

IN THE HIGH COURT OF JHARKHAND AT RANCHI**W.P.(S) No. 1594 of 2025**

Binay Kumar Sinha aged about 57 years son of Late Murli Prasad, C/o Late Banshi Prasad, resident of Harihar Singh Road, Morabadi, P.O. Ranchi University, P.S. Bariatu, District Ranchi (Jharkhand)

..... Petitioner

Versus

1. State of Jharkhand through the Chief Secretary, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
2. Secretary, Department of Finance, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
3. Director, Treasury and Institutional Finance Directorate, Finance Department, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
4. Under Secretary-Cum-Assistant Director, Treasury and Institutional Finance Directorate, Finance Department, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
5. Additional Secretary, Department of Finance, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
6. Under Secretary, Department of Finance, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.
7. Secretary, Department of Personnel Administrative Reforms and Rajbhasha, Government of Jharkhand having its Office at Project Building, P.O. and P.S. Dhurwa, District Ranchi.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Amar Kr. Sinha, Adv.

: Mr. Sandeep Verma, Adv.

: Mr. Sumit Kumar, Adv.

For the Respondent : Mr. Anil Kr. Singh, AC to GP-I

04/Dated:11.08.2026

The instant writ application has been preferred by the petitioner praying therein for a direction upon the respondents to regularize the service of the petitioner who is continuously working on the sanctioned post of Typist in Institutional Finance and Programme Implementation Department, Government of Jharkhand, Ranchi since April 1999 and further prayer has been made for direction to the Respondent Authorities to make payment of the arrears of salary in revised scale after regularizing him from the initial date of his appointment with all consequential benefits.

2. The brief facts of the case are that the petitioner was duly appointed to the post of Computer Operator on 01.04.1999 but he is discharging his duty of Typist as well as Computer Operator since the date of appointment.

Meanwhile, in the year 2022, the Institutional Finance and Programme Implementation Department, Government of Jharkhand, Ranchi has been merged into Finance Department.

Thereafter, the Finance Department vide letter contained in Memo No. 2219 dated 27.09.2021 issued by the Department of Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand invited applications for regularization of service of the

employees who were casually working and had completed ten years of service. Pursuant to this, the details of the petitioner along with others were duly submitted before the concerned Respondents. However, in spite of various recommendation by the department for regularization, respondent have not regularized the services of petitioner for the reasons best known to the respondents. Hence, this writ application.

3. Learned counsel for the petitioner submits that from bare perusal of the said letter (Annexure 3 Series) it is apparent that the petitioner has been regularly working on contractual basis since April 1999 and recommendation was made for regularization of his service against the sanctioned post of Typist.

He further submits that a meeting was also held on 30.05.2022 under the Chairmanship of Additional Secretary, Finance Department, Government of Jharkhand to consider the proposal sent by different Departments of the Government of Jharkhand regarding regularization communicated vide Memo No. 1513 dated 09.06.2022 wherein the name of the petitioner was also considered for regularization against the sanctioned post of Typist under the Finance Department (Annexure 4).

He further submits that another meeting was held on 30.05.2022 under the Chairmanship of Principal Secretary, Finance Department on 27.06.2022, wherein

the name of the petitioner was again recommended for regularization to the post of Typist taking into consideration the service regularization committee scrutiny report and the consolidated report prepared by the enquiry committee in light of Notification dated 13.02.2015 issued by the Personnel Administrative Reforms and Rajbhasa Department and the amended Notification No.4871 dated 20.06.2019 and thereafter recommendation for regularization of the services of the petitioner along with others have been made against the sanctioned post of Typist under the Finance Department in view of the merger of the said Cadre into the Clerical Cadre.

He lastly submits that pursuant to the recommendation made by the Respondent Authorities, the Finance Department, Government of Jharkhand passed Resolution on 23.05.2023 and 27.07.2023 for regularization of the services of the similarly situated employees but to the utter surprise, the case of the petitioner for regularization of service has not been considered yet. As such, he prayed that the services of petitioner may be regularized in the light of the judgement rendered by the Hon'ble Apex Court in the case of ***Jaggo vs. Union of India***¹.

¹ 2024 SCC Online SC 3826

4. Learned Counsel for the respondent submits that the petitioner fails to meet the essential eligibility condition, inasmuch as, his initial engagement was not against a sanctioned post, and therefore, he is not entitled to consideration for regularization.

5. Having heard Learned Counsel for the parties and after going through documents annexed with the respective affidavits, it transpires that the petitioner was duly appointed to the post of Computer Operator by the Secretary, the Institutional Finance and Programme Implementation Department, Government of Jharkhand; however, he has been discharging his duty of Typist as well as Computer Operator since the date of appointment, *i.e.*, 01.04.1999 on contractual basis in Zonal office, Ranchi. However, in spite of various recommendations by the department, the service of petitioner has not been regularized.

6. The respondents have taken a ground that initial engagement was not against a sanctioned post, and therefore, he is not entitled to consideration for regularization.

7. However, on perusal of the materials on record, it appears that there is a recommendation letter (Annexure-A) to the counter affidavit that clearly indicates that the petitioner was appointed on 01.04.1999 on the post of Computer Operator and since

inception he has been continuously working for almost three decades as Computer Typist (Annexure-A, page 35 to the counter affidavit). Further, it clearly mentions that at the time of appointment there were 7 sanctioned posts of typist and the petitioner is working continuously as computer typist. It further states that Computer operator was appointed due to the vacant post as the typing work could not be hampered in the department, the petitioner was appointed against the said created/vacant post of typist.

8. For better appreciation relevant paragraph of recommendation letter (Annexure-A page 35) to the counter affidavit is quoted herein below:

‘उक्त दोनों कर्मियों की नियुक्ति के समय विभाग में टंकक-सह-मशीन चालक-सह-पदधर/कम्प्यूटर ऑपरेटर का कोई पद स्वीकृत नहीं था, सिर्फ टंकक का पद स्वीकृत था। इन कर्मियों से विभाग में नियुक्ति से लेकर अबतक कम्प्यूटर पर टंकण संबंधी कार्य ही कराया जा रहा है। सारिथक वित्त प्रभाग में इन कर्मियों की नियुक्ति के समय टंकक का पद स्वीकृत है।

विचारणीय कम्प्यूटर आपरेटरों की नियुक्ति टाईपिंग कार्य हेतु की गई थी एवं तत्समय विभाग में टंकक के 07 पद थे। विभाग में टंकक के सृजित पद रिक्त होने से टाईपिंग (टंकण) कार्य प्रभावित होने के कारण संबंधित कर्मियों की नियुक्ति टंकक के उक्त सृजित / रिक्त पद के विरुद्ध की गयी थी।”

9. On perusal of the recommendation letter, it clearly transpires that petitioner was appointed against the sanction post of typist and the stand taken by the respondent is not sustainable in the eyes of law. Further the Hon’ble apex Court in **Jaggo** (*supra*) has held that where appointments were not illegal but possibly

“irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially *ad-hoc* or temporary into a scenario demanding fair regularization. For better appreciation, the relevant paragraph is quoted herein below:

“20. It is well established that the decision in Uma Devi (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly “irregular,” and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization....”

10. Further, in the judgment rendered by the Hon’ble Apex Court in the case of ***Vinod vs Union of India***², it has been held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed “temporary” but has performed the same duties as performed by the regular employee over a considerable period in the

² (2024) 9 SCC 327

capacity of the regular employee. The relevant paras of the said judgment have been reproduced below:

“6. The application of the judgment in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753].”

11. Reference may also be made in this regard to the judgment rendered by the Hon'ble Apex Court in the case of ***Bhola Nath Vs. State of Jharkhand & Other***³, wherein it has been held that the 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. The relevant paragraph of the aforesaid judgment is extracted hereinbelow:

“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

³ 2026 SCC Online SC 129

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.”

12. In view of the aforesaid discussion, the instant writ application is allowed and the respondents are directed to regularize the service of the petitioner on the sanctioned post of Typist within a period of 12 weeks from the date of receipt of copy of this order.

13. Accordingly, the instant writ application is hereby allowed. Pending I.As, if any, also closed.

(Deepak Roshan, J.)

August 11, 2026
 Uploaded on
 27/08/2026
 Fahim/-
 AFR