**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**A.C. (S.B.) No. 23 of 2008**

1. The Regional Director, L.R. Saini, S/o Sher Singh, D.A.V. Public, Ranchi Zone, D.A.V. Campus, Bariatu Road, P.O. & P.S. – Bariatu, Ranchi – 834009.
2. D.A.V. Public School, Itki Road, Hehal, P.O. & P.S.- Hehal, through its Principal, Shiv Ram Madgil, S/o Late Sidhu Ram, resident of Hehal, P.O. – Hehal, P.S.- Sukhdeo Nagar, Dist. – Ranchi.

**…..** Appellants

**Versus**

Vikas Toppo, S/o Vigal Toppo, Resident of Village – Jatra Gonda, P.O. – Gandhinagar, P.S. – Gonda, District – Ranchi.

**…..** Respondent

WITH

**A.C. (S.B.) No. 24 of 2008**

1. The Regional Director, D.A.V. Public, through L.R. Saini, S/o Sher Singh, Ranchi Zone, D.A.V. Campus, P.O. & P.S. – Bariatu, Bariatu Road, Ranchi – 834009.
2. D.A.V. Public School, Gandhi Nagar, CCL, through its Principal, S.K. Sinha, S/o Late Badri Prasad Lal, Gandhi Nagar, CCL, P.S. – Gonda, P.O. – Kanke, Ranchi.

**…..** Appellants

**Versus**

Suresh Bahadur, S/o Kdhak Bahadur, Resident of Babugoan, Korra, P.O. & P.S.- Korra, Hazaribagh, District – Hazaribagh.

**…..** Respondent

WITH

**A.C. (S.B.) No. 25 of 2008**

1. The Regional Director, L.R. Saini, S/o Sher Singh, D.A.V. Public, Ranchi Zone, D.A.V. Campus, P.O. & P.S. – Bariatu, Bariatu Road, Ranchi – 834009.
2. D.A.V. Public School, Itki Road, Hehal, through its Principal, S.R. Madgil, S/o Late Sidhu Ram, resident of Hehal, P.O. – Hehal, P.S.- Sukhdeo Nagar, Dist. – Ranchi.

**…..** Appellants

**Versus**

Santosh Kumar Pathak, S/o Vidya Pathak, c/o Ramasraya Pathak Kamrey Ashram, P.O. – Hehal, P.S. – Sukhdeonagar, Ratu Road, District – Ranchi. **…..** Respondent

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Appellants : Mr. Nipun Bakshi, Advocate
Mr. Raj Kumar Gupta, Advocate.
Mr. Mrinal Singh, Advocate.
Mr. Uttam Kumar Gupta, Advocate.
For the Respondents : Dr. S.K. Chaturvedi, Advocate.

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**Order No. 38/Dated: 17th December, 2025**

**1.** Heard learned counsel for the appellants as well as learned counsel for the respondent(s).

**2.** The aforesaid appeals heard together, as common question of law arose in all the appeals. The aforesaid appeals are directed against the orders of Jharkhand Education Tribunal, Ranchi dated 21.06.2008, 19.06.2008 and 24.05.2008 in Case No. 04/2008 (JET), Case No. 20/2008 (JET) and Case No. 06/2008 (JET) respectively, whereby and whereunder learned Tribunal has directed to regularize the respondent(s).

**3.** Learned counsel for the appellants has submitted that in the instant case, the applicants / respondent (s) are contractual employees in Category-D posts in DAV School. The applicant Vikas Toppo (Respondent in A.C. (S.B.) No. 23/2008) was again appointed for fixed tenure on same post for 01.08.2003 to 31.03.2004 and thereafter was again appointed from 01.04.2004 to 31.03.2005. The applicant Suresh Bahadur (Respondent in A.C. (S.B.) No. 24/2008) was appointed on 01.04.2004 till 31.03.2005 and he was again appointed from 01.04.2005 till 31.03.2006. The applicant Santosh Kumar Pathak (Respondent in in A.C. (S.B.) No. 25/2008) was appointed on 01.08.2002 till 31.07.2003 and thereafter he was again appointed from 01.04.2003 to 31.03.2004 and thereafter again appointed from 01.04.2004 to 31.03.2005 and from 01.04.2005 to 31.03.2006. Thereafter, no further appointment was given to the applicants / respondent (s).

**4.** It is further submitted that thereafter the respondent(s) have filed applications in the year 2008 before the learned Jharkhand Education Tribunal for regularization of their services.

**5.** It is further submitted that the applications filed by the applicants belatedly without showing any satisfactory cause / reasons.

**6.** It is further submitted that the applications filed by the respondent(s) before the concerned Tribunal was miserably time barred in view of Section 10 of the Jharkhand Education Tribunal Act, 2005, which specifically provides as under:-

> **10. Limitation – (1) A Tribunal shall not admit an application, unless**
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> (a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date of the establishment of this Tribunal; and
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> (b) No proceeding for the redressal of such grievances had commenced before the said date before any High Court.
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> (2) Besides cases admissible for adjudication under sub-section (1) an application may be admitted within a period of six months from the date of the issue of the order by an educational institution. This limitation may be condoned by the Tribunal if it is satisfied that there exists sufficient cause for not making the application within such period.

**7.** It is further submitted that the learned Tribunal without condoning the delay has passed the order(s) on merits on the ground that in respect of limitation, the respondents (appellants herein) have not requested for any early hearing nor they have filed any application. Hence, the matters were heard on merits. The above findings and taking the case for hearing on merits are absolutely illegal and beyond the jurisdiction of the Tribunal. The question of limitation has to be considered by the Tribunal, if the same is found

barred by limitation. There is no role of respondents (appellants herein) to take such plea or insist upon such hearing.

**8.** It is settled law that unless and until the delay is condoned, no petition / appeal or any other proceeding shall be heard on merits.

**9.** It is further argued that the respondent(s) have claimed their regularization in the service, who were working as Category-D posts purely on the temporary / fixed tenure contract basis. Therefore, question of regularization in service does not arise at all. The learned Tribunal has passed the impugned order directing the appellants to regularize the services of the respondent(s) within three months from the date of order, which is absolutely illegal and beyond the jurisdiction and liable to be set aside.

**10.** On the other hand, learned counsel for the respondents opposed the aforesaid contentions raised on behalf of the appellants and submitted that the respondents have sufficiently explained the reason for delay in filing the application before the learned Tribunal. They are illiterate person and expelled from services without any reason and due to poverty also the case was not filed within time, although the petitioners were appointed on contract basis for fixed term, but they have worked for more than three years regularly. Hence, they were entitled for regularization under the Circulars of the School. The service books of the petitioners were also not maintained as per the Circular of the School itself where they were working.

**11.** It is further submitted that the learned Tribunal has rightly observed that the applicants / respondents have worked for three consecutive years without any interruption in the DAV School in Category-D posts and as per School Circular namely, N.D. Grover Circular, they were entitled for regularization in the service. There is no illegality / irregularity in the impugned judgment calling for any interference. These appeals have no merit and fit to be dismissed.

**12.** I have gone through the impugned judgment in the light of rival submissions of the learned counsel for the parties. From perusal of the record, it is admitted fact that the applicant(s) / respondent(s) herein have filed applications before the learned Tribunal stating inter alia that they were appointed in DAV School on part time fixed terms contract in Category-D posts w.e.f. 01.08.2002 / 01.08.2004 and regularly worked till 31.03.2005 / 31.03.2006 / 31.03.2006 on oral request of the School Administration. They have received Rs. 2000/- per month as wages and left the job on oral orders, although their work was satisfactory.

**13.** It is obvious from the impugned order that these appeals were preferred after considerable delay as prescribed and no satisfactory reasons for such delay was explained by the applicant(s) / respondent(s) herein as mentioned in the impugned order. Inspite of that, learned Tribunal has taken a view that the respondent - Regional Director, DAV Public School has not filed any application raising the question of limitation, therefore, the applications were heard on merits. The above reasoning assigned by the learned Tribunal is absolutely illegal and beyond the settled principles of law that the question of limitation does not requires any pleadings by the parties and when an application / petition or proceeding is barred by limitation, it is the applicant, who has to satisfy the court about the sufficient cause preventing him from filing such petition within time. Admittedly, no such sufficient reason has been explained by the applicants / respondents, inspite of that, orders passed on merits.

**14.** It further transpires that in the impugned orders, the entitlement for regularization of the applicants is based upon N.D. Grover's Circular, but no such Circular was brought on record and no provision of such Circular has been quoted. Therefore, I find that the impugned

orders are absolutely illegal and the question on merits is touched beyond jurisdiction by the learned Tribunal, which is hereby set aside.

**15.** Accordingly, these appeals are allowed.

**(Pradeep Kumar Srivastava, J.)**

**December 17, 2025**
**Sunil/**
**Uploaded On :20/12/2025**