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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8750 of 2022

1 - Jaishri Soni D/o Shri Banarshilal Soni Aged About 37 Years Presently Posted As Training Officer, Trade- Copa, Posted At Government Industrial Training Institute (I.T.I.), Lundra, District Surguja (C.G.), Permanent Resident Of Lundra, District : Surguja (Ambikapur), Chhattisgarh ... **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Skill Development Technical Education And Employment, Mantralaya, Mahanadi Bhawan, Naya Raipur, District : Raipur, Chhattisgarh
2 - Director Directorate Of Employment And Training, Indrawati Bhavan, Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh
3 - Joint Director Directorate Of Employment And Training, Divisional Office, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
4 - Principal Government Industrial Training Institute, Lundra, District : Surguja (Ambikapur), Chhattisgarh ... **Respondent(s)**

For Petitioner	:	Mr. Kishore Narayan, Advocate
For State	:	Mr. Anway Tiwari, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

07.05.2026

1) By way of this petition, the petitioner has sought following reliefs:-

“10.1 That, the Hon'ble Court may kindly be pleased to issue a writ of mandamus directing the respondents to take steps to regularize the petitioner in the post of trainer (COPA Trade) and further direct to grant consequential benefits, in the interest of justice.



10.2 Any other relief which this Hon'ble Court may deem and proper in the present circumstances of the case.”

- 2)** Learned counsel appearing for the petitioner submits that petitioner was appointed as Guest Faculty (Training Officer) under respondent department on 11.12.2007 where she has continuously worked for 19 years and posts are lying vacant but claim of petitioner for regularization has not been considered. He further submits that petitioner preferred WPS No.5490 of 2021 which was disposed vide order dated 7.10.2021 whereby respondents were directed to consider the claim of petitioner. He contends that petitioner made a representation and same was rejected vide order dated 7.12.2021 on the ground that petitioner was working as Guest Faculty under respondents therefore he is not entitled for regularization. He further contends that according to circular issued by the State Government dated 5.3.2008, respondents are under obligation to consider the name of petitioner for regularization. He prays a direction to respondent authorities to regularize the petitioner.
- 3)** On the other hand, learned State counsel submits that petitioner was working as Guest Faculty and her claim for regularization is not covered with the circular dated 5.3.2008 and she cannot be permitted to take refuge of the said circular.
- 4)** I have heard the learned counsel appearing for the parties and perused the documents placed on record.



5) Admittedly, order dated 10.12.2007 (Annexure P/1) would reveal that petitioner was engaged as Guest Faculty. It appears that petitioner was not appointed against any sanctioned and vacant post pursuant to any advertisement issued by the department whereas according to circular dated 5.3.2008, claim of daily rated employees/ contingency paid employees who were appointed prior to year 1988 or between years 1989 to 1997 can be considered for regularization.

6) Recently, the Hon'ble Supreme Court in the matter of **Madan Singh and Others Vs. State of Haryana and Others**¹ struck down the Notifications issued by the State of Haryana dated 07.07.2014 whereby a policy decision was taken to regularize the services of Group 'B', 'C' and 'D' employees. The Hon'ble Supreme Court struck down said Notification on the ground that the State of Haryana failed to justify reasons for regularization of services of *ad hoc* employees, who had not been engaged on the basis of advertisement or any interview. Relevant para 21 is reproduced herein below :

"21. On 07.07.2014, the General Administration Department of the State Government came up with a policy decision to regularise the services of Group 'B', 'C' and 'D' employees. This policy, however, was slightly distinct from the earlier Notifications dated 16.06.2014 and 18.06.2014. Significantly, what was provided for was that the services of ad hoc employees, who had or were to complete ten years of service at the future date of 31.12.2018 were to be regularised even if his/her

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original appointment was not made through the process of advertisement and interview. The criteria prescribed was (a) possessing the prescribed qualification for the post on the date of appointment/engagement, (b) the work discharged was to be on a sanctioned vacant post at the time of the initial engagement and also at the time of regularisation, (c) the reservation policy as applicable ought to be borne in mind and (d) no relaxation in the prescribed criteria was permissible.

In our view, the Notifications dated 07.07.2014 seek to regularise the engagement of such ad hoc employees, who were not initially engaged through the process of advertisement nor after facing any interview. Such stipulations are not found in the earlier Notifications dated 16.06.2014 and 18.06.2014, which we have held to be valid. There is no justification placed on record by the State of Haryana as to why services of such ad hoc employees, who had not been engaged on the basis of any advertisement or interview were sought to be regularised, that too by taking into consideration a future cut-off date of 31.12.2018. The claim of being engaged sans an advertisement itself gives rise to doubts as regards the manner of engagement. Absence of any record whatsoever of the manner of engagement does not inspire any confidence in such process. That such ad hoc employee has not faced any interview is another relevant feature. Further, there does not appear to be any rational basis for fixing a future cut-off date, which is beyond four years from the date of the Notifications. This would indicate that even when it was possible to initiate a process of regular recruitment after issuance of the Notifications dated 07.07.2014, by virtue of the impugned Notifications, number of posts which could have been filled in through regular recruitment were not liable to be advertised. The intent was to accommodate such ad hoc employees, who came to be engaged, albeit temporarily, in the absence of any public advertisement or interview. We see no justifiable reason to uphold the validity of the two Notifications dated 07.07.2014 since they intend to regularise the services of such ad hoc employees, who were engaged without any advertisement and without being interviewed. To that extent, the impugned judgment of the High



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Court holding the Notifications dated 07.07.2014 to be arbitrary and illegal does not deserve to be interfered with.”

7) Taking into consideration the fact that the petitioner was not engaged/appointed against sanctioned and vacant post, no advertisement was issued and she did not participate in any interview and her claim is not covered within the Circular dated 05.03.2008, in my opinion, no case is made out for interference. Accordingly, this petition fails and is hereby **dismissed**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE