

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19405 of 2024**

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Pawan Kumar, Son of Mishri Lal Rai, Resident of Village- Rasulpur Maniyari, Ward No.- 06, Post- Chandanpatti, Police Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. That Additional Chief Secretary, Department of Revenue, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. That Circle Officer, Sakra, Muzaffarpur.
6. The Revenue Staff, Panchayat- Chandanpatti and Maniyari, Block- Sakra, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Chandan Kumar, Advocate.  
For the Respondent/s : Government Pleader 17

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**C.A.V. JUDGMENT**

**Date : 09-01-2025**

Heard Mr. Chandan Kumar, learned counsel  
appearing on behalf of the petitioner and learned GP-17 for the  
State.

2. Petitioner has, *inter alia*, prayed for following  
reliefs in the paragraphs No.1 of the writ petition:-

*i) That this is an application for  
issuance of an appropriate writ, order or direction  
to the respondents to appoint/select/employed the  
petitioner on the post of Data Entry  
Operator/Assistant of Revenue Staff in the light of  
Notification vide Letter No.-23/San.Che.Se.Shri.  
-12-01/2024, Sha. Pra. 8554 dated 30.05.2024 as  
petitioner worked on those posts for nearly 3 years  
under respondent nos. 4 & 5, work experience*



*certificate already issued to the petitioner; petitioner filed application before respondent, in light of the Notification but no action taken as yet and/or for any other order/orders as Your Lordships may deem fit and proper under the circumstances of the case.*

3. Considering the relief sought for in the present writ petition, I find it proper to direct the Additional Collector, Muzaffarpur (Respondent no. 4) who will call particulars relating to the petitioner from the Circle Officer, Sakra, Muzaffarpur (Respondent no. 5) and take necessary steps to consider the representation of the petitioner in light of the notification dated 12.07.2024 and the recent law laid down by the Hon'ble Supreme Court in the case of **Jaggo Vs. Union of India & Ors. (SLP (C) No. 5580 of 2024)**, wherein the Apex Court relying on its judgment passed in **Vinod Kumar and Ors. Etc. Vs. Union of India & Ors.**, reported in **(2024) 1 S.C.R. 1230** has made following observations in Paragraph Nos. 20, 21, 22, 23, 25 and 27, which are reproduced hereinafter:

*“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 judgement of this Court in Vinod Kumar*



*and Ors. Etc. Vs. Union of India & Ors.[2024] 1 S.C.R. 1230, 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 judgement 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...”*

*21. The High Court placed undue emphasis on the initial label of the appellants’ engagements and the outsourcing decision taken after their dismissal. Courts must look beyond the surface labels and consider the realities of employment: continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.*

*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 fair-*



ness 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.

23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration encourages companies to provide stable employment and to observe obligations concerning employment stability and social security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

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 labeled 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.*

*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.”*

4. With the above observation/direction, the present writ petition stands disposed of.

5. There shall be no order as to cost.

**(Purnendu Singh, J)**

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ashishsingh/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | 20.12.2024 |
| Uploading Date    | 09.01.2025 |
| Transmission Date | N.A.       |

