

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 6165 of 2025

1. Himanshu Das Gupta, Aged About 45 Years, Son of Amar Das Gupta, Resident of Ginjotha Gaon, P.O. Ginjotha Gaon, P.S. Burmu, District Ranchi.
2. Babulal Mahto, Aged About 45 Years, Son of Late Kedla Mahto, Resident of Village Kuchchu, P.O. Kuchchu, P.S. Ormanjhi, District Ranchi.
3. Ramkrishna Mahto, Aged About 50 Years, Son of Balram Mahto, Resident of Chirudih, Mahuwadih, P.O. Rahe, P.S. Sonahatu, District Ranchi.
4. Abdul Quddus, Aged About 45 Years, Son of Md. Islam Ansari, Resident of Wars 5 Vill Devri, P.O. Nagri, P.S. Ratu, District Ranchi.
5. Kailash Mahto, Aged About 49 Years, Son of Jaideo Mahto, Resident of Chandiaso, P.O. Henjla, P.S. Kuru. District Lohardaga.
6. Suresh Tilming, Aged About 35 Years, Son of Mashih Prakash Tilming, Resident of House No. 20, Gaon Bandu, P.O. Gudari, P.S. Sonua Tirta, District West Singhbhum.
7. Mashque Ali @ Mashque Ansari, Aged About 31 Years, Son of Suleman Ansari, Resident of Bajar Tanr, Karkaria, P.O. Mandar, P.S. Mandar, District Ranchi.

..... **Petitioners**

Versus

1. The State of Jharkhand.
2. The Chief Secretary, Government of Jharkhand, Project Bhawan, P.O. & P.S. Dhurwa, District Ranchi.
3. The Principal Secretary, Rural Development Department, Government of Jharkhand, Project Bhawan, P.O. & P.S. Dhurwa, District - Ranchi.
4. The Commissioner, Mahatma Gandhi Rural Employment Guarantee Adhiniyam (MGNREGA) Project Bhawan, P.O. & P.S. Dhurwa, District Ranchi.
5. The Deputy Commissioner, Ranchi, P.O. G.P.O., P.S. Sadar, District - Ranchi.
6. The Block Development Officer, Mandar, P.O. & P.S. Mandar, District - Ranchi.
7. The Block Development Officer, Chanhoo, P.O. & P.S. Chanhoo, District - Ranchi.
8. The Block Development Officer, Burmu, P.O. & P.S. Burmu, District Ranchi.
9. The Block Development Officer, Rahe, P.O. & P.S. Rahe, District - Ranchi.
10. The Block Development Officer, Sonhatu, P.O. & P.S. Sonahatu, District - Ranchi.
11. The Block Development Officer, Ormanjhi, P.O. & P.S. Ormanjhi, District - Ranchi.

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners : Mr. Ranjan Kumar, Advocate
 For the Respondents : Mr. Shubham Mishra, AC to SC(M)-II

02/ 16.04.2026 The instant writ application has been preferred by the petitioners for following reliefs:

(i) For quashing of the order contained in Memo No. 333 (ii) on dated 17.03.2025 (Annexure-7) issued under the signature of Respondent- Deputy Commissioner, Ranchi, whereby and whereunder the service of the petitioner will dismiss with effect of 31.03.2025.

(ii) For issuance of an appropriate writ(s)/ order(s)/ direction(s) for commanding upon the Respondent Authorities to Regularize/ absorb the service of the petitioners on the post of Driver, who are working as driver since more than 12 years.

(iii) For issuance of appropriate command/direction and declaration of the Respondents are not Regularize the petitioner service and only giving extension for one year, as arbitrary, illegal and violative of Article-14 & 16 of the Constitution of India.

(iv) The petitioner further prays for issuance of writ(s)/order(s)/appropriate and suitable direction(s) commanding upon the Respondent authorities to allow the Petitioners to continue his service as regular basis.

2. The case of the petitioners is that they are serving as Driver for almost more than 14-15 years, the detail of which has been given in para-4 of the writ application. The same is extracted herein below:

Sl. No.	Name	Designation	Letter Date Engagement	No of posting
1.	Himanshu Das Gupta	Driver	01.03.2012	Budhmu, Ranchi
2.	Babulal Mahto	Driver	01.02.2007	Ormanjhi, Ranchi
3.	Ramkrishna Mahto	Driver	06.03.2009	Rahe, Ranchi
4.	Abdul Quddus	Driver-cum-Night Guard	22.02.2009	Nagri, Ranchi
5.	Kailash Mahto	Driver	01.06.2013	Chanho, Ranchi

6.	Suresh Tilming	Driver	20.07.2011	Sonahatu, Ranchi
7.	Mashque Ali @ Mashue Ansari	Driver	28.08.2012	Mandar, Ranchi

3. During course of hearing, learned counsel for the petitioners has specifically stated that the petitioners are still working as Driver but they are not getting their salary since 2021.
4. In reply to the same, learned counsel for the respondent-State refers to Annexure-A to the counter-affidavit and submits that the services of the petitioners have been transferred to outsourced agency and the moment they will give their joining, they will get the salary.
5. This goes to show that the petitioners have regularly worked with the respondent-Department; and transferring them to outsourced agency for taking the work from the petitioners through outsource agency demonstrate a thoughtful determination to evade the responsibility to offer regular service; as such, this decision of the respondents is not consistent in the eyes of law because admittedly all the petitioners have worked under the respondent-authorities for more than a decade (*Refer: Jaggo v.UOI & Others; 2024 SCC Online SC 3826*). As such, this Court holds that the petitioners are entitled for salary as per their entitlement.
6. Accordingly, the respondent No.5 shall calculate and verify the documents and pay salary which is due to the petitioners. This exercise shall be completed within a period of 10 weeks from the date of receipt/ production of a copy of this order.
7. So far as the issue of regularization is concerned; now law is no more *res-integra*. Recently, the Hon'ble Apex Court in the case of *Bhola Nath Vs. State of Jharkhand [S.L.P. (Civil) No. 30762 of 2024]*, decided on 30.01.2026, has dealt the issue of regularization of contractual employees. The relevant para of which is extracted herein below:

“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.”

8. Accordingly, the respective petitioners are directed to file individual representations before the Deputy Commissioner, Ranchi annexing the said judgment. The moment the concerned respondent receives the representations of the petitioners, he will take an informed decision and pass an appropriate order in the background of judgment rendered by the Hon’ble Apex Court in the case of *Bhola Nath (supra)*. The entire exercise shall be completed within the aforesaid stipulated period of 10 weeks.

9. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Deepak Roshan, J.)

16th April, 2026

Kunal/-

Uploaded on 20.04.2026