IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 4689 of 2026

Bela Pad Bouri, son of Patal Chandra Bouri, aged about 51 years, resident of Kadam Talla, P.O. & P.S. Chas, District-Bokaro (Jharkhand). **..... 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. District-Bokaro.

9. The Block Development Officer, Chas, Bokaro, 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. Divyam, S.C.-IV

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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 petitioner for the following reliefs:-

(i)For direction upon the respondent to regularize the service of the petitioner in the light of Notification No.1348 dated 13.02.2015 [Annexure-7] and Notification No.4871 dated 20.06.2019 [Annexure-7/1] 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 2001 on sanctioned vacant post of the driver with the respondents instead of appointed by the BDO, Chas.

ii) For quashing of part of the Memo No.328 dated 13.03.2020 [Annexure- 5] 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, while the petitioner is working as daily wages without any gap in the sanctioned vacant post since 2001 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 of the petitioner, where the petitioner discharge his work, responsibilities as similar to regular employee.

3. The brief facts of the case as per the writ application are that the petitioner was appointed as a driver in the year 2001 and has been continuously working under the respondent, i.e., Block Development Officer, Chas, Bokaro. The petitioner is 12th pass and having all the requisite qualification for appointment of driver in the year 2001.

4. In the year 2017, in light of the Regularisation Policy 2015, a panel of daily wager employees was prepared by the Deputy Commissioner, Bokaro dated 12.06.2017 annexed with Memo No. 14.06.2017 for regularisation of the service of the petitioner, wherein the name of the petitioner appears at Sl. No. 3.

5. Thereafter, a panel was prepared by the Deputy Commissioner, Bokaro in the year 2020 in which the name of the petitioner at Sl. No. 6 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 are arbitrary and illegal in view of the fact that the petitioner is working for last more than 25 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 submitted that the petitioner has been continuously working since 2001 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 also 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]* and the Regularisation Policy of 2015 and 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 against the sanctioned vacant post.

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 2001 under the respondent, i.e., Block Development Officer, Chas, Bokaro.

10. Pursuant to the claim made by the petitioner for regularisation of his services, the grounds taken by the respondents for denying the claim is that he has not been engaged by the competent authority against a sanctioned post.

11. The State has taken a stand 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, 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.

12. Admittedly, the respondents have taken work for more than two 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 best could be irregular appointment, but not illegal one.

13. 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.

Moreover, the respondents have failed to show any instance of departmental action taken against such illegal authorities during such a long span of time if it is to say that they appointed such employee illegally or without being a competent authority.

14. On the issue of initial appointment not been made by a competent authority, similar view has been taken by the Division Bench of this Court in ***LPA No. 457 of 2025*** and so the Court dismissed the appeal upholding the claim of regularisation as rightly adjudged. Thus, when the engagement has been made by the departmental officer under statutory powers to overcome the exigencies of work, the same cannot be termed after a decade as illegal *[Refer* ***Nihal Singh v. State of Punjab, (2013) 14 SCC 65****]*. And, if there has been genuine exigency and no nepotism or mal-fide involved, then it would fall under the category of irregular appointment *[Refer:*

State of J&K v. District Bar Association, Bandipora, (2017) 3 SCC 410*].*

15. So far, the contention of the respondent in the Counter Affidavit with regard to appointment against non-sanctioned post is concerned, the respondents have themselves admitted in the Annexure-A, i.e., Memo No. 328 dated 13.03.2020 that the petitioner was appointed against a sanctioned post, but the respondents are now denying the same in the averments of the Counter Affidavit.

16. Even otherwise, the Hon'ble Supreme Court, in the case of ***Sukhendu Bhattacharjee v. State of Assam [2026 SCC OnLine SC 909]*** has held that regularisation cannot be denied solely because the initial appointment was not against sanctioned post, and the Hon'ble Apex Court observed that where employees have rendered continuous service for decades in departments discharging regular government functions, they would still be entitled to consideration for regularisation.

17. Having regard to the above discussion, and the fact that the petitioner has been working continuously since 2001, the Court is of the considered opinion that the petitioner is entitled for regularisation of his services on completing his services for about two decades 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].*

18. Accordingly, the impugned part of the Memo No. 328 dated 13.03.2020 [Annexure-5] whereby the claim of the petitioner for regularisation of his service has been rejected is, hereby, quashed and set aside.

19. The respondents are directed to regularize the services of the petitioner on the post of driver 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.

20. 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