and petitioners

were appointed against vacant sanctioned posts. It is also contention of counsel for petitioners that since date of their engagement they continuously worked till they were discontinued in the month of March 2025 by oral order. Order of extension of their engagement is also placed on record. He contended that respondent No.5/Dean of the Medical College wrote letter to respondent No.3/Commissioner, Medical Education mentioning that, 23 posts of Sweeper for Govt. Medical College, Raigarh and 44 posts of Sweeper for associated hospitals of Govt. Medical College, Raigarh have been permitted to be created and further approval is sought for appointing Sweepers on the said posts on contract basis vide letter dated 26.03.2025. Commissioner, Medical Education has further written letter to respondent No.5 asking him to provide relevant information as mentioned therein vide letter dated 11.04.2025. But till date petitioners have not been re-engaged in service even as contractual employee. Action on the part of respondent No.5 is highly arbitrary, as not only the work for petitioners is available but posts are also sanctioned.

3. Learned counsel for the respondents-State opposes submission of learned counsel for the petitioners and would submit that appointment of petitioners was only for one year as per the pleading made by petitioner themselves. It is contented that by appointing the petitioners on contract basis, after completion of period of one year, petitioners is having no substantive right for being appointed as contractual employees. Their engagement was only for a period of one year which was though extended from time to time. State Govt. has taken a policy decision to replace the work of security and house keeping including

the work of Sweeper, through outsourcing. Now the work of Sweeper is being done by agency outsourced. Work of housekeeping has been outsourced and awarded by way of contract executed by respondent No.5 with Metas Security and Fire Services Pvt. Ltd. and the work order is issued on 11.07.2025.

4. I have heard learned counsel for the parties and also perused documents annexed along with writ petition.

5. Engagement of some of petitioners on contract basis in the year 2016, and some of petitioners in the year 2017 pursuant to advertisement issued in the year 2017 is not disputed by learned counsel for the respondents/State in specific terms. In reply, State Govt. has also not disputed with regard to creation of 23 posts for Govt. Medical College, Raigarh and 44 posts for other associated hospitals of Medical College, Raigarh. From Annexure P-5 letter dated 26.03.2025 it is apparent that Dean, Govt. Medical College, Raigarh wrote a letter to Commissioner, Medical Education for grant of approval/permission to appoint Sweeper on contract basis. Commissioner i.e. respondent No.3 has also called for relevant particulars and information from respondent No.5-Dean Medical College, Raigarh on 09.05.2025 and declared respondent No.5 to be appointing authority for appointing employees of Class-I, Class-II, Class-III and Class-IV on contract basis. This exercise shows that vacant sanctioned posts as also the work, for engagement of petitioners are available.

6. Hon'ble Supreme Court in case of **Bhola Nath Vs. The State of Jharkhand & Ors.** [SLP (Civil) No.30762 of 2024] and connected

Special Leave Petitions (Civil) vide its order dated 30th January 2026 has observed thus:

“13.2. In the present case, the respondent-State had engaged the services of the appellants on sanctioned posts since the year 2012. It was only towards the end of the year 2022 that the respondents communicated that no further extension of the appellants' engagement was likely to be granted.

13.3. In our considered opinion, the aforesaid action is not only vitiated by arbitrariness but is also in clear derogation of the equality principles enshrined in Article 14 of the Constitution. The respondent-State initially engaged the appellants in their youth to discharge public duties and functions. Having rendered long and dedicated service, the appellants cannot now be left to fend for themselves, particularly when the employment opportunities that may have been available to them a decade ago are no longer accessible owing to age constraints.

13.4. We are unable to discern any rational basis for the respondent-State's decision to discontinue the appellants after nearly ten years of continuous service. We are conscious that the symbiotic-relationship between the appellants and the respondent-State was mutually beneficial, the State derived the advantage of the appellants' experience and institutional familiarity, while the appellants remained in public service. In such circumstances, any departure from a long-standing practice of renewal, particularly one that frustrates the legitimate expectation of the employees, ought to be supported by cogent reasons recorded in a speaking order.

13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily

discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.”

7. Hon’ble Supreme Court in case of **Dharam Singh & Ors. Vs. State of UP & Anr.** (2025 SCC OnLine SC 1735) has strongly deprecated the culture of “ad-hocism” adopted by States in their capacity as employers. Hon’ble Supreme Court also criticized the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.
8. Hon’ble Supreme Court in case of **Bhola Nath** (supra) has further observed that the Court is unable to persuade themselves to accept the respondent-State’s contention that the mere contractual nomenclature of the appellants’ engagement denudes them of constitutional protection. It is further observed that the State having availed of the appellants’ services on sanctioned posts for long time pursuant to a due process of selection and having consistently acknowledged their satisfactory performance, cannot, in the absence of cogent reasons or a speaking decision, abruptly discontinue such engagement by taking refuge behind formal contractual clauses and held such action to be manifestly arbitrary and violation of Article 14 of the Constitution of India.

9. In case at hand also, petitioners according to pleadings made in writ petition, have continuously worked for about 8 to 9 years and suddenly by oral order, they were discontinued from service. Contractual period of one year for which petitioner was initially engaged was extended from time to time as pleaded by petitioner which also shows that petitioners worked to the satisfaction of employer and other authorities.

10. Case of petitioners that they were working against sanctioned vacant posts is also discernible from document enclosed along with writ petition more particularly letter written by respondent No.5- Dean of Medical College of creating as many as 67 posts of Sweeper. Permission was granted to appoint Sweeper on contract basis and respondent No.5- Dean of Medical College, Raigarh was declared to be appointing authority for engaging employees of Class-I, Class-II, Class-III and Class-IV on contract basis.

11. In the aforementioned facts of case, I am inclined to dispose of this writ petition directing respondents No. 3 & 5 to consider claim of petitioners for their appointment on contract basis in the light of decisions of Hon'ble Supreme Court in case of **Bhola Nath** (supra) and **Dharam Singh** (supra) within a period of three months from the date of receipt of copy of this order.

12. With the aforesaid observation and direction, writ petition stands disposed of.

Sd/-
(Parth Prateem Sahu)
Judge