

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 66 of 2023

.....
 Pradeep Kumar Kant, aged about 36 years, Son of Girdhari Das, resident of- Koni (Chak) Malda, P.O. Malda, P.S. Malda, 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. Jagannathpur, District- Ranchi (Jharkhand).
3. The Secretary, Revenue, Registration and Land Reforms Department, Government of Jharkhand, 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, Gawa, P.O. & P.S. Gawa, District- Giridih (Jharkhand).
9. The Circle Officer, Giridih, P.O. & P.S. Giridih, District- Giridih (Jharkhand).
.....Respondent (s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s)	: Mrs. Rinku Bhakat, Advocate
For the Resp.-State	: Md. Shahabuddin, S.C.-VII

20/20.08.2026

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for quashing part of the proceedings dated 14.11.2022 (Annexure-4) so far as it relates to the petitioner; whereby his claim of regularization has been rejected.

Further prayer has been made for directions to the respondents for regularization of the petitioner 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. Briefly stated, the petitioner was appointed as a Jeep Driver on 05.05.2008 against a sanctioned vacant post. The 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 the petitioner was considered and he was 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. However, subsequently, the same committee again convened a meeting on 14.11.2022 wherein his case was rejected, and the respondent no.4 passed the impugned

order bearing Memo No.3996 dated 16.11.2022, rejecting the claim of the petitioner for regularization.

7. The contempt proceedings were thereafter dropped on 25.11.2022, with liberty to the petitioners therein to take appropriate steps. Being aggrieved, the petitioner has filed the instant writ application.

8. Learned counsel for the petitioner submits 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 petitioner, had found him eligible for regularization and recommended his case vide proceeding bearing Memo No.217 dated 26.02.2020. However, surprisingly, the same committee rejected the claim vide proceeding dated 14.11.2022 which was contrary to the earlier recommendation vide Memo dated 26.02.2020 made in their favour.

9. Learned counsel also argued the issue of parity and contended that similarly situated employees, who had also rendered long years of service, were regularized by the State Government; whereas the petitioner has 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.

10. She lastly 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.

11. *Per contra*, learned counsel for the respondents submitted that although the petitioner was working as a Jeep Driver on daily wages against a sanctioned vacant post, he does not possess appointment letter issued by the competent authority, namely, the Deputy Commissioner, Giridih.

12. Learned counsel further 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; however the regularization committee has found that the petitioner had not submitted all the requisite documents prescribed under the said notifications.

13. Having heard learned counsel for the parties and upon perusal of the materials available on record, it is evident that the petitioner has been working as a Jeep Driver against a sanctioned vacant post for a substantially long period of more than one and a half decade after being appointed on 05.05.2008 and the same is evident from the letter bearing Memo No. 01 dated 05.05.2008 issued by the Block Development Officer, Gawan to the Deputy Commissioner, Giridih.

14. Further, 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.

15. 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 name of the petitioner for regularization.

Thereafter, the case of the petitioner 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, astonishingly; the same committee, while considering the matter on 14.11.2022, found that the petitioner, 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 he did not fulfil the conditions for regularization.

16. However, it appears that the contention of the respondents that the petitioner had failed to produce the relevant documents is literally incorrect, as the petitioner had appeared before the authorities and submitted the relevant documents, which had also been forwarded by the Block Development Officer, Gawan to the District Establishment vide letter no. 601 dated 12.10.2019.

In support of his claim, vide Annexure-1 to the writ application being the letter by the BDO dated 05.05.2008, the petitioner has brought on record the copy of the joining letter justifying his legitimate appointment, and further vide Annexure-1 to the Supplementary Affidavit dated 24.06.2026, the petitioner had also brought on record the copy of the experience certificate which shows that the petitioner has been working on the sanctioned post continuously and without any break.

17. Even otherwise, the Court is of the opinion 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 executive 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.

18. 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 had continuously worked against sanctioned vacant post and fulfil the requisite qualifications.

19. Admittedly, the respondents have themselves permitted the petitioner to continue in service for several years and, more prominently, his case was earlier considered by the regularization committee and recommended for regularization vide Memo dated 26.02.2020.

20. 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 continued abstraction 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 cataloguing them as contractual (Refer:- Para-19, 21 & 23.)

21. 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 as under:

“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.”

22. Having regard to aforesaid discussion and the judicial pronouncement coupled with the factual background, the Court is of the considered opinion that the petitioner is entitled to get his services regularized on the basis of recommendation made by the Commissioner, North Chhotanagpur Division, Hazaribagh (Respondent No. 4) dated 26.02.2020 (Annexure-3).

23. Accordingly, the impugned order dated 14.11.2022 is, hereby, quashed and set aside so far as it relates to the present petitioner, and the respondents are directed to regularize the service of the petitioner and further grant all the consequential benefits.

24. 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)

20.08.2026
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Uploaded on
10.9.2026