IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P (S) No. 5222 of 2026

Dilip Kumar Singh, son of Dineshwar Singh aged about 57 years, resident of Qr. No. 1046, D.C. Office, Bokaro, Confidential Section, Sector 4/B, B.S.C. Bokaro, P.O. & P.S. Bokaro, 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 Incharge Confidential Department Officer, Bokaro, P.O. & P.S. Bokaro, 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 : Md. Shahabuddin, S.C.-VII

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C.A.V. ON: 21/09/2026 **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 regularize 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 2003 on sanctioned vacant post of the driver with the respondents.

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 and not having requisite qualification for thepost until his qualification is 9th pass while the petitioner is working as daily wages without any gape in the sanctioned vacant post since 2003 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 discharges his work, responsibilities as similar to regular employee.

iv) During pendency of the writ petition the petitioner should not be disturb by the respondents to work with them.

3. The brief facts of the case as per the writ application are that the petitioner was appointed as a driver in the year 2003 and is continuously working under the Confidential Department and District Nazarat Department. The petitioner is 9th pass and having all the requisite qualification for appointment of driver in the year 2003.

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. 359 dated 14.06.2017 for regularisation of the service of the petitioner, wherein the name of the petitioner appears at Sl. No. 2.

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. 4 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. The case of the petitioner is that the action of the respondents are arbitrary and illegal in view of the fact that the petitioner is working for last more than 23 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 2003 and time to time the payment has been made by the respondents especially the In-charge Confidential Department Officer, Bokaro and District Treasury Officer-cum-Deputy Collector, Bokaro. 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 and he is not having the requisite educational qualification.

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 2003 under the respondent, i.e., Confidential Department and District Nazarat Department.

10. However, pursuant to claim of the petitioner for regularisation of his service, the same has been rejected on three ground: *(i) Lack of initial appointment by the Competent Authority, (ii) Lack of Requisite Educational Qualification;* and *(iii) Lack of initial appointment against a sanctioned vacant post.*

11. 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, 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. 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.

12. 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.

13. 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***. 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 irregular appointment *[Refer:* ***State of J&K v. District Bar Association, Bandipora, (2017) 3 SCC 410****]*

15. As far as the second issue is concerned, on bare perusal of the Annexures - 1 & 2 it transpires that the petitioner has completed minimum 10 years of service and he is also having the prescribed qualification of driver, i.e., Class VIII pass as required on the date of appointment.

16. It is to be noted that the respondents have earlier also regularised the service vide memo No. 564 dated 02.09.2026 pursuant to the judgment in W.P.(S) No. 4596 of 2024 (Dhiren Kumar Mishra Versus The State of Jharkhand) of the employees if they had acquired the requisite qualification required for work what was in vogue and prescribed at the time of appointment.

17. Even otherwise, the issue of requisite condition of educational qualification with respect to regularisation has been dealt time and again by the Hon'ble Supreme Court and

the chronological jurisprudential development of the doctrine of regularisation shows that in assessing regularisation, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Workmen in the past and has been rightly discouraged in the judgment of ***Shripal v. Nagar Nigam, Ghaziabad [2025 SCC OnLine SC 221]***.

18. In ***Jaggo v. Union of India [2024 SCC OnLine SC 3826]***, it has been held that it is unjust to rely on educational qualification that is not associated to the nature of work performed by such workers and the same has not been strictly enforced in cases of regularisation. If the strict criteria of educational qualification would be sought after such a prolonged period and that too which was not required while performing the work till date during the temporary engagements will be against the ensuing constitutional evolution and normative balance with respect to regularisation. Assuming such appointee would have now gained sufficient experience in performing the work for more than a decade would not be fallacious.

19. Further, on perusal of the Annexures - 1 & 2 dated 30.11.2006 and 14.06.2017 respectively, it transpires that the petitioner is working against a sanctioned post, but if there is any contention raised by the respondents with respect to its

verification, 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 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.

20. Having regard to the above discussion, and the fact that the petitioner has been working continuously since 2003, 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].*

21. 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.

22. 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.

23. 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/
A.F.R
Uploaded on
26.11.2026