



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WA/19/2023

Hage Yabyang
Office of DAO,
Ziro, Lower Subansiri District, Arunachal Pradesh.

VERSUS

THE STATE OF AP and 4 Ors.
Through the Secretary, Agriculture, Govt of Arunachal Pradesh, Itanagar. 2:the
Director of Agriculture
Age: 0
Occupation :

3:the Deputy Commissioner
Age: 0
Occupation :

4:the Deputy Director of Agriculture
Age: 0
Occupation :

5:Duyu Yakang
Age: 0
Occupation

Advocate for the Petitioner : Khoda Tari

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE KAKHETO SEMA
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

JUDGMENT & ORDER (ORAL)

21.02.2024

(N. U. K. Nair, J)

Heard Mr. K. Tari, learned counsel for the appellant. Also heard Mr. L. Perme, learned standing counsel for the Agriculture Department, representing respondent Nos. 1 & 2; Mr. I. Riram, learned Additional Senior Government Advocate appearing for respondent Nos. 3 & 4 and Mr. K. Taja, learned counsel for the respondent No. 5.

2. This intra-court appeal has been instituted assailing the judgment and order, dated 02.06.2023, passed by this Court in WP(C)295(AP)2020 by which the regularisation of the services of the appellant/ respondent No. 9 against a vacant post of Peon in the establishment of Deputy Director, Agriculture Department, Government of Arunachal Pradesh was set aside and quashed.

3. The facts leading to the institution of the present proceedings may be noticed as under.

The respondent No. 5/writ petitioner was engaged as a contingency staff in the office of District Agriculture Officer, Lower Subansiri District, Ziro, Government of Arunachal Pradesh on 02.05.2023. The appellant/respondent No. 9 was also engaged as a contingency staff in the same office on 18.01.2016. The Deputy Director, Agriculture, Lower Subansiri District, issued a Notice dated 04.06.2019 requiring the Contingency staff engaged in his establishment to submit their respective performance report for the years 2016-2017, 2017-2018 and 2019 along with attested copies of their educational certificate within a

period of 1(one) week from the date of issuance of the said notice. In pursuance to the said notice the contingency staff working in the establishment of the Deputy Director, Agriculture, Lower Subansiri Districts, including the Respondent No.5/writ petitioner and the appellant/Respondent no.9 submitted their respective particulars. Thereafter, the said particulars as submitted by the contingency staff came to be placed before a Board constituted by the Government for the purpose of considering the case of contingency staff for regularisation of their services. The Board considered the cases of all the Contingency staff and thereafter on assessing the relevant records, performance reports, overall efficiency including expertise, discipline integrity resolved to recommend the case of the appellant/respondent no.9 for regularisation of his services against a vacant post of Peon becoming available in the establishment on the retirement of the incumbent therein. In terms of the recommendation as made in his favour, the services of the appellant/respondent no. 9 came to be so regularised vide order dated 18.06.2019 issued by the Deputy Director, Agriculture, Lower Subansiri District. The respondent no.5/writ petitioner being aggrieved by the issuance of the said order dated 18.06.2019 approached this Court by way of instituting a writ petition being WP(C) No. 295/2020 assailing the same.

The said order dated 18.06.2019 was assailed by the respondent no. 5/writ petitioner before the learned Single Judge, *inter-alia*, on the ground that the same was so issued in clear violation of the provisions of the Office Memorandum, dated 09.01.2012 as well as the provisions of the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011. It was contended by respondent no. 5/writ petitioner that a minimum service of 20 years as contingent staff was necessary for being considered for regularisation of the services of a contingent worker against a regular post. The appellant/

respondent No. 9 having been appointed as contingency staff only on 18.01.2016, he does not fulfil the residency requirement under the said OM dated 09.01.2012 and accordingly, his case could not have been considered for such regularization. It was further highlighted before the learned Single Judge that the regularization of the services of the contingency staff was required to effected by reckoning the seniority of the contingent workers, however, in the process as initiated leading to the regularization of services of the appellant/respondent No. 9, taking a plea that there was no seniority list prepared in the establishment, the consideration was so made basing on the performance report of the contingency staff. It was contended by the respondent No. 5/writ petitioner that the said procedure as adopted by the said Board was foreign to the provisions of the said OM dated 09.01.2012 and the said Rules of 2011.

5. *Per contra*, the contentions of the appellant/respondent No. 9 before the learned Single Judge was that the notice, dated 04.06.2019, having been issued requiring all contingency staff to submit their performance report for the years 2016-2017, 2017-2018 and 2018-2019 along with their respective qualification certificate and appointment order, the respondent No. 5/writ petitioner having so submitted her particulars along with performance report in pursuance to the said notice, dated 04.06.2019 and having taken a calculated chance for regularization of her service, she cannot be permitted now to turn back and challenge the very selection process itself. It was the contention of the appellant/respondent No. 5 that basing on the performance reports of all the contingency staff participating in the said selection process, selection was made and he being graded as "Excellent" in his performance report, the Board as constituted in the matter proceeded to recommend his name for appointment on regular basis against the post of Peon available in the establishment.

6. The learned counsel for the appellant/respondent No. 9 has further

contended that the notice, dated 04.09.2019, issued requiring the contingency staff to submit their performance reports along with their educational and service particulars for consideration of their cases for appointment against a regular post of Peon having not been put to challenge by the respondent No. 5/writ petitioner, the very writ petition was not maintainable and was required to be dismissed on that count alone.

7. The said contentions were duly considered by the learned Single Judge and thereafter, vide judgment and order dated 02.06.2023, proceeded to interfere with the regularisation as made in respect of the appellant/respondent No. 9 against the post of Peon. The conclusions as reached by the learned Single Judge in the said judgment and order is extracted herein below:

“18. From perusal of the Board Proceeding, in which proceeding, the Respondent No. 9 has been recommended, it transpires that the seniority list of the contingent staffs in the Department was not placed before the Board which fact would be evident from the observation made by the Board at Serial No. 1 of the Board Proceeding to the effect that the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, has not maintained the seniority list of 24 contingency staffs as per the direction issued by the Government vide Memo. No. Agri/Dev-2/2014-15, dated 29.05.2014.

19. It is also noticed from the Board proceeding that in the absence of the seniority list of the contingent staffs placed before the Board; the Board had observed that the only criteria for consideration of a suitable contingency staff for appointing to the post of Peon lying vacant against the retirement vacancy of one Shri Bamin Taw, ex-Peon, is the performance report of the Controlling Officer for three years i.e. 2016-17, 2017-18 and 2018-19.

20. It, therefore, is evident that the recommendation of private respondent No. 9 was made on the basis of the performance report submitted by the Controlling Officer, which, in the instant case, is the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, who, vide

the impugned notice, dated 04.06.2019, issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, had informed all the Contingent Staffs of the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, to submit their performance reports for three years i.e. 2016-17, 2017-18 and 2018-19.

- 21. Thus, it appears that the recommendation of the private respondent No. 9 in the Board proceeding held on 18.06.2019 was made solely on the basis of the comparative assessment of performance reports of the Contingent Staffs including the writ petitioner and private respondent No. 9, submitted by the Controlling Officer i.e. Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro. Pursuant to the recommendation made by the Board Proceeding held on 18.06.2019, the appointment order of private respondent No. 9 as Peon was issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro.*
- 22. The petitioner, in paragraph No. 4 of the writ petition, has contended that there is an Office Memorandum, dated 09.01.2012, issued by the Chief Secretary to the Government of Arunachal Pradesh, wherein, it is provided that the absorption to regular post/service of the contingent staffs who have rendered 20 years as Contingent Staffs, is required to be made in terms of the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, from the common seniority list/register of the serving contingency staff maintained by the Department.*
- 23. The applicability of the Office Memorandum, dated 09.01.2012, and the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, mentioned in the Office Memorandum, dated 09.01.2012, as contended by the petitioner in paragraph No. 4 of the writ petition; have not been controverted, either, by the State Respondents, or, by the respondent No. 9.*
- 24. Since the applicability of the Office Memorandum, dated 09.01.2012, and the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, have not been controverted by the State Respondents as well as by the*

Respondent No. 9; to appreciate the contents of the Office Memorandum, dated 09.01.2012; it is reproduced hereinbelow:

THE ARUNACHAL PRADESH GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 15, Vol XIX, Naharlagun, Thursday, January 19, 2012 Pausa 29, 1933 (Saka)

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF ADMINISTRATIVE REFORMS
CIVIL SECRETARIAT, OLD DC's OFFICE
'C' SECTOR
ITANAGAR

OFFICE MEMORANDUM

The 9th January, 2012

Subject: Procedure for maintenance of common seniority list for skilled and unskilled contingent staff- regarding.

No. AR-152/2011 – The Governor of Arunachal Pradesh had notified the General Arunachal Service. Group 'C' Common Recruitment Rules, 2011 to amend the General Arunachal Service, Group 'C' Common Recruitment Rules, 2008. The 25% posts have been earmarked for appointment of Contingent serving staff vide notification No. AR-175/2011/II dated 27th January, 2011. The Deputy Commissioner, East Siang District, Pasighat has sought a clarification asking whether 25% of posts of Peon, Chowkidar, Dak Runner, Kenalman, Helper, Water Carrier and equivalent can be filled up from amongst the Unskilled contingent staff who have completed the prescribed service span and do not possess the minimum entry level qualification for these posts. Similar approaches are being made by various Appointing Authorities/Departments seeking clarification on this matter. After meticulous examination of the matter in relation to the relevant Government notification and orders, the Governor of Arunachal Pradesh is hereby please to prescribe and incorporate the following guidelines: -

(a) All Departments/Appointing Authorities should maintain a common list/register of serving contingent staff which invariably should include both the skilled and unskilled serving contingent staff in their Departments/offices in order of their date of joining as such staff.

(b) Absorption to regular posts/services of the contingent staff who have rendered 20 (twenty) years as contingent staff in terms of Recruitment Rules notified vide F. No. AR- 175/2011/II dated 27th January, 2011 should be based purely and strictly in the order of the common seniority list register of the serving skilled and unskilled contingent staff.

(c) 20% of the unreserved posts in the grade/cadre should be normally filled on the basis of common seniority list and in case of non-availability of general category

candidates in the seniority list, the vacancy may be filled by the eligible senior most APST candidates.

(d) 80% of the posts out of the 25% posts in the lowest rung of Pay Band (PB)- 1 earmarked for absorption of the serving contingent staff should be filled by APST candidates as per the Reservation Policy of the Government.

(e) Absorption of the serving contingent staff who do not possess minimum educational qualification of matriculation/ITI or equivalent (for direct recruitment) to the regular posts/services shall be regulated in the same manner as prescribed for Multi-Tasking Staff under the relevant provision of the Central Civil Services (Revised Pay) Rules, 2008 or procedures prescribed thereunder by the State Government.

Henceforth, the above guidelines shall strictly be followed by all the Appointing Authorities while filling up 25% posts/ services for absorption of serving contingent staff under the Government of Arunachal Pradesh.

All the Heads of Departments/Appointing Authorities etc. are requested to bring this decision to all concerned for strict compliance.

*23-12-2011
Tabom Bam,
Chief Secretary to the
Government of Arunachal Pradesh, Itanagar.*

25. On perusal of the Office Memorandum, dated 09.01.2012, issued by the Chief Secretary to the Government of Arunachal Pradesh; it appears that the appointment to Group 'C' post is regulated by the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, under which Rule, 25% posts of the Group 'C' posts, have been ear-marked for appointment from the contingent serving staffs. The Office Memorandum, dated 09.01.2012, further provides that the Departments/appointing authorities are required to maintain a common seniority list which invariably should include the skilled and unskilled contingent staffs in their Departments and the absorption to the regular post/service of the contingent staffs be made from those who have rendered 20 years as contingent staff in terms of the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, and the same should be based purely and strictly in the order of the common seniority list/register of the serving skilled and unskilled contingency staffs.

26. Thus, on perusal of the Office Memorandum, dated 09.01.2012, it appears that absorption of the contingency staff to regular post in the

Department is required to be made as per the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, under which Rule, 25% posts of the Group 'C' posts, have been ear-marked for appointment of the contingent serving staff.

27. As has been discussed, hereinabove, that the respondent No. 9 was appointed/regularized as Peon, vide the impugned appointment order, dated 18.06.2019, pursuant to a recommendation made by the Board Proceeding held on 18.06.2019, in which Board proceeding, it has already been noted above that while the Board was considering the case of the contingent staffs of the Department for regularization of service in one of the vacant post due to retirement of one Shri Bamin Taw; the seniority list of the contingency staff was not placed before the Board.

28. Though the seniority list of the contingent staffs under the establishment of the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, annexed as Annexure-1 to the writ petition, is dated 01.06.2020, which is subsequent to the Board proceeding held on 18.06.2019, as well as the appointment order of the private respondent No. 9, dated 18.06.2019, the seniority position assigned in the seniority list, dated 01.06.2020, insofar as the writ petitioner and private respondent No. 9 are concerned; it has not been disputed either by the State Respondents or by the Respondent No. 9.

29. In view of the above, it is found from the seniority list of the contingency staff of the establishment of the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, notified on 01.06.2020, that the writ petitioner was appointed as contingency staff on 02.05.2003 and the respondent No. 9 was appointed as contingency staff on 18.01.2016.

30. From the above, there remains no manner of doubt that neither the writ petitioner nor the private respondent No. 9 had completed 20 years as contingent staff in the Department when the Board proceeding dated 18.06.2019 was held for filling up of one post of Peon.

31. Accordingly, neither the petitioner nor the private respondent No. 9 was eligible to be considered and appointed as Peon on regular basis either in terms of the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, or, the Office Memorandum, dated 09.01.2012, issued by the Chief Secretary to the Government of Arunachal Pradesh.

32. In that view of the matter, the Board proceeding held on 18.06.2019, recommending the name of the respondent No. 9 to the post of Peon on regular basis and the appointment of Respondent No. 9 as Peon vide the impugned order, dated 18.06.2019, is found to have not been done, in accordance with law."

8. The said Judgment and Order dated 02.06.2023 is presently under challenge at the instance of the appellant/respondent No. 9 in the present proceedings.

9. The learned counsel for the appellant by reiterating the submissions as advanced before the learned Single Judge has submitted that the writ petition filed by the respondent No. 5/writ petitioner ought not to have been given any consideration inasmuch as, the notice, dated 04.06.2019, was never questioned by the respondent No.5/writ petitioner and further, she having participated in the selection process by noticing the requirements as contained in the said notice, dated 04.06.2019, the respondent no.5/writ petitioner having taken a calculated chance in the selection process cannot be permitted to challenge the same on the results thereof not being favourable to her. The learned counsel for the appellant/respondent No. 9 has further submitted that the procedure as adopted vide the said notice, dated 04.06.2019, was so necessitated on account of the fact that no seniority list was prepared and/or maintained in the establishment for the contingency staffs serving therein on account of the fact that all such contingency staffs were continuing in their services with artificial

breaks and accordingly, they not having a continuous service, seniority list for them were not being prepared and/or maintained.

10. The Learned Counsel appearing for the State respondents also supported the case of the appellant/respondent no.5 and submitted that the recommendation as made in the case of the appellant/respondent no.5 was in tune with the procedure as prescribed and the same suffers from no irregularity.

11. The Learned Counsel for the respondent No.5/writ petitioner has submitted that the procedure required to be followed for regularisation of the services of the Contingent staff having been prescribed under the provisions of the said Office Memorandum 09.01.2012 and the said Rules of 2011, the same could not have been violated and a procedure foreign to the said procedure was adopted only for the purpose of favouring the appellant/respondent no.9. It was further contended that the procedure adopted by the Board in its meeting held on 18.06.2019 being in violation of the stipulations as mandated in the provisions of the said Office Memorandum dated 09.01.2012 and the said Rules of 2012, the submission of particulars by the respondent no.5/writ petitioner in pursuance to the Notice dated 04.06.2019 cannot be held against her.

12. The learned Single Judge had in the Judgment and order dated 02.06.2023 also considered the contentions raised by the appellant/respondent No.9 to the effect that the respondent no.5/writ petitioner having submitted her particulars in pursuance to the said Notice dated 14.06.2019 she should not be permitted to question the selection process upon the results thereof not being favourable to her. On such consideration of the said issue the Learned Single Judge drew the following conclusions:

*“34. Raising the argument of estoppel by conduct against the petitioner; Mr. Lampu, learned counsel, has placed reliance in the decision of the Hon’ble Supreme Court, rendered in the case of **Ramesh Chandra Shah** (supra)*

wherein, in paragraph Nos. 18 and 24 it has held as follows, which is quoted as under:

“18. It is settled law that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome.

24. In view of the propositions laid down in the above noted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents.”

From perusal of the ratio laid down by the Hon'ble Supreme Court in the aforesaid case; it is noticed that estoppel by conduct was applied in that case because the authorities had proceeded with the selection process after informing the candidates/participants that general rules of selection will be followed and not the special rules.

It was in the above context that since the candidates/participants of the selection held were informed that it is the general rules which will be followed in the selection held and not the special rules; therefore, the candidates/participants having participated with their full knowledge that it is the general rules which will be followed in the selection process; it was held that the petitioners had waived their right to question the methodology adopted by the Selection Board.

*In contradistinction to the facts of the **Ramesh Chandra Shah** (supra) case; in the instant case, the authorities had not informed any of the contingent staffs as to which method of selection or as to which rule(s) of selection will be followed. What the authorities had informed the contingent staffs was only to submit their performance reports for three years i.e. 2016-17, 2017-18 and 2018-19. All the contingent staffs including the writ petitioner and the respondent No. 9 were, therefore, not in know of the fact*

as to which method of selection would be adopted in the instant case whereas, there existed the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, which admittedly, was not followed while making the selection by the authorities.

*In view of the above, the ratio laid down by the Hon'ble Supreme Court in the case of **Ramesh Chandra Shah** (supra) is distinguishable and not applicable in the present case.*

*35. In the case of **Manish Kumar Shahi** (supra), relied on by Mr. Lampu, learned counsel for Respondent No. 9, the Hon'ble Supreme Court, in paragraph No. 16, has held as under:*

*"..16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the judgments in *Madan Lal v. State of J&K*⁶, *Marripati Nagaraja v. Govt. of A.P.*¹⁵, *Dhananjay Malik v. State of Uttaranchal*¹⁶, *Amlan Jyoti Borooah v. State of Assam*¹⁷ and *K.A. Nagamani v. Indian Airlines*¹⁴."*

36. On perusal of the ratio laid down by the Hon'ble Supreme Court in the aforesaid case, it appears that the petitioner had challenged the criteria of 19% of marks ear-marked for viva-voce test, which the petitioner already knew before participating in the selection process. It was on that ground that the conduct of the petitioner was held to be disentitling him to challenge the selection process for the sole reason that the petitioner knew the criteria of selection before he took part in the selection process.

*37. In the instant case, unlike in the case of **Manish Kumar Shahi** (supra), the contingent staffs including the petitioner and Respondent No. 9 were not*

aware of the criteria of selection when they were asked to submit their performance reports for three years i.e. 2016-17, 2017-18 and 2018-19, vide the notice, dated 04.06.2019, issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, whereas, the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011 as well as the Office Memorandum, dated 09.01.2012, does not indicate that the performance report of the contingent staffs for three years i.e. 2016-17, 2017-18 and 2018-19 would be the sole criteria for selection to the regular post of Peon.

38. What the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011 and the Office Memorandum, dated 09.01.2012, inter alia, provides is, maintenance of a common seniority list of the contingent staff of the Department for absorption to regular posts/service for the contingency staff from the common seniority list prepared by the Department, who have rendered 20 years as contingency staff.

*39. Thus, when the performance reports of the preceding three years of the contingency staff, was called for vide the impugned notice, dated 04.06.2019, issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro; none of the contingent staffs of the Department including the petitioner and the Respondent No. 9, unlike in the case of **Manish Kumar Shahi** (supra), was aware of the criteria of selection that the selection authority was proposing to adopt. In that view of the matter; the ratio laid down in the case of case of **Manish Kumar Shahi** (supra) is also distinguishable and not applicable in the facts of the instant case.*

40. After having perused the impugned notice, dated 04.06.2019, issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, calling for the performance reports of the contingency staff for three years i.e. 2016-17, 2017-18 and 2018-19, whereby, the Respondent No. 9 was recommended for regularization as Peon in the Department concerned, there remains no manner of doubt that the recommendation of Respondent No. 9 by the Board proceeding held on 18.06.2019 and the order of

appointment, dated 18.06.2019, issued by the Deputy Director, Department of Agriculture, Government of Arunachal Pradesh, Ziro, appointing/regularizing the service of Respondent No. 9 as Peon, has not been done in accordance with law i.e. in terms of the General Arunachal Pradesh Service Group 'C' Common Recruitment Rules, 2011, as well as Office Memorandum, dated 09.01.2012, issued by the Chief Secretary to the Government of Arunachal Pradesh."

13. We have carefully perused the conclusions as drawn by the learned Single Judge in the judgment and order, dated 02.06.2023 and on examination of the same in the light of the submissions as advanced by the learned counsels for the contesting parties before us in the present proceedings, we concur with the said conclusions. The learned Single Judge upon examining the matter in the light of the Rules of 2011 and OM, dated 09.01.2012 had reached the conclusion that the regularization of services of contingent staff as contemplated therein is to be so effected basing on seniority of the contingency staff and the said position being so supported by the OM, dated 09.01.2012 and said Rules of 2011, the same is required to be maintained. It is to be noted that the contentions of the appellant/respondent No. 9 that the selection was required to be so conducted by reckoning only the performance report in absence of a seniority list, was also examined by the learned Single Judge and it was found that the authorities had subsequently preferred a common seniority list of contingency staff in the department and therein, it was reflected that the appellant/respondent No. 9 was placed much below the respondent No.5/writ petitioner by reckoning their respective dates of joining as contingency staff.

14. We would like to add that as of 18.06 2019 when the cases of the appellant/ respondent no.9 and the respondent no.5 were so considered by the Board for regularisation of their services against the vacant post of Peon, neither the appellant/ respondent no.9 nor the respondent no.5/ writ petitioner

had the mandated 20 years of service as a contingency staff and accordingly both of them were ineligible to be considered for regularisation of their services in terms of the provisions of the said Rules of 2011 and the Office Memorandum dated 09.01.2012.

15. In view of the above position, we are of the view that the impugned judgment and order, dated 02.06.2023, is a well-reasoned one and the same does not call for any interference. Accordingly, the writ appeal stands dismissed. However, there will be no order as to cost.

JUDGE

JUDGE

Comparing Assistant