

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(S) No. 543 of 2020**

Sangeeta Toppo, Aged about 42 years, w/o Sri Pankaj Kumar, resident of village-Karamtoli, 1<sup>st</sup> Street, Near Dulia Medicare, Ranchi, P.O.-Morhabadi, P.S. Lalpur, District-Ranchi.

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

Versus

1. The State of Jharkhand
2. The Principal Secretary Department of Personnel Administrative Reforms & Rajbhasa, Government of Jharkhand, Project Building, HEC, Dhurwa, Ranchi.
3. The Principal Secretary Department of Transport, Government of Jharkhand having office at FFP Building HEC area, P.O. & P.S. Dhurwa, Ranchi.
4. Joint Secretary, Transport Department, Government of Jharkhand, having its office at FFP Building HEC area, P.O. & P.S. Dhurwa, Ranchi.
5. The Chairman cum Secretary cum State Transport Commissioner, State Transport Authority, Jharkhand having office at FFP Building HEC area, P.O. & P.S. Dhurwa, Ranchi.
6. The District Transport Officer, Ranchi.

**..... Respondent(s)****CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner(s) : Mr. A.K.Das, Advocate  
 For the Resp.-State : Mr. Ranjan Kumar, A.C. to Sr. S.C.-I

**C.A.V. ON 07/01/2025****PRONOUNCED ON:19/01/2026**

Heard learned counsel for the parties.

**2.** The instant writ application has been preferred by the petitioner praying therein for quashing of the Letter No. 238 dated 30.01.2019, issued under the signature of the Joint Secretary, Transport Department, Government of Jharkhand (Annexure-4), whereby the respondents have rejected the petitioner's claim for regularization of service.

The petitioner has further prayed for a consequential direction upon the respondents to reconsider and decide her claim for regularization in a fair, lawful, and non-arbitrary manner, in accordance with constitutional principles and settled law.

**3.** The case of the petitioner is that she has been continuously working as a Computer Operator in the office of the respondent-Transport Department since 31.03.2004, initially on daily wage basis. Her engagement and continuance are duly evidenced by official communications including Letter No. 1802 dated 07.08.2007 (Annexure-1).

From the very inception of her engagement, the petitioner has discharged her duties continuously, efficiently, and without any interruption, as reflected from Letter dated 20.08.2004 (Annexure-2). There has never been any allegation regarding her conduct, competence, or performance.

Recognizing the petitioner's long and satisfactory service, the concerned District Transport Officers repeatedly recommended her case for regularization, vide Letter Nos. 1513 dated 15.05.2004, 1544 dated 19.05.2004, and 1285 dated 06.05.2005, which were later reiterated in Letter No. 1802 dated 07.08.2007. Despite such consistent recommendations, no decision was taken

by the higher authorities.

**4.** The case of the respondents is that the petitioner was engaged through an outsourcing agency, and that the post of Computer Operator is allegedly not a sanctioned post.

It is contended that although the petitioner was engaged on the recommendation of the District Transport Officer with effect from 31.03.2004, no formal sanction was obtained from the competent authority, and therefore her engagement does not fall within the scope of regularization under the Jharkhand Service Regularization Rules, 2015.

It has been further argued that upon consideration by the departmental Committee, the petitioner's case was rejected on the ground that it does not fall within the definition of "employee" under Rule 2 of the said Rules, leading to issuance of the impugned letter.

**5.** Having heard Ld. Counsel for the parties and after going through the documents annexed with the respective affidavits it is evident that vide Letter No. 340 dated 15.03.2007, the Transport Department sanctioned 11 posts of Computer Operators on contractual basis for newly created districts. However, these sanctioned posts were never filled up, and the work continues to be performed through outsourced arrangements. In contrast, in older districts, the respondents continued to extract identical

work from persons like the petitioner on daily wage/contractual arrangements for decades.

**6.** Aggrieved by the prolonged inaction, the petitioner had earlier approached this Court by filing W.P. (S) No. 5323 of 2018, which was disposed of by order dated 17.12.2018, directing the respondents to examine the petitioner's status and to pass a reasoned and speaking order within a stipulated period (Annexure-3).

In purported compliance of the said order, the respondents issued Letter No. 238 dated 30.01.2019, rejecting the petitioner's claim for regularization on technical grounds. The said letter is the impugned order in the present writ petition.

**7.** It is further evident from records that the respondents have categorically admitted that the petitioner has been working continuously since 31.03.2004. Her engagement now spans over two decades, which by itself establishes that the work performed by her is perennial, regular, and essential to the functioning of the Transport Department.

Such prolonged engagement cannot, by any stretch of reasoning, be termed temporary, casual, or intermittent. The nature of duties discharged by the petitioner clearly demonstrates an existing and continuing functional requirement of the department.

8. The impugned Letter No. 238 dated 30.01.2019 suffers from patent self-contradiction. While acknowledging that the petitioner has been continuously working since 2004, the respondents deny regularization by branding her as an outsourced worker. This internally inconsistent reasoning renders the decision arbitrary, non-reasoned, and legally unsustainable.

Such an approach reflects non-application of mind and defeats the very purpose of the earlier judicial direction to pass a reasoned and speaking order.

9. The respondents' reliance on outsourcing as a ground for denial is wholly misconceived. The Hon'ble Supreme Court in the case of ***Dharam Singh & Ors. v. State of U.P.***,<sup>1</sup> has categorically held that outsourcing cannot be used as a device to perpetuate insecure and exploitative employment where the work is permanent and regular in nature.

In the present case, the petitioner has been working under the direct control, supervision, and discipline of the Transport Department, performing core departmental functions indispensable to its day-to-day operations. The mere nomenclature of "outsourcing" cannot dilute the true nature of her engagement.

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<sup>1</sup> 2025 SCC OnLine SC 1735

**10.** The plea that the post of Computer Operator is not sanctioned is equally untenable. The Hon'ble Supreme Court has consistently held that the State cannot take advantage of its own failure to create or sanction posts, despite longstanding and admitted functional necessity. Where the State has extracted work for years together, denial of regularization on the ground of non-sanction amounts to institutional arbitrariness and unfair labour practice.

**11.** The present case does not involve any illegal or backdoor appointment. The petitioner was engaged against a genuine requirement, has rendered long and blemish-free service, and her engagement was known and acknowledged by the authorities.

The judgment in the case of **Secretary, State of Karnataka v. Umadevi**,<sup>2</sup> cannot be mechanically applied to deny relief in cases of irregular but long-continued employment, especially where the State itself has failed to streamline its recruitment process despite repeated judicial pronouncements.

**12.** The continued extraction of work from the petitioner for decades without regularization violates Articles 14 and 16 of the Constitution by treating her unequally vis-à-vis

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<sup>2</sup> (2006) 4 SCC 1

similarly situated employees and by denying equal opportunity in public employment.

Further, such prolonged insecurity of tenure violates Article 21, as it deprives the petitioner of dignity, livelihood, and social security. The State, as a model constitutional employer, cannot sacrifice fundamental rights at the altar of administrative convenience.

**13.** Furthermore, although this Court had directed the respondents to pass a reasoned and speaking order, the impugned decision merely reiterates technical objections without addressing the substance, equity and constitutional dimensions of the petitioner's claim.

Such mechanical compliance frustrates the purpose of judicial review and is contrary to the settled principles of fair, transparent, and accountable decision-making.

**14.** Having regard to the aforesaid facts and circumstances of the case and the discussions made hereinabove, this Court holds that the impugned Letter No. 238 dated 30.01.2019 is arbitrary, unconstitutional and unsustainable in law, and deserves to be, and, is hereby, quashed and set-aside.

Accordingly, the respondents are hereby directed to regularize the services of the petitioner and pay her due salary and all consequential benefits. The entire exercise

shall be completed within a period of eight weeks from the date of receipt/production of copy of this order.

**15.** As a result, the instant writ application stands allowed. Pending I.A.s, if any, also stands closed.

**(Deepak Roshan, J.)**

*Dated:19/01/2026*  
*Amardeep/*  
*A.F.R./N.A.F.R.*

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21/01/2026