

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 18 of 2023

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Md. Nasiruddin Ansari, aged about 50 years, Son of Late Md. Mian, resident of Village and P.O. Bengabad, P.S. Jamua, District- Giridih (Jharkhand). **Petitioner(s)**

-VERSUS-

1. The State of Jharkhand
 2. The Chief Secretary, Personnel, Administrative Reforms and Rajbhasa Department, Government of Jharkhand, Project Building, P.O. Dhurwa, P.S. Jaggaranthpur, District- Ranchi (Jharkhand).
 3. The Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, Project Building, P.O. Dhurwa, P.S. Jaggaranthpur, 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 General Manager, District Industries centre, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).
 9. The Block Development Officer, Deori, P.O. & P.S. Deori, District- Giridih (Jharkhand).
 10. The Circle Officer, Bengabad, P.O. & P.S. Bengabad, District- Giridih (Jharkhand).
 11. The Director, Industries, Industries Directorate, Nepal House, P.O. & P.S. - Doranda, District - Ranchi.**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	: Mr. Mithilesh Singh, G.A.-IV
	Mr. Vishal Kr. Rai, A.C. to G.A.-IV

21/20.08.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying for directions upon the respondents to regularise the petitioner on the basis of the recommendation made by the Respondent No. 8 vide letter dated 12.09.2022 and for payment of all the consequential benefits as he is continuously working for more than two decades and he

fulfils all the requisite qualification for regularization.

3. The brief facts of the case as per the pleadings are that the petitioner was appointed as a Jeep Driver on 31.10.2002 against a sanctioned vacant post. The specific case of the petitioner is that he continued to discharge his duties since his appointment and he claims to possess the requisite qualification for regular appointment as a Jeep Driver.

4. The petitioner had earlier approached this Court by filing *W.P.(S) No.89 of 2016* seeking regularization of his services along with some other petitioners therein. 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 judgments of the Hon'ble Supreme Court and this Court.

5. When the aforesaid order was not complied, the petitioners therein 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 case of rest of the petitioner was 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 his case for regularization.

6. In the meantime, the case of the petitioner has also been recommended for regularization by the General Manager, Industries Centre vide Letter No. 255 dated 12.09.2022. Thereafter, the cases of the other similarly

situated persons were considered and a reasoned order dated 16.11.2022 was passed rejecting their claims for regularization. The petitioner, however, contends that his case was neither considered; nor any order was passed in respect of his claim. Hence, this writ application.

7. 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 therein to work out their remedy in accordance with law. Aggrieved of the non-consideration of his case for regularization, the petitioner has filed the instant writ application.

8. Ms. Rinku Bhagat, Ld. Counsel representing the petitioner 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 case of the other petitioners of W.P.(S) No. 89 of 2016, had found them eligible for regularization and recommended his case vide proceeding bearing Memo No.217 dated 26.02.2020.

9. 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, as nothing has been uttered with regard to the present petitioner.

10. Learned counsel also submitted that the respondents have adopted a discriminatory and pick-and-choose approach, and points 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 23.03.2021, whereby the services of more than 180 persons were stated to have been regularized.

11. She lastly submitted that the 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.

12. *Per contra*, learned counsel for the respondent nos. 4 to 11 had submitted that the claim of the petitioner 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, but the petitioner's case has not been finally rejected; rather, his claim is to be considered by the competent authority in accordance with the governing rules and guidelines.

13. However, learned counsel for the respondents no. 11 had submitted that although the petitioner was working as a Jeep Driver on daily wages against sanctioned vacant posts, but he does not possess appointment letter issued by the competent authority, namely, the Deputy Commissioner, Giridih, as such, his claim has not been considered.

14. Having heard learned counsel for the parties and upon perusal of the materials available on record, it transpires that the petitioner has been working as a Jeep Driver against a sanctioned vacant post for a considerably long period of more than two decades after being appointed on 31.10.2002 and the same is evident from the letter

bearing Memo No. 25 dated 12.09.2022 issued by the General Manager, Industries Centre, Giridih to the Under Secretary, Industries Directorate, Jharkhand, Ranchi.

15. The respondents themselves have admitted that the petitioner has been discharging his duties on daily wages against a sanctioned vacant post, though it is their specific stand that the petitioner does not possess appointment letter issued by the competent authority, i.e. the Deputy Commissioner, Giridih.

16. From the records, it is evident that General Manager, Industries Centre, Giridih informed the Under Secretary, Industries Directorate Jharkhand, Ranchi recommending the name of the petitioner for regularization vide Memo No. 255 dated 12.09.2022. Thereafter, the case of the rest of the petitioners in W.P.(S) No. 89 of 2016 was considered by the regularization committee headed by the Respondent No. 4 in its proceeding dated 26.02.2020 and his name was recommended for regularization. But, the same committee, while considering the matter on 14.11.2022, found that the applicants have 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, without uttering anything about the petitioner.

17. Nevertheless, it appears that the contention of the respondents that the petitioner had failed to produce the relevant documents is factually incorrect, inasmuch as, the petitioner had appeared before the authorities and had submitted the relevant documents, which had also been forwarded by the General Manager, Industries Centre,

Giridih to the In-charge Officer. District Establishment, Giridih vide Letter No. 314 dated 23.11.2022.

However, it transpires that the same has been forwarded after the proceeding dated 14.11.2022 had been undertaken, due to which the case of the petitioner could not have been considered appropriately, but the contention of the respondent no. 11 remains that the appointment letter was not issued from the competent authority, i.e., the Deputy Commissioner, Giridih.

18. However, this Court is of the view that the absence of a formal letter of appointment only by the competent authority is not decisive where the employee otherwise satisfies the statutory requirements for regularization, and the formal appointment letter is only a ministerial 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 employee has been working continuously for a period of more than 15 years since his date of joining.

19. Even assuming that there was some defect in the initial appointment, the case of the petitioner would, at the highest, be one of irregular appointment and not illegal appointment, particularly when he has continuously worked against sanctioned vacant post and fulfil the requisite qualifications.

20. Admittedly, the respondents have themselves permitted the petitioner to continue in service for several years and, more prominently, his case was earlier recommended for regularization vide letter dated 12.09.2022 by the General Manager, Industries Centre.

21. 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 was 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. The relevant paragraphs of the judgment in *W.P.(S) No. 722 of 2026* are quoted herein-below:

*“19. Moreover, once the petitioner had continuously been working for almost last 40 years (Date of appointment-29.09.86) against a sanctioned vacant post and his case had also been recommended by the competent authorities, the respondents were required to consider his case in the light of the State regularization policy contained in Notification No. 1348 dated 13.02.2015, as modified by Notification No. 4871 dated 20.06.2019, and in the light of the judgment of the Hon'ble Apex Court in **Narendra Kumar Tiwari & Ors. v. State of Jharkhand**¹. The rejection of the petitioner's claim without properly appreciating these materials is arbitrary and violative of Articles 14 and 16 of the Constitution of India. 20. At this stage, it would also be profitable to refer to the judgment of the Hon'ble Apex Court in **Dharam Singh and others v. State of U.P. and another**², wherein the Hon'ble Apex Court has held that the State is not a mere market participant but a constitutional employer. The Hon'ble Supreme Court has further observed that the State cannot balance its*

budget on the backs of those employees who perform basic, recurring and perennial public functions. It has been held that where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices, and that prolonged extraction of regular labour under temporary labels offends the promise of equal protection. For ready reference the relevant paragraphs are quoted herein below:

“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.”

Emphasis Supplied

*21. It would also be relevant to refer to the judgment of the Hon'ble Apex Court in **Jaggo v. Union of India & Ors.**³, wherein the Hon'ble Apex Court has held that long and uninterrupted service of employees cannot be brushed aside merely by labeling their initial engagement as part-time, temporary or contractual. The Hon'ble Apex Court has emphasized that such cases must be considered in the light of the sustained contribution of the employees, the integral and recurring nature of the work performed by them, and the absence of any material to suggest that their entry was illegal, fraudulent or through any surreptitious route. It has further been held that where there is no allegation regarding competence or performance during the period of service, the employer cannot deny consideration merely on the basis of the label attached to the initial engagement.*

23. Thus, this Court finds that the respondents, having extracted continuous service from the petitioner for almost four decades against work of perennial nature, cannot now take a technical plea to deny regularization, particularly when the petitioner's case had already been recommended by the competent authorities. The impugned order dated 15.12.2025 is therefore arbitrary, unreasonable, violative of Articles 14 and 16 of the Constitution of India and liable to be quashed and set aside.”

22. Further, the Hon'ble Supreme 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.”

23. Having regards to the aforesaid discussion and circumstances, this Court is of the considered opinion that the petitioner is entitled to get his services regularized on the basis of recommendation made by the General Manager, District Industries Centre (Respondent No. 8) dated 12.09.2022 (Annexure-1).

24. Accordingly, the respondents are directed to regularize the service of the petitioner and further grant all consequential benefits.

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

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

(Deepak Roshan, J)

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Amardeep/AFR
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