

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.4198 OF 2025
WITH
INTERIM APPLICATION (L) NO.15545 OF 2026

Rupali Arjun Shringare ...Petitioner
Versus
The University of Mumbai- Department of
Automic Energy Centre for Excellence in
Basic Science (UM-DAE CEBS) & Ors. ...Respondents

AND
WRIT PETITION NO.4094 OF 2025
WITH
INTERIM APPLICATION (L) NO.15621 OF 2026

Veena Sanket Sawant. ...Petitioner
Versus
The University of Mumbai- Department of
Automic Energy Centre for Excellence in
Basic Science (UM-DAE CEBS) & Ors. ...Respondents

AND
WRIT PETITION NO.4162 OF 2025
WITH
INTERIM APPLICATION (L) NO.15498 OF 2026

Vaishali Manoj Kedar ...Petitioner
Versus
The University of Mumbai- Department of
Automic Energy Centre for Excellence in
Basic Science (UM-DAE CEBS) & Ors. ...Respondents

AND
WRIT PETITION NO.4944 OF 2025
WITH
INTERIM APPLICATION (L) NO.14980 OF 2026

Swati Vikas Kolekar ...Petitioner
Versus
The University of Mumbai- Department of
Automic Energy Centre for Excellence in
Basic Science (UM-DAE CEBS) & Ors. ...Respondents

AND
WRIT PETITION NO.4190 OF 2025
WITH
INTERIM APPLICATION (L) NO.15613 OF 2026

Neha Prakash Dhandekar

...Petitioner

Versus

The University of Mumbai- Department of
Atomic Energy Centre for Excellence in
Basic Science (UM-DAE CEBS) & Ors.

...Respondents

Mr. Akshay R. Pai a/w Siddhi Bhosale, Mr. Avadhut V. Patil, Mr. Rishab Shanbagh i/b Bina R. Pai for Petitioners

Mr. Neel Helekar a/w Ms. Gauri Raghuwanshi for R. No. 1 & 2

Mr. Rui Rodrigues a/w Mohd. Monis, Jainendra Sheth for R. No. 3

Smt. Nazia Shaikh, AGP for State in WP/4190/2025 and WP/4198/2025

Mr. Rakesh Pathak, AGP for State in WP/4094/2025

Mr. Akshay Patkar, AGP for State in WP/4162/2025

Smt. Vrushali Kabre, AGP for State in WP/4944/2025

CORAM: G. S. KULKARNI &
Dr.NEELA GOKHALE, JJ.

DATE: 11 AUGUST 2026.

P.C.

1. We have heard learned Counsel for the parties. This is a batch of five petitions in which the petitioners contend that they are serving with respondent No.1 on different posts namely Senior Office Superintendent (Administration), Senior Office Superintendent (Finance), Office Superintendent (Administration), Office Superintendent (Finance), Office Assistant (Purchase & Stores). A chart is submitted by the petitioners reflecting the details of the petitioners namely 'tenure of the service so far enjoyed by the petitioners in the service of respondent No.1' etc.

Sr. No.	Name of Petitioner	Date of joining	Original Appointed Post	Present Post	Eligible Sanctioned post	General profile of Sanctioned post
1	Swati Kolekar (WP 4944/2025)	01/10/2007 (18Y 9M)	Office Superintendent	Sr.Office Superintendent (Admin)	Registrar (1)/ Administrative Officer -III (1)	Overall Administration of the Centre; establishment matters; coordination with Governing Council, Academic Bodies and Government agencies; policy matters; administrative compliance; and RTI Matters supervision of administrative, finance and academic support functions.
2	Rupali Shringare (WP/4198/2025)	01/08/2009 (16Y 10M)	Office Superintendent	Sr. Office Superintendent (Finance)	Deputy Controller of Accounts (1)	Overall supervision of finance and accounts; budget preparation and monitoring; grant management, finalization of accounts; audit coordination; financial reporting; monitoring of procurement and payment processes.
3	Vaishali Kedar (WP/4162/2025)	28/12/2007 (18Y 6M)	Junior Clerk	Office Superintendent (Admin)	Administrative Officer-III/Assistant (1)	Handling administrative and establishment work; correspondence; maintenance of records and files; procurement assistance; data compilation ; coordination with internal and external stakeholders;
4	Neha Dandekar (WP/4190/2025)	18/10/2010 (15Y 10M)	Office Superintendent (Finance)	Office Superintendent (Finance)	Assistant Accounts Officer (1)	Process of bills and payments; maintenance of accounts; preparation of

						vouchers and financial statements; reconciliation of accounts; taxation; assistance in budget and audit work
5	Veena Sawant (WP/4094/2025)	29/11/2011 (14Y 7M)	Office Assistant (Purchase & Stores)	Office Assistant (Purchase & Stores)	Assistant Personnel Officer (1)	Procurement and stores management; contract and service matters; maintenance of records; coordination of institutional activities and support services; supervision of administrative staff.

2. The petitioners have approached this Court apprehending that their services are likely to be discontinued in view of the advertisement issued by respondent No.1 dated 10 September 2025 so as to outsource the said posts. The contention of the petitioners is that, they have been serving for long duration as seen from Column no.2 which is between fourteen years to eighteen years on the said posts, and despite the regular work being available which needs to be discharged perennially, respondent no.1 has not taken any action to create such posts so as to regularize the petitioners' services.

3. A co-ordinate Bench of this Court in a detailed order dated 1 October 2025 while granting ad-interim protection to the petitioners, made the following observations:

"1. The Petitioners before us are two ladies who are 47 years and 35 years of age, respectively. The first Petitioner has been working for more than 16 years as "Senior Office Superintendent – Finance". The second Petitioner is working for 14 years as "Office Assistant – Purchase and Stores".

2. Respondent No.1, the University of Mumbai, operates the Department of Atomic Energy Centre for Excellence in Basic Sciences (UM-DAE CEBS), which is an aided Institute and a Society registered under the Maharashtra Metropolitan Region Development Authority Act, 1974, for conducting an educational course in the campus of the University of Mumbai. Both Petitioners are in the non-teaching staff category. The Union of India funds the scheme through the Department of Atomic Energy, Government of India.

3. The Petitioners have approached this Court in view of the oral instructions issued by Respondent No.1 that they need not report for duties with effect from 1st October, 2025 since their contract of employment, effective from 1st April, 2025 to 30th September 2025, would come to an end. The monthly consolidated honorarium is Rs.91,000/- for the first Petitioner and Rs.52,800/- for the second Petitioner.

4. The reason for instructing them not to report for duties is that an advertisement is published on 29th September, 2025 on the Government e-Market Portal (GeM portal) which indicates that the positions occupied by these Petitioners would now be outsourced through the Tender process. The said Tender indicates that retired employees of the Central Government could apply for contractual engagements and they would be performing the same duties which the Petitioners are presently performing. Reliance is placed on the judgments delivered by this Court in *Madhukar B. Sadgir v/s. State of Maharashtra and Ors.*¹, and the Hon'ble Supreme Court in the matters of *Jaggo v/s. Union of India and Ors.*², and *Dharam Singh and Ors. v/s. State of Uttar Pradesh and Anr.*³

5. The learned Advocate for the Union of India and the learned Advocate for the University of Mumbai, have opposed grant of any ad-interim relief. The Advocate for the Union of India has placed before us a photostat copy of a note dated 30th September 2025, received by her from the Director, UM-DAE CEBS. The same is taken on record and marked as 'X-1' for identification. The said note reads as under :

"In this context, inter alia, UM-DAE CEBS would like to apprise Hon'ble Court that the petitioners were appointed in UM-DAE CEBS on contract basis as there were no regular such posts approved by the Department. These contracts came to an end on 30th September, 2025. CEBS would like to apprise the Hon'ble Court that for such posts the GeM Tender GEM/2025/B/6705157 dated 19-09-2025 will be cancelled. The department will use the known resources through re-deployment etc to manage the organization for these posts. The Ministry of Finance has recently conveyed sanction for creation of 30 regular posts in academic, technical and administrative category at UM-DAE-CEBS. The sanction was conveyed to CEBS vide Department Note No.6/8(1)/2018/UM- DAE-CEBS/R&D-II/ Vol.II/11157 dated 20.08.2025 which includes 10 administrative posts. Further Hon'ble Court may be informed that the advertisement for all these sanctioned posts will be issued soon with the approval of the Department of Atomic

1 2019(2) Mh.LJ 119

2 2024 INSC 1034

3 2025 SCC OnLine SC 1735

Energy, UM-DAE CEBS will not re-engage any employee in the same post as the petitioners or in any sanctioned post as of the petitioners through any new contract advertising through GeM portal or otherwise.

6. Issue notice to the Respondents, returnable on 24th November, 2025. Mrs. Raghuwanshi, the learned Advocate waives service of notice on behalf of Respondent Nos.1 and 2, Mr. Rodrigues, the learned Advocate also waives service of notice on behalf of Respondent No.3 and the learned AGPs waive service of notice on behalf of Respondent No.4 in the respective Petitions.

7. Let the affidavits in reply be filed by the contesting Respondents, with pagination in continuation, at least, 10 days prior to the returnable date. Office objections, if any, to be removed, on or before 6th November, 2025, failing which, both these Petitions shall stand dismissed without reference to the Court, on 7th November, 2025.

8. The recruitment through the Tender process would strike at the root of the continuous service of these Petitioners between 11 to 16 years. Now, Respondent No.1 has decided to cancel the Tender as mentioned in 'X-1', and 30 posts are now created, to be filled in through public employment. Therefore, we direct that the two posts currently occupied by the Petitioners shall not be filled, even if an advertisement for recruitment is published. We direct that these Petitioners may be allowed to perform their duties as usual from today and would draw their consolidated pay for the duration that they are working. No equities would be created in their favour, by this order.

9. Though the recruitment process may continue, Respondent Nos.1 and 2, would not formalize the same without the leave of the Court."

4. Mr. Pai, learned Counsel for the petitioners would submit that during the pendency of these petitions, one more advertisement has been issued on the basis that there are now sanctioned posts which are available, and which in fact, are for the same work and posts as held by the petitioners, although the nomenclature of the post is different. These posts are Registrar I / Administrative Officer-III, Deputy Controller of Accounts, Administrative Officer-III/Assistant, Assistant Accounts Officer and Assistant Personnel Officer. Thus, steps are being taken by respondent No.1 to fill up all these posts. It is also the contention urged on behalf of respondent No.1 that the petitioners can participate in the selection process, if

they so desire. However, Mr. Pai, learned Counsel for the petitioners, would submit that such participation would create a *fait accompli* for the petitioners, inasmuch as they have acquired substantive rights on account of their long years of service. In these circumstances, the petitioners cannot now be subjected to the uncertainty of a fresh selection process.

5. We have given our anxious consideration to the rival contentions. Mr. Helekar, learned Counsel for respondent No. 1, would not dispute the long years of service rendered by the petitioners and that the petitioners are performing duties which, in fact, are to be performed by regularly appointed employees. The only question that arises is as to why there has been a delay on the part of the Union of India in according approval to the posts actually held by the petitioners, apart from the new posts which have now been created and are sought to be filled up.

6. Mr. Helekar, however, on instructions, has taken a fair stand. He states that the petitioners' appointment would not, in any manner, be disturbed, notwithstanding the process to make appointments to the newly created posts is being undertaken, in respect of which an advertisement is stated to have been issued in October 2025.

7. In these facts of the case, considering the settled position in law, it would be arbitrary for the employer like respondent No.1 which is created under the control of the Central Government, to keep the petitioners ad-hoc and not confirm on the said posts despite such long years of service being taken from them. In such context we may refer to the settled principle of law as laid down by

the Supreme Court in **Jaggo Vs. Union of India**⁴ wherein the Supreme Court considered whether employees engaged on temporary or contractual basis for long periods while performing perennial duties could be denied regularization by merely relying upon the nomenclature of their appointments. The Court held that where the work performed is perennial in nature and fundamental to the functioning of the establishment, the employer cannot indefinitely continue such employees on temporary terms and thereafter invoke the judgment in *Umadevi* (supra) to defeat their legitimate claim. The relevant observations of the Supreme Court read thus:

“13. The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers with another, further underscores that the work in question was neither temporary nor occasional.

... ..

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.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable

employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.”

8. In **Dharam Singh & Ors. Vs. State of U.P. & Anr.**⁵, the Supreme Court held that although the creation of posts is primarily an executive function, the refusal to sanction posts cannot be immune from judicial scrutiny for arbitrariness, particularly where the employer ignores the functional necessity of the work and its own longstanding reliance on employees performing regular and perennial duties. The Court observed that continuous deployment of employees to perform duties which are continuous, integral and perennial demonstrates the permanent nature of the work, and that the State cannot continue extracting such work for years while pleading want of sanctioned strength. The Court further held that *Umadevi* distinguishes between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. It reiterated that *Umadevi* cannot be deployed as a shield to justify long-term *ad hocism* or exploitative contractual engagements. In the present case, the petitioners have continuously discharged perennial and indispensable public health duties after being appointed through a duly constituted selection process, and the respondents cannot rely upon the contractual nature of their

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appointments to deny consideration for regularization. The respondents' refusal to regularize the petitioners despite their long and uninterrupted service, the admitted existence of sanctioned vacancies and the regularization of similarly situated employees is, therefore, arbitrary and squarely covered by the principles laid down in **Dharam Singh & Ors.** The relevant observations of the Supreme Court read thus:

“8. The State's refusal of 11.11.1999 cites “financial constraints” and the subsequent decision of 25.11.2003 (taken after the High Court's direction to reconsider) adverts to financial crisis and a ban on creation of posts. Neither decision engages with relevant considerations placed on record, namely, the Commission's 1991 resolution and repeated proposals, the acknowledged administrative exigencies of a recruiting body handling large cycles, the continuous deployment of these very hands for years, and the existence of attendant work that is primarily perennial rather than sporadic. While creation of posts is primarily an executive function, the refusal to sanction posts cannot be immune from judicial scrutiny for arbitrariness. We believe that a non-speaking rejection on a generic plea of “financial constraints”, ignoring functional necessity and the employer's own longstanding reliance on daily wagers to discharge regular duties, does not meet the standard of reasonableness expected of a model public institution.

9. Moreover, it is undisputed that the nature of work performed by the appellants, i.e. sorting and scrutiny of applications, dispatch and office support, and driving, has been continuous and integral to the Commission's functioning since their engagement between 1989 and 1992. The Commission itself moved for sanction of fourteen posts and furnished a list of fourteen daily wagers including the appellants. That consistent internal demand, coupled with uninterrupted utilisation of the appellants' labour on regular office hours, fortifies the conclusion that the duties are perennial. To continue extracting such work for decades while pleading want of sanctioned strength is a position that cannot be sustained.

...

11. Furthermore, it must be clarified that the reliance placed by the High Court on Umadevi (Supra) to non-suit the appellants is misplaced. Unlike Umadevi (Supra), the challenge before us is not an invitation to bypass the constitutional scheme of public employment. It is a challenge to the State's arbitrary refusals to sanction posts despite the employer's own acknowledgment of need and decades of continuous reliance on the very workforce. On the other hand, Umadevi (Supra) draws a distinction between illegal appointments and irregular engagements and does not endorse the perpetuation of precarious employment where the work itself is permanent and the State has failed, for years, to put its house in order. Recent decisions of this Court in *Jaggo v. Union of India*⁴ and in *Shripal v. Nagar Nigam, Ghaziabad*⁵ have emphatically cautioned that Umadevi (Supra) cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical

duties are exacted over extended periods. The principles articulated therein apply with full force to the present case. The relevant paras from Shripal (supra) have been reproduced hereunder:

“14. The Respondent Employer places reliance on Umadevi (supra)² to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records-despite directions to do so-allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfill ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this court in Jaggo v. Union of India³ in the following paragraphs:

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- Misuse of “Temporary” Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution

are often labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- **Arbitrary Termination:** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.
- **Lack of Career Progression:** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.
- **Using Outsourcing as a Shield:** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.
- **Denial of Basic Rights and Benefits:** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

... ..

13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not “full-time” employees but continue only by virtue of interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

....

15. Therefore, in view of the foregoing observations, the impugned order of the High Court cannot be sustained. The State's refusals dated 11.11.1999 and 25.11.2003, in so far as they concern the Commission's proposals for sanction/creation of Class-III/Class-IV posts to address perennial ministerial/attendant work, are held unsustainable and stand quashed."

... ..

17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise

work on lawful lines.

18. Moreover, it must necessarily be noted that “ad-hocism” thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If “constraint” is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

9. In **Bhola Nath Vs. State of Jharkhand & Ors.**⁶ in the very context, the Supreme Court has observed thus:

“13.4. We are unable to discern any rational basis for the respondent-State’s decision to discontinue the appellants after nearly ten years of continuous service. We are conscious that the symbiotic-relationship between the appellants and the respondent-State was mutually beneficial, the State derived the advantage of the appellants’ experience and institutional familiarity, while the appellants remained in public service. In such circumstances, any departure from a long-standing practice of renewal, particularly one that frustrates the legitimate expectation of the employees, ought to be supported by cogent reasons recorded in a speaking order.

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 fulfillment of the

prescribed conditions.

13.8. In *Dharam Singh v. State of U.P.*, this Court strongly deprecated the culture of “*ad-hocism*” adopted by States in their capacity as employers. The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.

13.9. The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason.”

10. Considering the aforesaid settled principle of law, we are of the opinion that the petitions need to be disposed of, however, in terms of the following order:

(I) We accept the statement as made on behalf Mr. Helekar, learned Counsel for respondent No.1 that the services of the petitioners would not be disturbed.

(II) We direct the Union of India to create the posts as held by the petitioners within a period of two months from today, and on such posts the petitioners are directed to be regularized considering their long years of service and principles of law as discussed hereinabove.

(III) Respondent No.1 is free to undertake and complete the exercise of filling up the posts under the advertisement issued in October, 2025 without in any manner whatsoever, disturbing the employment of the petitioners.

(V) All contentions of the petitioners in regard to any other benefits are expressly kept open.

11. The petitions stand disposed of in the aforesaid terms.
12. Pending Interim Applications would not survive. They, accordingly, stand disposed of.

(Dr.NEELA GOKHALE, J.)

(G. S. KULKARNI, J.)