



2026:CGHC:13374



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9751 of 2025

Shakil Ahemad Quraishi S/o Abdul Khalil Quraishi Aged About 53 Years
Occupation Service, Presently Posted And Working As Clerk/assistant Grade-
III At Government Engineering College, Raipur, Chhattisgarh, R/o Near C.G.
Agan, Potiya Road, Adarsh Nagar, Durg, Chhattisgarh

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Higher
Education, Technical Education And Manpower Planning, Mantralaya,
Mahanadi Bhawan, Atal Nagar, Naya Raipur, Distt. Raipur, Chhattisgarh

2 - Director Directorate Of Technical Education, Government Girls Polytechnic
Campus, Byron Bazar, Distt. Raipur, Chhattisgarh

3 - Pandit Ravi Shankar Shukla University Through Its Registrar, Pandit Ravi
Shankar Shukla University, Raipur, Distt. Raipur, Chhattisgarh

4 - Principal Government Engineering College, Old Dhamtari Road, Sejbahar,
Raipur, Distt. Raipur, Chhattisgarh

... **Respondent(s)**

For Petitioner	: Ms. Richa Patel, Advocate on behalf of Mr. Malay Shrivastava, Advocate
For Resp. No.1, 2 & 4/State	: Mr. Ajay Kumrani, Panel Lawyer
For Resp. No.3/University	: Mr. Neeraj Choubey, Advocate (through VC)

**S.B.: Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****19/03/2026**

1. With the consent of learned counsel appearing for the parties, the case is heard finally.
2. Petitioner has filed this petition seeking following reliefs:

“10.1. That this Hon'ble Court may kindly be pleased to direct the respondents to produce the entire records with respect to the petitioner.

10.2. That, this Hon'ble Court may kindly be pleased to direct the respondents to absorbed/regularize the services of the petitioner from the date of transfer of their services in Government Engineering College, Raipur I.e. from 11/08/2006 against the vacant, sanctioned post of Clerk/Assistant Grade-III.

10.3. Any other relief(s)/ order(s)/ direction(s) in favour of petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

10.4. Cost of the petition may kindly be awarded to the petitioner.”
3. Learned counsel for petitioner submit that the petitioner was initially appointed as daily wage employee in University Institute of Technology (UIT), Raipur controlled and run by respondent No.3/Pt. Ravi Shankar Shukla University, Raipur. After passage of time, State Govt. took a policy decision to take over University Institute of Technology Raipur and convert it into Govt. Engineering College Raipur. Decision to keep 21 employees working in University Institute of Technology Raipur in the setup of Govt. Engineering College Raipur was also taken and an order to this effect was passed on 11.08.2006.



Pursuant to order dated 11.08.2006 services of the petitioner herein along with other similarly situated employees have been merged in the Govt. Engineering College, Raipur. She submits that the petitioner is continuously working on daily wage basis in Govt. Engineering College since 11.08.2006 against the vacant sanctioned post. She further contended that in view of the law laid down by Hon'ble Supreme Court, petitioner is entitled for consideration of regularization of his services on the post on which he is working continuously since 11.08.2006. It is also submitted that on 17.03.2020, respondent No.4 again sent letter recommending regularization of the service of petitioner along with other similarly situated employees. They are continuously working since the date of their initial engagement. She, however, submits that at this stage petitioner may be permitted to submit fresh representation before respondents No. 2 & 4 and the said authority be directed to take decision on the representation expeditiously thereafter.

4. Learned counsel for the respondents submit that as petitioner is not pressing their writ petition on merits and only seeking permission to submit fresh representation to be considered by authorities, they are having no objection.

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

6. In case of **Narendra Kumar Tiwari & Others Versus State of Jharkhand & Others**, reported in SCC (L&S) 2018 (2) 472 Hon'ble Supreme Court has considered the issue of claim of regularization of temporary/daily wage employees, who had completed 10 years of service. Further, Hon'ble Supreme Court in case of **Jaggo Versus**



Union of India reported in (2024) SCC Online SC 3826 has further observed that the government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale.

7. 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 that respondent -State was not justified in continuing the appellant's services on sanctioned posts for over a decade under nomenclature of contractual engagement and thereafter denying them consideration for regularization and have further directed for regularizing the appellants therein, in service.

8. Recently, 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 and observed thus:

"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and



recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.

x x x

20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling “reconsiderations,” and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher



standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India.”

9. In the aforementioned facts of case more particularly the period of engagement of petitioner as daily wage employee and recent decisions of Hon'ble Supreme Court on the point of regularization, this writ petition is disposed of permitting the petitioner to submit a comprehensive fresh representation before respondents No. 2 & 4, along with all supporting documents and if such representation is submitted, concerned authorities shall consider and decide the claim of petitioner sympathetically in an objective manner, expeditiously, preferably within a further period of four months from the date of receipt of representation, keeping in mind the decision of Hon'ble Supreme Court in cases of **Narendra Kumar Tiwari** (supra) **Jaggo** (supra), **Bhola Nath** (supra) and **Dharam Singh** (supra).

Sd/-

(Parth Prateem Sahu)

Judge