

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 19 of 2023

1. Sadanand Pandey, aged about 34 years, Son of Late Ayodhya Pandey, resident of Village: Pesam, P.O. Pesam, P.S. Berni, District- Giridih (Jharkhand).
2. Md. Jafirul Haque, aged about 48 years, Son of Md. Emanul Haque Ansari, resident of Village: Barwachatar, P.O. Palaunjia, P.S. Birni, District- Giridih (Jharkhand).
3. Kishun Kumar Verma, aged about 42 years, Son of Baldeo Mahto, resident of Village: Merkhongeundi Kalan, P.O. Balgo, P.S. Jamua, District- Giridih (Jharkhand).
4. Bijay Kumar Pramanik, aged about 40 years, Son of Nageshwar Prasad, resident of Village Chottolodhia, P.O. Deosang, P.S. Punda, District- Deoghar (Jharkhand).
5. Yamuna Ram, aged about 51 years, Son of Ramanuj Ram, resident of Village Jamtara, P.O. Jamtara, P.S. Dumri, District- Giridih (Jharkhand).
6. Yugal Prasad Verma, aged about 48 years, Son of Late Bandhu Mahto, resident of Village Alodih, P.O. Tara, P.S. Jamua, District- Giridih (Jharkhand).
7. Md. Kasim Ansari, aged about 48 years, Son of late Hamtali Mian, resident of Village Barwachatar, P.O. Palawunja, P.S. Birni, District- Giridih (Jharkhand).
8. Md. Munaur Ansari, aged about 42 years, Son of Late Md. Moin Ansari, resident of Village Azad Nagar, P.O. Chaitadih, P.S. Muffasil, District- Giridih (Jharkhand).

.... **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand.
2. The Chief Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand, having its office at Project Building, P.O. Dhurwa, P.S. Jagannathpur, District- Ranchi (Jharkhand).
3. The Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, having its office at Project Building, P.O. Dhurwa, P.S. Jagannathpur, District- Ranchi (Jharkhand).
4. The Commissioner, North Chotanagpur Division, Hazaribagh, P.O. Hazaribagh, P.S. Sadar, District- Hazaribagh (Jharkhand).
5. The Deputy Commissioner, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).
6. The Additional Collector, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).

7. The Sub-Divisional Officer, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).
 8. The Block Development Officer, Deori, P.O. & P.S. Deori, District- Giridih (Jharkhand).
 9. The Circle Officer, Bengabad, P.O. & P.S. Bengabad, District- Giridih (Jharkhand).
 10. The Circle Officer, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).
 11. The Circle Officer, Birni, P.O. & P.S. Birni, District- Giridih (Jharkhand).
-Respondent (s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s)	: Mrs. Rinku Bhakat, Advocate
For the Resp.-State	: Ms. Laxmi Murmu, G.P.-I

20/20.08.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioners, who are eight in number, for quashing the order dated 16.11.2022 bearing Memo No. 3996 (Annexure-4) and proceeding dated 14.11.2022 (Annexure-3); whereby their claim of regularization has been rejected.

Further prayer has been made for directions to the respondents for regularization of the petitioners on the basis of the recommendation made by the Respondent No. 4 vide recommendation dated 26.02.2020 and for payment of all the consequential benefits.

3. The brief facts of the case as per the pleadings are that the petitioner no.1 was appointed as a Jeep Driver in July, 2007 against a sanctioned vacant post; petitioner no.2 was appointed in the year 1995; petitioner no.3 on 10.12.2005; petitioner no.4 on 01.01.2004; petitioner no.5 on 02.01.1999; petitioner no.6 in the year 2001; petitioner no.7 on 13.06.2003; and petitioner no.8 on 29.01.2003.
4. Their specific case is that all of them have continued to discharge their duties since their respective

appointments and they claim to possess the requisite qualification for regular appointment as Jeep Drivers.

5. The petitioners had earlier approached this Court by filing *W.P.(S) No.89 of 2016* seeking regularization of their services. The said writ petition was disposed of on 07.02.2019 with a direction to the respondents to determine the factual aspect of each individual case, after following the principles of natural justice, and thereafter to consider the claim for regularization in terms of the notification/resolution dated 13.02.2015, keeping in view the several judgments of the Hon'ble Supreme Court and this Court.

6. When the aforesaid order was not complied, the petitioners instituted *Contempt Case (Civil) No. 1137 of 2019*. During its pendency, a meeting of the regularization committee was convened on 17.02.2020, wherein the cases of the petitioners were considered and they were found eligible for regularization. Accordingly, by proceeding bearing Memo No.217 dated 26.02.2020, the committee headed by the Commissioner, North Chotanagpur Division, Hazaribagh, recommended their cases for regularization.

7. Consequently, astonishingly, the same committee again convened a meeting on 14.11.2022 wherein their cases were rejected, and the respondent no.3 passed the impugned order bearing Memo No.3996 dated 16.11.2022, rejecting the claim of the petitioners for regularization.

8. The contempt proceedings were thereafter dropped on 25.11.2022, as the respondents had passed the reasoned order dated 16.11.2022, with liberty to the petitioners to work out their remedy in accordance with law. Aggrieved of the proceeding dated 14.11.2022 and the consequential

order dated 16.11.2022, the petitioners have filed the instant writ application.

9. Ms. Rinku Bhakat, Ld Counsel representing the petitioners had submitted that the committee comprising, inter alia, the Commissioner, Deputy Commissioner, Additional Collector, District Establishment Deputy Collector and other concerned authorities, after considering the cases of the petitioners, had found them eligible for regularization and recommended their cases vide proceeding bearing Memo No.217 dated 26.02.2020.

10. Ld. Counsel further submitted that the rejection of claim in the proceeding dated 14.11.2022 was contrary to the earlier recommendation vide Memo dated 26.02.2020 made in their favour.

11. Ms. Bhagat had also contended that the respondents have adopted a discriminatory and pick-and-choose approach, and pointed out that similarly situated employees, who had also rendered long years of service, were regularized by the State Government; whereas the petitioners have been denied similar treatment. Reference has been made to Resolution No.1300 dated 03.03.2021, whereby the services of more than 180 persons were stated to have been regularized.

12. She had finally submitted that the impugned order dated 16.11.2022 is a non-speaking order, as the respondent no.3 has rejected the claim of the petitioners merely on the basis of the proceeding dated 14.11.2022 without independently considering their case or the relevant materials, and as such, the impugned order suffers from non-application of mind and is liable to be quashed.

13. *Per contra*, learned counsel for the respondents had

submitted that although the petitioners have been working as Jeep Drivers on daily wages against sanctioned vacant posts, they do not possess appointment letters issued by the competent authority, namely, the Deputy Commissioner, Giridih.

14. Ld. State Counsel had also submitted that the claim of the petitioners has to be examined strictly in terms of the conditions prescribed under Notification No.1348 dated 13.02.2015 and Notification No.4871 dated 20.06.2019 governing regularization of services, and since the regularization committee has found that the petitioners have not submitted all the requisite documents prescribed under the said notifications, their case has been rejected.

15. Having heard Ld. Counsel for the rival parties and upon perusal of the materials available on record, it clearly transpires that the petitioners have been working as Jeep Drivers against sanctioned vacant posts for a considerably long period of around two decades after being appointed between the years 1995 and 2005. The respondents themselves have admitted that the petitioners have been discharging their duties on daily wages against sanctioned vacant posts, though it is their specific stand that the petitioners do not possess appointment letters issued by the competent authority, i.e. the Deputy Commissioner, Giridih.

16. From the records, it is evident that the District Establishment Deputy Collector vide its Letter dated 03.03.2020 (Annexure-7) has forwarded the proceeding of the committee to the Secretary Revenue, Registration and Land Reforms Department for recommending the names of the petitioners for regularization. Thereafter, the cases of the petitioners were considered by the regularization committee

headed by the Respondent No. 4 in its proceeding dated 26.02.2020 and their names were duly recommended for regularization.

17. However, to the utter surprise of the petitioners, the same committee, while considering the matter on 14.11.2022, found that the applicants, including the present petitioners, had not furnished all the requisite documents contemplated under Notification No.1348 dated 13.02.2015 and Notification No.4871 dated 20.06.2019 and accordingly resolved that they did not fulfil the conditions for regularization.

18. It appears that the contention of the respondents that the petitioners have failed to produce the relevant documents is precisely inappropriate, as the petitioners had appeared before the authorities and submitted the relevant documents, which had also been forwarded by the Circle Officer, Giridih to the District Establishment vide letter(s) dated 27.03.2021.

In support of their claim, vide Annexure-1 series to the Supplementary Affidavit dated 24.06.2026, some of the petitioners have also brought on record the copy of their appointment letter(s), experience certificate(s) and other materials justifying their legitimate appointment from the respective dates, which clearly indicates that the petitioners have been appointed by their immediate bosses, BDO, CO, etc. and have been working on the sanctioned post continuously.

19. Even otherwise, this Court is of the considered opinion that the absence of a formal letter of appointment only by the competent authority is not decisive where the employees otherwise satisfies the statutory requirements for

regularization, and the formal appointment letter is only a official act, and regularization should not be denied merely on that ground of non-availability of the appointment letter issued by the competent authority where it is an admitted fact of the Respondent-State that the petitioners have been working continuously for a period of 15-25 years since the respective date of joining.

20. Even assuming that there was some defect in the initial appointment, the case of the petitioners would, at the utmost, be one of irregular appointment and not illegal appointment, particularly when they are continuously working against sanctioned vacant posts and fulfils all requisite qualifications.

21. Admittedly, the respondents have themselves permitted the petitioners to continue in service for several years and, more significantly, their cases were earlier considered by the regularization committee and recommended for regularization vide Memo dated 26.02.2020.

22. At this stage, it would be profitable to refer the judgment rendered by this Court in ***W.P.(S) No. 722 of 2026 [Gulam Khan v. The State of Jharkhand & Ors.]***, wherein similar issue of regularization was considered where the initial appointment had not been approved by the competent authority, and the Court held that the respondents had passed the impugned order by ignoring material documents available on record which indicated that the petitioner's engagement was duly approved/recognized by the competent authority. Further, the Court held that the respondents were required to consider the case of the petitioners in light of the State regularization policy and the

judgment of the Hon'ble Supreme Court in **Narendra Kumar Tiwari v. State of Jharkhand [(2018) 8 SCC 238]**. The Court also referred to the judgments rendered by the Hon'ble Supreme Court in the cases of **Dharam Singh v. State of Uttar Pradesh [2025 SCC OnLine SC 1735]** and **Jaggo v. Union of India [2024 SCC OnLine SC 3826]** observing that prolonged extraction of regular labour under temporary labels offends the promise of equal promise and such long and uninterrupted service of employees cannot be brushed aside merely by labeling them as contractual (*Refer: Para- 19, 21 & 23*).

23. Further, the Hon'ble Apex Court in the judgment rendered in the case of **Bhola Nath v. State of Jharkhand [2026 SCC OnLine 129]** has held that:

“14. In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:

I. The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.

II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.

III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.

*IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of **Umadevi** (supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.*

V. In view of the foregoing discussion, we direct the respondent-State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment.”

24. In view of the aforesaid discussion coupled with factual aspect of the case, this Court is of the considered opinion that the petitioners are entitled to get their services regularized on the basis of recommendation made by the Commissioner, North Chhotanagpur Division, Hazaribagh (Respondent No. 4) dated 26.02.2020 (Annexure-2).

25. Accordingly, the impugned order dated 16.11.2022 is, hereby, quashed and set aside so far as it relates to the present petitioners, and the respondents are directed to regularize the service of the petitioners and further grant all the consequential benefits.

26. The entire exercise shall be completed within a period of 6 weeks from the date of receipt/production of copy of this order.

27. As a result, the instant writ application stands allowed. Pending I.A(s), if any, also stands closed.

(Deepak Roshan, J)

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