2026:JHHC:33500

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 5051 of 2026

Subhash Pramanik, son of Ganesh Ram Pramanik, aged about 55 years, resident of Pindrajora, P.O. & P.S. Pindrajora, District-Bokaro. **..... Petitioner(s)**

V E R S U S

1. The State of Jharkhand.

2. The Principal Secretary, Dept. of Personnel, Administrative Reforms and Rajbhasha Govt. Of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist- Ranchi.

3. The Secretary, Revenue. Registration & Land Reform, Govt. of Jharkhand, Project Building, P.O. & P.S. Dhurwa, Dist-Ranchi.

4. The Commissioner, North Chotanagpur Division, Hazaribagh, P.O. & P.S. Hazaribagh, District Hazaribagh.

5. The Deputy Commissioner, Bokaro, P.O. & P.S. Bokaro, District Bokaro.

6. The Additional Collector (Establishment), Bokaro, P.O. & P.S. Bokaro, District Bokaro.

7. The Deputy Collector (Establishment), Bokaro, P.O. & P.S. Bokaro, District-Bokaro.

8. The Sub-Divisional Officer, Chas, P.O. & P.s. Chas, District-Bokaro. **..... Respondent(s)**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mrs. Rinku Bhakat, Advocate
For the Resp.-State : Mr. K.K.Singh, SC-V

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C.A.V. ON: 12/10/2026 **PRONOUNCED ON: 25/11/2026**

1. Heard learned counsel for the parties.

2. The present writ petition has been preferred by the petitioners for the following reliefs:-

> *(I) For direction upon the respondent to regularise the service of the petitioner in the light of Notification No.1348 dated 13.02.2015 [Annexure-4] and Notification No.4871 dated 20.06.2019 [Annexure-4/1] issued by the Department of Personnel, Administrative Reforms and Rajbhasa, Govt. of Jharkhand and considering the judgement of the Hon'ble Apex Court Narendra Kumar Tiwari & Ors. Vrs. State of Jharkhand reported in (2018) 8 SCC 238, Dharam Singh & Ors. Vrs. State of U.P. and Anr. reported*

in 2025 SCC Online SC 1735 and Jaggo Vs. Union of India & Ors. Reported in 2024 SCC OnLine SC 3826 considering the facts that the petitioner is continuously working since 2000 on sanctioned vacant post of the Peon with the respondents instead of appointed by the SDO, Chas.

ii) For quashing of part of the Memo No.328 dated 13.03.2020 [Annexure-3] whereby the claim of the petitioner for regularization in service was rejected showing that petitioner is not appointment by the competent authority and not recommended by the Deputy Commissioner, Bokaro, the petitioner is working as daily wages without any gape in the sanctioned vacant post since 2006 till date ignoring the facts that the petitioner is not appointed by the Deputy Commissioner, Bokaro.

(iii) For direction upon the respondents to pay all consequential benefits after counting of past service initial date of appointment of the petitioner.

3. The brief facts of the case as per the writ application are that the petitioner was appointed as a peon in the year 2000 and has been continuously working under the respondent, i.e., Sub-Divisional Officer, Chas, Bokaro. The petitioner being 12th pass was having all the requisite qualification for appointment of driver in the year 2000.

4. In the year 2017, in light of the Regularisation Policy 2015, a panel of daily wager employees working on sanctioned post was prepared by the Deputy Commissioner, Bokaro dated 12.06.2017 annexed with Memo No. 359 dated 14.06.2017 for regularisation of the service of the daily wager, wherein the name of the petitioner appears at Sl. No. 15.

5. Thereafter, a panel was again prepared by the Deputy Commissioner, Bokaro in the year 2020 in which the name of the petitioner at Sl. No. V has been rejected vide Memo No. 328 dated 13.03.2020 on the ground that the petitioner has not been appointed by the competent authority; rather by the BDO, Chas.

6. It is the case of the petitioner that the action of the respondents is arbitrary and illegal in view of the fact that the petitioner is working for last more than 26 years and though the petitioner has filed several representation for regularisation of his service and lastly on 11.06.2026, but till date the respondents have not regularised the service of the petitioner. Hence, this writ application.

7. Learned counsel for the petitioner had submitted that the petitioner has been continuously working since 2000 and certain experience certificates have also been issued to him for his contribution. She relied on the judgment passed by this Court in *W.P.(S) No. 722 of 2026 [Gulam Khan v. State of Jharkhand]* and submitted that the petitioner is entitled for regularisation in view of the Hon'ble Supreme Court's judgment rendered in the case of the *Narendra Kumar Tiwari v. State of Jharkhand [(2018) 8 SCC 238]* also and the Regularisation Policy of 2015 as subsequently modified in 2019.

8. *Per contra,* learned counsel for the respondents submitted that after due consideration the regularisation committee has resolved that the petitioner does not fulfil the eligibility criteria prescribed under Clause 3(a)(iii) of the Regularisation Rules, 2015 as his engagement was not made by the competent authority. He further submitted that the challenge to Memo dated 13.03.2020 after six years is barred by delay and laches.

9. Having heard learned counsel for the rival parties and upon perusal of the materials available on record, it transpires that the petitioner has been admittedly working since the year 2000 under the respondent, i.e., Sub-Divisional Officer, Chas, Bokaro. The ground taken by the respondents for denying the claim of regularisation of service of the petitioner is that he has not been engaged by the competent authority.

10. The stand of the State is that the Clause 3 of the Regularisation Policy allows regularisation in case of irregular appointments only after fulfilling the condition of initial appointment by the competent authority.

However, on bare perusal of the Annexures-1 and 1/1, of the rejoinder dated 21.09.2026, which are the own internal communication letters of the respondents, it transpires that the petitioner was appointed by the Deputy Commissioner, Bokaro, which is the competent authority and the same is evident from the Letter No. 155 dated 05.02.2020 of the SDO, Chas forwarded to Deputy Commissioner, Bokaro and further apparent from the Letter No. 41 dated 28.01.2020 of Establishment, Deputy Collector, Bokaro.

11. Interestingly, this fact has been suppressed in the impugned order issued vide Memo No. 328 dated 13.02.2020 by which the claim of the petitioner for regularisation of his service has been rejected.

12. Even otherwise, the Court is of the view that, it cannot be culled out that if the initial appointment has been made by

incompetent authority, then *per se* it would become an illegal appointment.

13. Admittedly, the respondents are taking work for more than 2 & ½ decade, which implies that the department while discharging regular government functions knowingly took work from the petitioner for years and later, they cannot deny such informal entry, which at the highest could be irregular appointment, but not illegal one.

14. In ***Amarkant Rai v. State of Bihar [(2015) 8 SCC 265],*** the Hon'ble Supreme Court also has observed that when the respondent is well acquainted of the appointment and has admittedly took the work for such long duration without ever raising incompetency of the appointing authority cannot later term the appointment as illegal, rather it could be at the farthest irregular appointment.

15. Having regard to the above discussion, and the fact that the petitioner has been working as peon continuously since 2000, the Court is of the considered opinion that the petitioner is entitled for regularisation of his services on completing his services for about 2 & ½ decade in light of the Regularisation Policy of 2015 as amended in 2019 and the judgments of the Hon'ble Supreme Court rendered in the cases of *Narendra Kumar Tiwari v. State of Jharkhand [(2018) 8 SCC 238], Dharam Singh v. State of U.P. [2025 SCC OnLine SC 1735], Jaggo v. Union of India [2024 SCC OnLine SC 3826]* and *Bhola Nath v. Union of India [2026 SCC OnLine SC 129].*

16. Accordingly, the impugned part of the Memo No. 328 dated 13.03.2020 [Annexure-3]; whereby the claim of the petitioner for regularisation of his service has been rejected is, hereby, quashed and set aside.

17. The respondents are directed to regularize the services of the petitioner on the post of peon and issue a formal order of regularisation within a period of 12 weeks from the date of receipt/production of a copy of this order.

18. As a result, the instant writ application is allowed. Pending I.A.(s), if any, stands closed.

(Deepak Roshan, J.)

Dated: 25/11/2026
Amardeep/

Uploaded on
26.11.2026