



2026:CGHC:19070

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 541 of 2026

Ravindra Nath Mishra S/o Shri Ramrakhware Mishra Aged About 39 Years
Occupation Data Entry Operator (Contract), Office Of Block Education Officer
Marwahi Distt. Gaurela Pendra Marwahi, Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through Principal Secretary, Department Of School
Education, Mantralaya Mahanadi Bhawan, Atal Nagar, Raipur, Distt. Raipur,
Chhattisgarh.

2 - District Education Officer Distt. Gaurela Pendra Marwahi, Chhattisgarh.

... Respondents

For Petitioner	:	Ms. Deepali Pandey, Advocates
For State	:	Mr. Aditya Tiwari, Panel lawyer

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

Order on Board

25.04.2026

1. Petitioners have filed this petition seeking following reliefs:

“10.1 That, the Hon’ble Court be pleased direct the
respondent no. 2 to consider and decide the pending
application dated 16/5/2025 of petitioner for his
regularization (Annexure P/1).

10.2 That, the Hon'ble Court be pleased direct the respondent no. 1 and 2 to regularize the services of the petitioner on the post of Data Entry Operator with all consequential benefits.

10.3 That, any other relief which this Hon'ble court deems fit in the present facts and circumstances of the case may kindly be granted."

2. Learned counsel for petitioner submits that petitioner is working on the post of Data Entry Operator at the office of Block Education Officer , Marwahi District Gaurela Pendra, Marwahi (C.G.). Petitioner was appointed on the said post on 10.08.2007 on contractual basis and since then he has been working continuously on the said post. However, he has not been regularized on the post of Data Entry Operator, being aggrieved of which petitioner has submitted a representation dated 16.05.2025 vide Annexure P/1 before respondent no. 1 which till date is pending consideration. Therefore, direction be issued to respondent no. 1 to consider and take decision on the representation submitted by petitioner expeditiously. She further submits that petitioner may be permitted to submit fresh representation before the concerned authority and direction be issued to consider the same along with the pending representation, expeditiously, within specified time frame.

3. Learned counsel for the State opposes the prayer made for regularization on the ground that petitioner is not covered under Circular dated 05.03.2008 issued by the State Govt. for regularization of service of daily wage employee/temporary employees. In support of her contention, he places reliance upon the decision in the case of

Premasagar Chouhan & Ors. Vs. State of Chhattisgarh and Ors
(WPS No.4036 of 2011, decided on 01.04.2024).

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

5. Claim of the petitioner is that petitioner was engaged in service as daily wage employee on collector rate and is continuously working for more than a decade. Petitioner has continuously worked for about more than 18 years as daily wage employees.

6. Hon'ble Supreme Court in recent decisions have taken into consideration its earlier decision in case of **Secretary, State of Karnataka and others Vs. Umadevi (3) and others**, reported in (2006) 4 SCC 1 and thereafter considering the facts of those cases, in particular engagement of petitioners/appellants therein continuously for more than a decade, have considered the issue of regularization of their service.

7. 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.

8. 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.

9. 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.”

10. Decision relied upon by learned counsel for the State in case of **Premasagar Chouhan** (supra) is on different facts. In that case, respondent department with whom petitioner therein was working have issued a letter for discontinuation of their services and they were subsequently discontinued which was subject matter of consideration in that writ petition and therefore, decision relied upon by respondent-State is entirely on different facts.

11. 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 as discussed in preceding paragraphs, this writ petition is disposed of permitting the petitioner to submit a comprehensive fresh representation before respondent authority seeking regularization and if such representation is submitted, concerned authority shall consider and decide the claim of petitioners 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

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