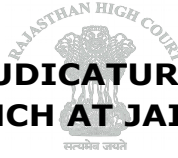




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Special Appeal (Writ) No.135/2026

In

S.B. Civil Writ Petition No.16127/2024

1. The State Of Rajasthan, Through Principal Secretary, Social Justice And Empowerment, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Social Justice And Empowerment, Government Of Rajasthan, Near 22 Godam Bridge, Jaipur.

----Appellants

Versus

Sarbjeet Kaur @ Nitu W/o Shri Bhupendra Singh, Aged About 38 Years, Resident Of Bhoi Mohalla, Dr. Sukh Lal Ki Gali, Chawani, Kota, Presently Working At Savitri Bai Phule Hostel, Kota.

----Respondent

For Appellant(s)	:	Ms. Divya Rathore, AAAG
For Respondent(s)	:	

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BIPIN GUPTA
Order**

06/05/2026

1. Learned counsel for the appellants fairly submits that the view taken by the learned Single Judge is similar to the Division Bench judgment passed in the case of **Madan Lal Vs. State of Rajasthan and Anr.: D.B. Civil Special Appeal Writ No.1268/2025** wherein this Court relies on the earlier judgment passed in the case of Kanaram Vs. State of Rajasthan and Ors.: D.B. Special Appeal (Writ) No.371/2023 wherein it is held as under:

"5.14. In the present case, the writ petitioners were engaged pursuant to an advertisement on the posts of Cook/Chowkidar in Government Ambedkar Hostels. The duties discharged by them are indeed essential and perennial in nature, and therefore, their services cannot be treated as dispensable.

5.16. It is also worth mentioning that the services rendered by the writ petitioners have been entirely blemish-free. No complaint has ever been made against them. On the contrary,



appreciation letters have been issued by the Superintendents of the respective hostels acknowledging them as non-contractual employees with their uninterrupted service over decades (Annexure-2 to the writ petition).

5.17. Despite of all this, non-consideration of these employees for regularization by the respondent Department reflects a perpetuation of temporary status for work of a perennial nature, thereby attracting judicial scrutiny and warranting intervention of this Court. This Court cannot lose sight of the principles emerging from Uma Devi(Supra) and subsequent decisions of the Hon'ble Supreme Court which reflect a clear intention to safe guard employees from exploitation. Individuals cannot be left to serve indefinitely on daily wage, contractual, work-charged or part time posts without fair opportunity for regularization. Service jurisprudence also recognizes something more fundamental, that the state cannot be allowed to profit from its own inaction when an institution extracts work for decades and then pleads that there are no sanctioned posts or they are not directly engaged by them. Therefore, a welfare state cannot run core public function on the spine of these contractual workers and then wash its hands by pointing to absence of sanctioned posts.

6. In light of the law laid down by the Hon'ble Supreme Court in the aforementioned cases, the judgment passed in S.B. Civil Writ Petition No. 10257/2019 cannot be sustained and deserves to be quashed and set aside. The writ petitioners are entitled to regularization on the posts of Cook/Chowkidar to which they were initially appointed.

6.1. Consequently, the present Special Appeal Writ is allowed and the Respondent Departments are directed:

i. To regularize the services of the appellant after completion of 10 years from the date of his initial appointment. The pay fixations shall be done notionally and actual payment shall be made from the date of filing of the writ petition.

ii. that the above exercise shall be completed by the respondent departments within a period of three months from the date of receipt of the certified copy of this judgment."

2. In view of above settled law, the challenge made to the order passed by the learned Single Judge fails, the special appeal is accordingly dismissed.

3. All pending application(s) shall also stand(s) disposed of.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ