

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3185/2026

1. Hasta Ram S/o Panna Ram, Aged About 32 Years, Village Gira, District Barmer, Presently Working As Class Iv Employee In Govt. Ambedkar Boys Hostel Magra Punjla, Mandore, District Jodhpur.
2. Farsa Ram S/o Ramu Ram, Aged About 32 Years, Kodyanada, Tehsil Baap, Phalodi, Presently Working As Class Iv Employee In Govt. Devnarayan Boys Hostel, Mandore, District Jodhpur.
3. Madhu Devi W/o Late Shyam Lal, Aged About 42 Years, Raiko Ka Baas, Ramasani, Jodhpur. Presently Working As Class Iv Employee At The Govt. Hostel, (11Th Pal Road) Nagori Gate, District Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Social Justice And Empowerment Department, Address - G-3/1, Ambedkar Bhawan, Rajmahal Residency Area, Jaipur- Pin 302005.
2. The Director, Social Justice And Empowerment Department, Address - 88 A, Indira Gandhi Canal Mandal Bhawan, Bhabhi Singh Road, Jaipur Pin 302005
3. The Joint Director, Social Justice And Empowerment Department, Address - 11A, Pal Road, Opposite Nakoda Jain Mandir, Sardarpura, Jodhpur - 342 003.

-----Respondents

For Petitioner(s)	:	Mr. B.S. Tanwar
For Respondent(s)	:	Mr. Ravi Shankar.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

12/02/2026

1. The present writ petition has been filed under Article 226 of the Constitution of India with the following prayers:

"XXXXXXXX

1. That the respondent may kindly be directed to regularize the services of the humble petitioners against the sanctioned vacant posts of Class IV employees (Cook/Guard) which they have been holding for more than ten years, in strict compliance with the law laid down by the Hon'ble Supreme Court in the case of *Bhola Nath Vs. State of Jharkhand & Ors.* (2026 INSC 99), with all consequential benefits.

2. Issue a writ, order, or direction to quash and set aside any verbal or written orders that may attempt to discontinue the petitioners' services during the pendency of this litigation, holding such actions as arbitrary and retaliatory.

XXXXXXXXXX"

2. Counsel for the parties, at the outset, jointly submit that the Coordinate Bench of this Court took up the identical issue; wherein, petitioners who were appointed at various class III and IV posts, were not being regularized. They jointly submit that vide order dated 01.05.2025 passed in ***SBCWP No.12662/2013 : Sumera Ram v. State of Rajasthan & Ors.***, the Coordinate Bench had disposed of the writ petition in light of the judgment passed by the Coordinate Bench in ***SBCWP No.7603/2023 : Giriraj Prasad Sharma v. State of Rajasthan & Ors.*** Relevant extract of the said judgment is reproduced hereunder:

"CONCLUSION

17. To sum up, the constitutional ethos mandate not merely procedural fairness but substantive justice. In a welfare State, the prolonged denial of regularization despite continuous service for decades borders on institutional exploitation, which ought not to be countenanced. The delay in implementing the directions of the Constitution Bench in Uma Devi by over three years (from April 2006 to July 2009) is a gross administrative default. Penalizing employees for this governmental inaction would amount to travesty of justice. Let it be reiterated a failure to strictly follow procedure in an otherwise valid and sanctioned appointment does not render the appointment illegal. Blurring this distinction undermines the very spirit of Uma Devi and subsequent jurisprudence. The doctrine of legitimate expectation, well-recognized in administrative law, is clearly attracted. The petitioners, by virtue of decades of continuous service and recurring

official assurances or circulars, had a legitimate expectation of being considered for regularization. A denial thereof not only defeats fairness but shakes trust in State's conduct. Apart there from, denial of regularization to persons who are similarly situated as those already regularized is a blatant infringement of the equality clause under Article 14, and continued exploitation of services without security undermines Article 21, which guarantees dignity of life.

18.1. The State should, in fact, also constitute a Monitoring Committee to oversee compliance with this judgment. This exercise is not intended to create a precedent for future appointments through irregular means.

It is a one-time corrective measure arising from prolonged systemic inertia and continued service rendered by the petitioners. The repeated misuse of Uma Devi judgment to justify denial of justice to deserving employees reflects either a fundamental misunderstanding or a wilful subversion of judicial dicta. This Court cautions against such misuse in future and directs legal sensitization of departmental heads on the correct application of service law jurisprudence.

18.2. At the cost of repetition, it is clarified that the doctrine of legitimate expectation, read with the mandate of Articles 14 and 21, demands that employees who have rendered decades of loyal, uninterrupted service-not through backdoor entry but through sanctioned roles-must not be kept hostage to bureaucratic apathy. Procedural rigidity cannot override substantive justice, especially when it threatens to convert long-serving human beings into expendable tools.

RELIEF:

19. Reverting to the Apex Court judgments referred above and in the light of foregoing discussion, I am of the opinion that in present case, the following approach is required qua the persons whose initial appointments were though irregular but not illegal:

(A). Petitioners (excluding those whose services were hired on contractual basis for the limited period State Government Projects/Schemes and External Aided Projects), whose initial appointments though irregular but were not illegal (including those who were originally engaged on ad-hoc and part-time terms and those to whom no formal appointment letters were issued) and had completed ten years' service before or on 08.7.2009 but not under cover of orders of the Courts or Tribunals ought to be regularized from their respective dates of completion of ten years' service;

(B). To the extent of requirement of vacancies, the respondents shall have to take necessary and appropriate measures. More of it in later part.

20. Persons who had less than 10 years of service as on 08.07.2009 are not eligible under the regularization formula outlined above. Accordingly, it is both necessary and appropriate to first examine the claims of those whose initial appointments were illegal, so that the former cases may be assessed in the correct legal and administrative framework.

21. In Uma Devi (supra), while dealing with the claims of persons whose initial appointments were illegal, Supreme Court had directed that regular recruitments be undertaken to fill those vacant posts allowing the persons, whose initial appointments were illegal, to compete, waiving the age restriction imposed for recruitment and giving some weightage for their having been engaged for a significant period of time.

22. In this context,
(1) and (2) of the Rajasthan Contractual Hiring of Civil Posts Rules, 2022 which reads as under:-reference may be had to Rule 20 sub-rules

"xx xxx

20. Screening. - (1) if any specific contractual post of the any scheme/project of the Government is converted into regular post and included in any service, the person working on that contractual post and who have completed five years satisfactory service shall be screened for adjudging their suitability on the post by the screening committee consisting of,-

- (i) Additional Secretary/Principal Secretary of the Administrative Department; Chief Chairman Secretary/
- (ii) Additional Secretary/Principal Secretary/Secretary of the Finance Department or his nominee not below the rank of Deputy Secretary to the Government; Chief Member
- (iii) Principal Secretary/Secretary of the Department of Personnel or his nominee not below the rank of Deputy Secretary to the Government, and Member
- (iv) Head of the Department; Member-Secretary

(2) Experience of the past service of the persons working on the posts so created on contract basis prior

to the commencement of these rules, shall be given a weightage of one year for every completed three years of service.

Example:

S.No.	Completed years of contractual service	Weightage in years
(i)	3	1
(ii)	6	2
(iii)	9	3
(iv)	12	4
(v)	15	5
(vi)	18	6
(vii)	21	7
(viii)	24	8
(ix)	27	9

*Note:- (i) The experience of completed of service shall be counted as on 1st April of the year. For the purpose of calculation of the weightage under this sub-rule, the fractions if any shall be ignored.
(ii) Experience required for appointment on contractual post shall not be counted for the purpose of this sub-rule."*

23. Guided by the Rule above, I am of the view that the ends of justice would be met if, while making regular appointments, the same formula for weightage of experience is applied to non-contractual persons whose initial appointments were illegal.

24. Addressing now the claims of persons whose initial appointments were though irregular, but not illegal and who were short of 10 years service on 08.07.2009, even if marginally, owing to which they would not be covered by the above formula for regularization of services. Their appointments being only irregular, but being short of 10 years service on the cut off date, technically they would not get any weightage of experience given in terms of the judgment in Uma Devi supra as given to those whose initial appointments were wholly illegal. Thus, such irregularly appointed persons would be worse off than even those whose initial appointments were wholly illegal. That would be anomalous and unjust. In my opinion, while making regular appointments, such irregularly appointed persons who being short of 10 years serving on cut off date missed out on regularization, should at least get the benefit of weightage of experience as is proposed to be given to those whose initial appointments were wholly illegal by adopting same formula as given in Rule 20, *ibid*.

25. As an upshot, these petitions are disposed of holding that the respondents are bound to apply the parameters laid down in Uma Devi (*supra*) and identify

the petitioners (excluding those whose services were hired on contractual basis for the limited period State Government Projects/Schemes and External Aided Projects), whose initial appointments though irregular but were not illegal (including those who were originally engaged on ad-hoc and part-time terms and those to whom no formal appointment letters were issued) and had completed ten years' service before or on 08.7.2009 but not under cover of orders of the Courts or Tribunals and issue orders regularizing their services from respective dates of completion of ten years' service with consequential benefits within six months from the receipt of web-print of this judgment and to pay the monetary benefits thereof within the next three months;

25.1. Likewise respondents shall also take necessary and appropriate measures within three months from the receipt of web-print of this judgment to the extent of requirement of vacancies for compliance of 25 above;

25.2. With reference to the parameters laid down in Uma Devi (supra), respondents shall also identify the petitioners (excluding those whose services were hired on contractual basis for the limited period State Government Projects/Schemes and External Aided Projects), whose initial appointments were illegal but are found ineligible to weightage for experience and waiver of age restriction and accordingly issue/communicate speaking orders to the concerned persons within four months from the receipt of web-print of this judgment;

25.3. It is also deemed appropriate that the respondents ought to take steps to issue/publish advertisement for regular recruitment to fill the available vacant posts in relevant categories allowing the persons whose initial appointments were either irregular or illegal, to compete, waiving the age restriction imposed for recruitment and giving weightage for their having been engaged for a significant period of time as per formula in Rule 20 sub -rules (1) and (2) of the Rajasthan Contractual Hiring of Civil Posts Rules, 2022 (excluding those whose services were hired on contractual basis for the limited period State Government Projects/Schemes and External Aided Projects unless otherwise eligible).

FINAL ORDER:

26. In view of the foregoing discussion, binding precedents of the Supreme Court, and the settled legal principles and also to undo long-standing administrative injustice by exercising writ jurisdiction, following specific directions are deemed necessary, to be implemented in rem:-

I. Regularization of Eligible Petitioners

- (i) The State Government, through its Chief Secretary, shall carry a fresh exercise (regardless of rejection of earlier claims of regularization) to identify all petitioners and all such other*

employees (excluding those whose services were hired purely on a contractual basis for time-bound projects/schemes or through placement agencies), whose initial appointments were irregular but not illegal, and who had completed ten years of continuous service on or before 08.07.2009, without judicial intervention, and issue orders regularizing their services with effect from their respective dates of completing ten years' service.

- (ii) Such regularization shall carry with it all consequential service benefits, including continuity of service for pensionary and promotional purposes, and shall be completed within six months from the date of receipt of the web-print of this judgment.

II. Vacancies and Future Appointments

- (iii) To the extent of available or necessary sanctioned vacancies, the Respondents shall initiate administrative processes to fill the same through regular recruitment, as mandated under the constitutional scheme.
- (iv) While issuing recruitment notifications, the Respondents shall allow petitioners and similarly situated persons, whose initial appointments were either irregular or illegal, to:
- Compete in open selection;
 - Waive the age restrictions;
 - Award weightage for past service as per Rule 20(2) of the Rajasthan Contractual Hiring of Civil Posts Rules, 2022.
- (v) Such recruitment notifications shall be issued within six months from the date of receipt of this judgment.

III. Petitioners With Less Than 10 Years of Service

- (vi) The Respondents shall identify all petitioners/other similar employees whose initial appointments were irregular but not illegal, and who had not completed 10 years of service as on 08.07.2009. Such persons shall be accorded benefit of service weightage and age relaxation on parity with those whose appointments were illegal but eligible under Uma Devi principles.

IV. Petitioners with Illegal Appointments

- (vii) In respect of petitioners/other employees whose initial appointments were found to be illegal, the State shall:
- Allow them to participate in regular recruitment processes;

- Grant age relaxation and experience-based weightage as per Rule 20(2) of the Rajasthan Contractual Hiring of Civil Posts Rules, 2022;
- Issue individual speaking orders communicating their status and eligibility within four months.

V. Constitution of Monitoring Committee

- (viii) The Chief Secretary shall constitute a Monitoring Committee within 3 weeks of receipt of this judgment comprising:
- A retired High Court Judge after seeking prior consent(Chairperson),
 - Secretary, Department of Personnel, State of Rajasthan to act as member secretary),
 - An independent labour law expert (member).

The Committee shall:

- Oversee compliance with this judgment;
- Submit quarterly status reports to the Registrar Judicial of this Court to be placed before the learned Roster Judge for issuance further writ of continuous mandamus if warranted.

VI. Transparency & Accountability

(ix) The State Government is directed to publish the compliance report and list of regularized employees on its official website of department of personnel within 30 days of issuance of final regularization orders, to ensure transparency.

VII. Summary of Directions

For better clarity and enforceability, a tabular summary of steps to be taken is as below:-

Direction	Action	Timeline	Responsible Authority
Regularization from 10-year completion date	Identify eligible petitioners/employees in the state	6 months	Chief Secretary
Issue/publish recruitment advertisement	Allow age relaxation and weightage	6 months	Department of Personnel
Compliance Publication	Website notice	1 month after regularization	Administrative Dept.
Constitution of Monitoring Committee	Oversight of execution	3 weeks	Chief Secretary

27. Let a copy of this judgment be sent to the following:

- The Chief Secretary, Government of Rajasthan,

- *The Principal Secretary, Department of Personnel, Government of Rajasthan,*
- *The Secretary, Department of Finance, Government of Rajasthan,*
- *The Registrar Judicial of this Court for monitoring purposes.*

27.1. *Ordered accordingly.*

28. Aforesaid directions be applied across board qua all those employees, who are found eligible in terms of the observations and guidelines laid down in instant judgment. Non-compliance with aforesaid specific directions within the stipulated time shall entail personal accountability of the concerned administrative heads and may invite contempt proceedings under Article 215 of the Constitution."

3. In view of the above, the instant writ petition is also disposed of in light of the judgment passed in the case of ***Giriraj Prasad Sharma (supra)***.

4. Accordingly, the respondents are directed to take fresh decision on the claim of the petitioners as per the observations and directions given in the case of ***Giriraj Prasad Sharma (supra)***, within a period of '6 months' from the date of receipt of certified copy of this order.

5. Stay application as well as all other pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J

69-/Devesh/-