

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 4434 of 2026

1. Shyama Nand Tiwari, aged about 53 years, son of Late Dhruv Narayan Tiwari, resident of Pauta, P.O. Chandwar, P.S.-Hazaribag, District-Hazaribag, Jharkhand.
2. Prakash Sharma, aged about 49 years, son of Late Ramgulam Sharma, resident of Pathar Road, Shivpujan Colony, Doranda, P.O. and P.S. Doranda, District-Ranchi, Jharkhand.

... .. Petitioners

Versus

1. The Union of India through the Chairman, Central Board of Indirect Taxes and Customs, Department of Revenue, Ministry of Finance, New Delhi having its office at North Block, Central Secretariat, New Delhi, Delhi-110001.
2. The Additional Commissioner (CCA), CGST & CX, Ranchi Zone, Patna, having its office at Birchand Patel Path, P.O.-G.P.O., P.S.-Birchand Patel Path, District-Patna, Bihar-800021.
3. The Principal Commissioner, Central GST & Central Excise, having its office at Revenue Building, 5-A-Main Road, P.O.-G.P.O., P.S. Sadar, District-Ranchi, Jharkhand-834001.

... .. Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioners : Mr. Rajesh Kumar, Advocate
For the Respondents : Mr. Prabhat Kumar Sinha, Advocate
Mrs. Vani Kumari, Advocate

CAV/Reserved on 29.06.2026 **Pronounced on: 07.07.2026**

1. The instant writ petition filed under Article 226 of the Constitution of India is directed against the order dated 13.02.2026 passed in O.A. 051/00894/2024 along with MA/051/00680/2024 and MA/051/00713/2024 by the learned Central Administrative Tribunal, Patna Bench, Circuit Sitting at Ranchi, whereby and whereunder, the original application has been dismissed by declining to pass positive direction in favour of the petitioners on the issue of regularization of their service.
2. The brief facts of the case as per the pleading made in the writ petition having been enumerated from the original application needs to be referred here which reads as under.

- 2.1 The petitioners have been continuously working as Casual Labourers in the office of the Principal Commissioner, Central GST and Central Excise, Ranchi and its regional offices in the State of Jharkhand on direct engagement basis since 03.07.1995 and 10.04.1999 respectively without any break which would be evident from the letter dated 11.03.2021 issued under the signature of Additional Commissioner (CCA) in favour of the Deputy Registrar (AD. IIIB).
- 2.2 It is further stated that though all the petitioners are working for more than three decades, but their claim for regularization was illegally rejected without mentioning the qualification as prescribed for Class-IV employees, vide the impugned order dated 14.07.2022.
- 2.3 According to the petitioners, in Part Time Casual Labourers (Regularization) Scheme of CBIC-2020 (hereinafter referred to as the Scheme, 2020), no eligibility criteria has been prescribed for Class-IV employees which shows that there is no prescribed educational qualification under Scheme-2020. Therefore, rejection of claim of the petitioners by the respondents is wholly illegal and contrary to the Scheme.
3. The petitioners, being aggrieved thereof, have approached the learned Tribunal by filing original application being O.A. 051/00894/2024 along with MA/051/00680/2024 & MA/051/00713/2024, wherein the learned Tribunal has declined to pass any positive direction, hence, the present writ petition has been filed.
4. It is evident from the factual aspect as has been referred hereinabove that the petitioners have been continuously working as Casual Labourers in the office of the Principal Commissioner, Central GST and Central Excise, Ranchi and its regional offices in the State of Jharkhand on direct engagement basis since 03.07.1995 and 10.04.1999 respectively without any break which would be evident from the letter dated 11.03.2021 issued under the signature of Additional Commissioner (CCA) in favour of the Deputy Registrar (AD.IIIB).

5. It has further been stated that though all the petitioners are working for more than three decades, but their claim for regularization was illegally rejected vide the impugned order dated 14.07.2022.
6. According to the petitioners, in Part Time Casual Labourers (Regularization) Scheme of CBIC-2020, no eligibility criteria has been prescribed for Class-IV employees which shows that there is no prescribed educational qualification under Scheme-2020. Therefore, rejection of claim of the petitioners by the respondents is wholly illegal and contrary to the Scheme.
7. The petitioners, being aggrieved thereof, have approached the learned Tribunal by filing original application being O.A. 051/00894/2024 along with MA/051/00680/2024 & MA/051/00713/2024, wherein the learned Tribunal has declined to pass any positive direction, hence, the present writ petition has been filed.

Argument on behalf of the learned counsel for the petitioners:

8. Learned counsel for the petitioners has raised the grievance that even after discharging their duty as part time casual labourer for about three decades, they have not been regularized, as such, approached the learned Tribunal for quashing of the decision so taken by the respondent-authority dated 14.07.2022.
9. The ground has been taken that they have discharged their duty fairly for a long period of about three decades and as such, they are coming under the fold of the regularization but having not been considered rather the respondents has gone into the wrong direction of having no educational qualification as per the Scheme, 2020.
10. It is the grievance of the petitioners that their only case before the learned Tribunal was for regularization and they have not sought for direction for their regularization under the Scheme, 2020.
11. Learned counsel for the petitioners, based upon the aforesaid grounds, has submitted that the instant writ petition is, therefore, fit to be allowed by quashing the order dated 13.02.2026 passed in O.A. 051/00894/2024 along with MA/051/00680/2024 & MA/051/00713/2024 by the learned Central Administrative Tribunal, Patna Bench, Circuit Sitting at Ranchi.

Argument on behalf of the learned counsel for the respondents:

12. While on the other hand, the respondents have taken the plea that the Group-D post is not available after the recommendation of the 6th PRC and only post under the establishment is of Group-C for which the minimum qualification is matriculation. The petitioners being not possessing matriculation rather they are only 9th Class Pass, as such, have not been found to be eligible.
13. The further contention of the respondent was that due to non-availability of the post of Group-D, only consideration ought to have been given of the Group-C for which the petitioners have not been found to be having requisite qualification and other certificates as per the recruitment rules.
14. The Tribunal, after taking into consideration the plea taken by the respondents and on further consideration of the fact that the only regularization is to be carried under the Scheme, 2020 for which the minimum educational qualification is matriculation but the petitioners having not been found to be matriculate, therefore, their claims have been rejected declining to interfere with the decision so taken by the respondent-authority, which is the subject matter of the present writ.
15. Learned counsel for the respondents, based upon the aforesaid grounds, has submitted that the instant writ petition, therefore, lacks merit and as such, is liable to be dismissed.

Analysis:

16. This Court has heard the learned counsel for the parties and gone through the pleading made on behalf of the respective parties as available on record.
17. At this juncture it requires to refer herein that this Court is exercising the power conferred under Article 226 of the Constitution of India which is by way of power of judicial review upon the order passed by the learned Tribunal as per the law laid down by the Hon'ble Apex Court in the case of *L. Chandra Kumar vs. Union of India and Ors., (1997) 3 SCC 261* .
18. The power which is to be exercised as per the position of law is to look into the legality and propriety of the order passed by the learned Tribunal only in a case error apparent on the face of the order or in a case of

perversity of finding in exercise of power conferred under the power of judicial review as has been held by the Hon'ble Apex Court at paragraph-99 in the aforesaid judgment. The said paragraph is being referred as under:

"99. In view of the reasoning adopted by us, we hold that clause 2(d) of Article 323-A and clause 3(d) of Article 323-B, to the extent they exclude the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution, are unconstitutional. Section 28 of the Act and the "exclusion of jurisdiction" clauses in all other legislations enacted under the aegis of Articles 323-A and 323-B would, to the same extent, be unconstitutional. The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is a part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323-A and Article 323-B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls. The Tribunals will, nevertheless, continue to act like courts of first instance in respect of the areas of law for which they have been constituted. It will not, therefore, be open for litigants to directly approach the High Courts even in cases where they question the vires of statutory legislations (except where the legislation which creates the particular Tribunal is challenged) by overlooking the jurisdiction of the Tribunal concerned. Section 5(6) of the Act is valid and constitutional and is to be interpreted in the manner we have indicated."

19. The power of judicial review has also been deliberated by the Hon'ble Apex Court, which is to be considered while exercising the said power only to the extent that if any order is being passed found to be having error on the face of the order or without jurisdiction or suffers from perversity. The error apparent on the face of the order means that if the order appears on its face having with error, then only the power of judicial review is to be exercised.

20. The Hon'ble Apex Court in the case of ***West Bengal Central School Service Commission vs. Abdul Halim, (2019) 18 SCC 39***, has held at paragraph-30 that the power of judicial review must be exercised by the Court after determining that the impugned order is vitiated by an error apparent on the face of the record and not the same has been established by a process of reasoning. Paragraph-30 of the aforesaid judgment is being referred as under: -

*"30. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in ***Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale*** [***Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, AIR 1960 SC 137***] . ---."*

21. In the case of ***T.C. Basappa vs. T. Nagappa and Anr., (1955) 1 SCR 250***, their Lordship have held that the patent error in a decision can be corrected by writ of certiorari, when it is manifested by the error apparent on the face of the proceedings. The relevant portion of the aforesaid judgment is quoted hereunder:

"11. ... An error in the decision or determination itself may also be amenable to a writ of certiorari but it must be a manifest error apparent on the face of the proceedings e.g. when it is based on clear ignorance or disregard of the provisions of law. In other words, it is a patent error which can be corrected by certiorari but not a mere wrong decision."

22. Thus, on the basis of the aforesaid settled legal position it is evident that the power of judicial review can be exercised, if error on the face of the order impugned, challenged under the Article 226 of Constitution of India, appears to be there.

23. In the backdrop of the aforesaid settled position of law this Court is now re-adverting to the fact of the instant case.

24. Herein, the learned counsel for the petitioners has raised the grievance that even after discharging their duty as part time casual labourer for about three decades, they have not been regularized, as such, approached the learned Tribunal for seeking direction by making the following prayers:

“(i) For quashing and setting aside the orders dated 14.07.2022 [Annexure-2 (Series)] passed by Respondent No.3, wherein and whereas the claim of the applicants for their regularization has been rejected on the ground of having ‘Not fulfilling Educational Qualification’ under the ‘Part-Time Casual Labourers (Regularization) Scheme of CBIC-2020’.

(ii) The Applicants further pray for direction(s) upon the Respondents to regularize the services of the Applicants under the ‘Part-Time Casual Labourers (Regularization) Scheme of CBIC-2020’ as the applicants are fulfilling all the requisite qualifications therein and further the respondents may be directed to grant all the consequential benefits to the Applicants forthwith.”

25. It needs to refer herein that the issue of regularization is well propounded by the Hon'ble Apex Court in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi, (2006) 4 SCC 1.***

26. The background upon which the Hon'ble Apex Court has propounded the proposition is to put restriction upon the back-door entry in public employment by putting restriction of induction of the person concerned on the daily rated capacity. Further, the Hon'ble Apex Court by way of one-time exercise, after taking into consideration the fact about the continuation of service of daily rated employee who have already completed more than 10 years of service has come out with the relaxation by carving out the guideline as under paragraph-53 thereof, which is being reproduced as under:

“53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071] , R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the

Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme.”

27. It is evident from the proposition as laid down under paragraph-53 for consideration at the end of the State that the daily rated employees who are to be regularized by way of one-time exercise are required to complete 10 years of continuous service without any aid of interim order passed by the Court such appointment if made against the sanctioned post.
28. The concept of the irregular appointment and illegal appointment was the core of the observation made in paragraph-53 of the aforesaid judgment. The irregular appointment has been said to be irregular one where the appointment has been made without following the due procedure of law even though the employee has been found to be working continuously for 10 years against the sanctioned post. While, the illegal appointment has been said to be illegal one if the appointment has not been made against the sanctioned post.
29. The said principle has been followed in the other judgments of the Hon’ble Apex Court rendered in the case of ***State of Karnataka & Ors. vs. M.L. Kesari & Ors., (2010) 9 SCC 247; Narendra Kumar Tiwari & Ors. vs. State of Jharkhand & Ors., (2018) 8 SCC 238*** and; ***Nihal Singh and Ors. vs. State of Punjab and Ors., (2013) 14 SCC 65.***
30. The judgments rendered in the case of ***State of Karnataka & Ors. vs. M.L. Kesari & Ors.*** (supra) has come out with the proposition that what would be the meaning of the period of six months for completion of the exercise which has been propounded as under paragraph-53 of the judgment

rendered in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi*** (supra). It has been held therein that the period of six months will be said to be in completion if the candidature of all the daily rated employee has been considered by the State. If candidature of any of the candidate has not been considered, then the period of six months will be stretched. Relevant paragraphs of the judgment rendered in ***State of Karnataka & Ors. vs. M.L. Kesari & Ors.*** (supra) is being reproduced as under:

“10. At the end of six months from the date of decision in Umadevi (3) [(2006) 4 SCC 1] , cases of several daily-wage/ad hoc/casual employees were still pending before courts. Consequently, several departments and instrumentalities did not commence the one-time regularisation process. On the other hand, some government departments or instrumentalities undertook the one-time exercise excluding several employees from consideration either on the ground that their cases were pending in courts or due to sheer oversight. In such circumstances, the employees who were entitled to be considered in terms of para 53 of the decision in Umadevi (3) [(2006) 4 SCC 1] , will not lose their right to be considered for regularisation, merely because the one-time exercise was completed without considering their cases, or because the six-month period mentioned in para 53 of Umadevi (3) [(2006) 4 SCC 1] has expired. The one-time exercise should consider all daily-wage/ad hoc/casual employees who had put in 10 years of continuous service as on 10-4-2006 without availing the protection of any interim orders of courts or tribunals. If any employer had held the one-time exercise in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , but did not consider the cases of some employees who were entitled to the benefit of para 53 of Umadevi (3) [(2006) 4 SCC 1] , the employer concerned should consider their cases also, as a continuation of the one-time exercise. The one-time exercise will be concluded only when all the employees who are entitled to be considered in terms of para 53 of Umadevi (3) [(2006) 4 SCC 1] , are so considered.

11. The object behind the said direction in para 53 of Umadevi (3) [(2006) 4 SCC 1] is twofold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi (3) [(2006) 4 SCC 1] was rendered, are considered for regularisation in view of their long service. Second is to ensure that the

departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad hoc/casual basis for long periods and then periodically regularise them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10-4-2006 [the date of decision in Umadevi (3) [(2006) 4 SCC 1]] without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled to be considered for regularisation. The fact that the employer has not undertaken such exercise of regularisation within six months of the decision in Umadevi (3) [(2006) 4 SCC 1] or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularisation in terms of the above directions in Umadevi (3) [(2006) 4 SCC 1] as a one-time measure.”

31. Another judgment has been rendered by the Hon’ble Apex Court in the case of ***Narendra Kumar Tiwari & Ors. vs. State of Jharkhand & Ors.***, (supra) wherein by following the principle laid down by the Hon’ble Apex Court in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma Devi (3)*** (supra) wherein the period of 10 years was to be counted till the date of pronouncement of the judgment. But the question arose that how the period of 10 years will be counted in a situation where the State of Jharkhand has been carved out w.e.f. 15.11.2000. The period of 10 years, therefore, has been modified by counting it from the date of creation of the State, i.e., from 15.11.2000. Relevant paragraphs of the judgment rendered in ***Narendra Kumar Tiwari & Ors. vs. State of Jharkhand & Ors.***, (supra) is being reproduced as under:

“10. Under the circumstances, we are of the view that the Regularisation Rules must be given a pragmatic interpretation and the appellants, if they have completed 10 years of service on the date of promulgation of the Regularisation Rules, ought to be given the benefit of the service rendered by them. If they have completed 10 years of service they should be regularised unless there is some valid objection to their regularisation like misconduct, etc.”

32. The State of Jharkhand, based upon the aforesaid proposition, as has been laid down in the case of ***Secretary, State of Karnataka & Ors. Vs. Uma***

Devi (3) (supra) coupled with the case of ***Narendra Kumar Tiwari & Ors. vs. State of Jharkhand & Ors.*** (supra) wherein the Hon'ble Apex Court has passed observation by giving liberty to the State to formulate a rule for regularization and in turn thereof, a Rule has been formulated in the year 2015 which has been made effective from 01.12.2015. The Rule contains a provision of constituting a committee for consideration of the case of one or the other daily rated employees on the basis of the principle as laid down in the aforesaid judgment.

33. The Hon'ble Apex Court recently in the case of ***Jaggo v. Union of India and Others*** reported in ***2024 SCC OnLine SC 3826*** while dealing with the issue of regularization in a case where the issue of regularization relates to the part time worker who has not been appointed against the sanctioned post, the Hon'ble Apex Court, after taking note of the judgment passed in the case of ***Secretary, State of Karnataka v. Umadevi (3) (Supra)***, has been pleased to hold at paragraph 20 that the decision in ***Secretary, State of Karnataka v. Umadevi (3) (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. Relevant paragraphs of the said judgment are being reproduced as under:

“12. Despite being labelled as “part-time workers,” the appellants performed these essential tasks on a daily and continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.

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. In a recent judgment of this Court in Vinod Kumar v. Union of India⁵, it was 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 capacity of the regular employee. The relevant paras of this judgment have been reproduced below:

“6. The application of the judgment in Uma Devi (supra) 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 the case of Uma Devi (supra).

7. The judgment in the case Uma Devi (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...”.

26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often

cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.”

34. Subsequently, in the case of ***Bhola Nath Vs. The State of Jharkhand & Ors.*** 2026 SCC OnLine SC 129 the contractual engage has been directed to be regularized on the basis of the deemed sanction of the post. The Hon’ble Apex Court while taking into consideration the ratio rendered in the case of ***Jaggo v. Union of India (supra)*** has categorically held that *this Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions.* Relevant paragraph of the said judgment is being reproduced as under:

“13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.

13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of “part-time”, “contractual” or “temporary” in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India, this Court underscored that government-departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.

13.7. In Shripal v. Nagar Nigam and Vinod Kumar v. Union of India, this Court cautioned against a mechanical and blind reliance on Umadevi (supra) to deny regularization to temporary employees in the absence of statutory rules. It was held that Umadevi (supra) cannot be employed as a shield to legitimise exploitative engagements continued for years without undertaking regular recruitment. The Court further clarified that Umadevi itself draws a distinction between

appointments that are “illegal” and those that are merely “irregular”, the latter being amenable to regularization upon fulfilment of the prescribed conditions.”

35. The purpose of making reference of the aforesaid judgment is to examine the issue herein since the case of the present petitioners is for regularization contrary to the eligibility having not been possessed by them. Herein, the admitted case of the petitioners is that they are not matriculate rather they are only 8th-9th Class Pass. As such, this Court is referring the aforesaid judgments to consider the fact of the present petitioners on the basis that whether non-possession the educational qualification will come under the fold of illegal appointment or not and if it comes under the fold of the illegal appointment, whether the engage can be regularized.
36. The second concern is as to whether the regularization which has been sought for as a Group-D post if not being found to be available after extinguishing the Group-D post on adoption of the recommendation of 6th PRC, can the petitioners be regularized in Group-D post.
37. Since both the issues are interlinked, as such, are being taken up together.
38. It is manifest from the pronouncements of the Hon’ble Supreme Court in *Secretary, State of Karnataka & Ors. v. Uma Devi (3), (2006) 4 SCC 1*, as also in *State of Karnataka & Ors. v. M.L. Kesari & Ors., (2010) 9 SCC 247* that an appointment made dehors the rules is incurably illegal. The defect of non-possession of the requisite educational qualification strikes at the very root of eligibility and is, therefore, incapable of being cured at any subsequent stage. Once an appointee enters service without fulfilling the prescribed educational qualification, such illegality remains perpetual and cannot be rectified for all time to come.
39. The admitted case herein is that the petitioners are having no matriculation certificate rather they are 09th Class Pass.
40. The main contention of the petitioners is that they are only willing to be regularized in Group-D post and not in Group-C post. It is the case of the petitioners that the matriculation is required for the purpose of appointment in Group-C service not in Group-D post.

41. The aforesaid fact has been totally denied by the respondent by taking the specific plea to that effect as taken note in paragraph 4.2 of the impugned judgment/order wherein it has been referred based upon the ground taken in the written statement that after adoption of the recommendation of the 6th PRC, the Group-D post has been merged to Group-C post and there is no Group-D post, as such, the ground has been agitated, in opposition, by the respondent before the learned Tribunal that in absence of any Group-D post, there cannot be any regularization in Group-D post and regularization is only possible in Group-C category depending upon possessing the requisite educational qualification.
42. This Court is of the view that once the decision has been taken by the competent authority of merging the Group-D post to Group-C post then, there cannot be a situation of regularization to Group-D post rather the regularization will always be in Group-C post, that is the effect of merger of Group-D post to Group-C post.
43. The scheme for the aforesaid purpose of regularizing one or the other in Group-C post has been formulated which contains the conditions as has been referred in the judgment/order passed by the learned Tribunal for the purpose of regularization in which one of the conditions is continuity in service for 10 years possessing requisite qualification. As per the Scheme, 2020 for the purpose of regularization in Group-C service, matriculation is required as the minimum educational qualification.
44. The petitioners herein, admittedly, are having no matriculation certificate rather they are 08th/09th Class Pass as would be evident from the communication made by the authority competent to regularize as available at running page nos. 97 and 98 of the instant petition wherein the educational qualification said to be available to the petitioners is only 08th/09th Class Pass.
45. The law is well settled that in absence of requisite qualification, no candidate be appointed to such post since such candidate is not entitled to hold the post. This principle is a foundational tenet of Indian service jurisprudence. An appointment made without the requisite qualifications is considered *non-est* (void ab initio) and a complete nullity in the eyes of the law. Possessing the essential qualifications exactly as outlined in the

recruitment notification or statutory rules is non-negotiable. Reference in this regard be made to the judgment rendered by the Hon'ble Apex Court In ***State of M.P. vs. Shyama Pardi, (1996) 7 SCC 118*** wherein it has been held that an appointment made in the absence of requisite qualification prescribed under Rules is void ab initio and neither it confers any right upon the person concerned to hold the post or continue if he/she has been appointed though did not possess requisite qualification nor any direction for payment of salary can be issued in such cases.

46. A similar controversy arose in the case of ***Mohd. Sartaj v. State of U.P., (AIR 2006 SC 3492)*** the Apex Court held that an appointment lacking requisite qualification would be a nullity. A question also raised before the Hon'ble Apex Court that if subsequently the candidate has attained the requisite qualification whether that would validate the appointment but it was replied by the Hon'ble Apex Court that the validity of an appointment has to be considered at the time of appointment and if the appointment was made by ignoring the requisite qualification or if it is found that the candidate did not possess requisite qualification at that time of appointment, the appointment would be void ab initio.
47. Similarly, the Hon'ble Apex Court in the case of ***Pramod Kumar vs. U.P. Secondary Education Services Commission, (2008) 7 SCC 153*** has observed that if the essential educational qualification for recruitment to a post is not satisfied, ordinarily the same cannot be condoned. Such an act cannot be ratified. An appointment which is contrary to the statute/statutory rules would be void in law. An illegality cannot be regularised, particularly, when the statute in no unmistakable term says so. Only an irregularity can be.
48. Accordingly, both the issues are hereby, answered against the petitioners.
49. This Court, having discussed the factual and legal aspect, is now adverting to the judgment passed by the learned Tribunal. It is evident from the judgment passed by the learned Tribunal that the issue of non-existence of Group-D post has been taken into consideration which fact has not been disputed by the learned counsel for the petitioners.
50. The fact about applicability of the Scheme, 2020 has also been taken into consideration by the learned Tribunal wherein, for the purpose of

regularization in Group-C post, minimum educational qualification is matriculation. The learned Tribunal has considered the applicability of the minimum educational qualification and has found that the petitioners are not matriculate rather they are only 8th - 9th Class Pass.

51. On the aforesaid reasons, the learned Tribunal has declined to interfere with the impugned decision/order dated 14.07.2022 passed by the Respondent No. 3 i.e. the Principal Commissioner Central GST & Central Excise.
52. This Court, therefore, is of the view that each and every factual aspect has been taken into consideration in right perspective, as such, there is no reason to interfere with the impugned judgment dated 13.02.2026 passed in O.A. 051/00894/2024 along with MA/051/00680/2024 & MA/051/00713/2024 by the learned Central Administrative Tribunal, Patna Bench, Circuit Sitting at Ranchi.
53. This Court in view of the entirety of facts and circumstances and based upon the reasons as referred hereinabove, is of the view that the writ petition is to be dismissed.
54. Accordingly, the instant writ petition stands dismissed.
55. Pending interlocutory application(s), if any, also stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree,

(Sanjay Prasad, J.)

(Sanjay Prasad, J.)

07th July, 2026

Saurabh/-

A.F.R.

Uploaded on 09.07.2026