IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 6692 of 2025

1. Bahadur Mahato, aged about 47 years, son of Puran Mahato, resident of Village Kandra, P.O. Ramnagargh, P.S. Mahuda, District Dhanbad.
2. Md. Sahir Hossain, aged about 45 years, son of Shaikh Abdul Hakim, resident of Village & P.O. Manirampur, P.S. Pakur (M), District Pakur.
3. Md. Nasimuddin, aged about 47 years, son of Md. Syed Ali, resident of Village Juhibona, P.O. Agloi, P.S. Barharwa, District Sahibganj (Jharkhand).
4. Sujata Sarkar, aged about 46 years, daughter of Shyamal Kumar Sarkar, resident of Birsa Chowk, P.O. & P.S. & District Pakur.
5. Sanjay Kumar Jaiswal, aged about 51 years, son of Late Shiv Prasad Jaiswal, resident of At+P.O. Bogan Para, P.S. & District Pakur.
6. Amrit Kumar Ojha, aged about 48 years, son of Late Abhimanyu Prasad Ojha, resident of At-Baliharpur, P.O., P.S. & District Pakur.
7. Pramod Kumar Jha, aged about 57 years, son of Late Paras Nath Jha, resident of Prasidh Niwas, P.O. Bilasi Town, P.S. & District Deoghar.
8. Md. Madrul Husain (handwritten correction over the printed name Md. Badrul Husain), aged about 53 years, son of Md. Ebadul Haque, resident of At+P.O. Islampur, P.S. Barharwa, District Sahibganj.
9. Md. Tarjem Shaikh, aged about 49 years, son of Md. Moin Hossain, resident of At+P.O. Makdampur, P.S. Maheshpur, District Pakur.
10. Md. Abdus Samad, aged about 43 years, son of Md. Zakiruddin, resident of Village Borha, P.O. Radipur, P.S. Maheshpur, District Pakur.
11. Md. Abul Hasanat Mollah, aged about 50 years, son of Md. Harunor Rasid Mollah, resident of Gram Bankura, P.O. Kanakpur, P.S. Maheshpur, District Pakur, Jharkhand – 816106.
12. Sanjeev Kumar Mandal, aged about 49 years, son of Mahadev Mandal, resident of Village Mahubani, P.O. & P.S. Govindpur, District Dhanbad.
13. Rajesh Kumar Mandal, aged about 54 years, son of Shankar Mandal, resident of Village Susnilewa, P.O. Nagnagar, P.S. Barwadda, District Dhanbad.
14. Umakant Saha, aged about 47 years, son of Nakul Chandra Saha, resident of At-Bagshisha, P.O. Dangapara, P.S. & District Pakur.
15. Subhash Saw, aged about 44 years, son of Lakshman Saw, resident of Village Nagwan, P.O. Choudhran, P.S. Lohandih, District Hazaribagh.
16. Phatik Chandra Mahato, aged about 48 years, son of Shatrughan Mahato, resident of Village Badua, P.O. Jhalbarda, P.S. Chandankiyari, District Bokaro.
17. Sanjeev Kumar, aged about 48 years, son of Jaleshwar Ram, resident of Village+P.O. Patratu, P.S. Chanho, District Ranchi.

18. Mukesh Kumar, aged about 54 years, son of Late Ram Nath Sah, resident of Village Kushpahari, P.O. Barmaria, P.S. Shikaripara, District Dumka.
19. Binod Kumar Sah, aged about 50 years, son of Sita Ram Sah, resident of Village+P.O. Lakra Pahari, P.S. Jama, District Dumka.
20. Jay Raj Bhagat, aged about 47 years, son of Ram Chandra Bhagat, resident of Cinema Road, Babupara, P.O. Head Post Office, P.S. Town Police Station, District Dumka.
21. Rajendra Prasad Sah, aged about 57 years, son of Late Ganpat Sah, resident of Village Lagla, P.O. Liltari, P.S. Jama, District Dumka.
22. Gourang Saha, aged about 43 years, son of Santosh Kumar Saha, resident of Village+P.O. Pathra, P.S. Ranishwar, District Dumka.
23. Prabhat Kumar Mandal, aged about 44 years, son of Lakshmi Kanta Mandal, resident of Village Jamjuri, P.O. &P.S.- Pratappur, District Dumka.
24. Ranjeet Prasad Gupta, aged about 52 years, son of Arjun Prasad Gupta, resident of Kali Rakha, Ram Mandir Road, P.O. & P.S. & District Deoghar.
25. Neelam Kumari, aged about 50 years, daughter of Bholanath Singh, resident of At-Pokharia, P.O. & P.S. & District Sahibganj.
26. Kajal Kumar Deo, aged about 42 years, son of Anup Narayan Deo, resident of P.O. Sangram Lodhia, P.S. Jasidih, District Deoghar.
27. Sunil Kumar Das, aged about 54 years, son of Satish Chandra Das, resident of Village & P.O. Chanddih, P.S. Kunda, District Deoghar.
28. Nand Kishor Yadav, aged about 51 years, son of Late Jageshwar Yadav, resident of At-Bhura, P.O. Pathardda, P.S. Madhupur, District Deoghar.
29. Sushil Kumar Yadav, aged about 47 years, son of Late Mahadev Prasad Yadav, resident of Harinmara, P.O. Sahara, P.S. Jarmundi, District Deoghar.
30. Kanchan Kumar Mandal, aged about 49 years, daughter of Lakshmi Kanta Mandal, resident of Village Jamjuri, P.O. Pratappur, P.S. Ranishwar, District Dumka.
31. Shambhu Prasad Yadav, aged about 53 years, son of Late Dhirjoo Mahto, resident of Village Nawadih, P.O. Koeridih, P.S. Jasidih, District Deoghar.
32. Shreenath Yadav, aged about 54 years, son of Ghuhan Yadav, resident of Village Pahridih, P.O. Baramsoli, P.S. Chitra, District Deoghar.
33. Anand Prakash Singh, aged about 45 years, son of Anadi Shankar Singh, resident of At+P.O. Karon, P.S. Karon, District Deoghar.
34. Jairam Prasad Ray, aged about 52 years, son of Bisnu Prasad Ray, resident of Village Aluwara, P.O. Sirsa, P.S. Sarath, District Deoghar.

35. Md. Nezamuddin, aged about 48 years, son of Md. Shamsul Haque, resident of Village Bhoju Chak, P.O. Malia Chak, Block Mahagama, P.S. Hanwara, District Godda.
36. Md. Raza Faridi, aged about 47 years, son of Md. Shahid, resident of At-Belpara, P.O. &P.S.- Madadupur, District Deoghar.
37. Sanjay Kumar Raut, aged about 48 years, son of Kamdeo Prasad Raut, resident of Rakhabouri, P.O. Sapter, P.S. Madhupur, District Deoghar.
38. Md. Sattar, aged about 48 years, son of Md. Tahir Ali, resident of Ramkol, P.O. & P.S. Hanwara, District Godda.
39. Manoj Kumar Singh, aged about 51 years, son of Nand Kishor Singh, resident of Village Manikpur, P.O. & P.S. Burhai, District Deoghar.
40. Dharmendra Kumar Mahto, aged about 47 years, son of Bhukhal Mahto, resident of Village Sadariyadih, P.O. Nadkhurkee, P.S. Baghmara, District Dhanbad.
41. Madhukar Prasad, aged about 52 years, son of Rajkumar Prasad, resident of Savitri Raj Kutir, Jamadoba Road, P.O. Bhaga, P.S. Jorapokhar, District Dhanbad.
42. Geet Gobind Prasad Mahato, aged about 48 years, son of Basudeo Prasad Mahato, resident of Village & P.O. Bagdaha, P.S. Rajganj, District Dhanbad.
43. Kameshwar Mahato, aged about 46 years, son of Haradhan Mahato, resident of Village Chhota Jamua, P.O. Tiliaya, P.S. Barwadda, District Dhanbad.
44. Md. Gulab Ansari, aged about 43 years, son of Late Sultan Ansari, resident of Village Fakiridih, P.O. & P.S. Govindpur, District Dhanbad.
45. Bikash Kumar Singh, aged about 46 years, son of Biswanath Singh, resident of Bada Pandeyih, P.O. & P.S. Khanduli, District Dhanbad.
46. Md. Nasim Akhtar, aged about 43 years, son of Md. Ismail Ansari, resident of Village Matiyala, P.O. Jangalpur, P.S. Govindpur, District Dhanbad.
47. Hareshwar Nath Ojha, aged about 51 years, son of Shivji Ojha, resident of Village Sunder Nagar, Near Kali Mandir, P.O. Jealgora, P.S. Gora Pokhar, District Dhanbad.
48. Pramod Kumar Gupta, aged about 48 years, son of Late Shree Laljit Prasad Gupta, resident of Karnahibli, P.O. &P.S.- Shiv Pahar, District Dumka.
49. Rishi Ranjan Sinha, aged about 46 years, son of Nripendra Chandra Sinha, resident of Krishna Colony, P.O.+P.S.+District Pakur.
50. Katyayan Upadhyay, aged about 49 years, son of Brijeshwar Upadhyay, resident of Village Ankraha (Chetma), P.O. Chetma, P.S. Patan, District Palamu.

51. Bineet Shekhar, aged about 45 years, son of Late Himanshu Kumar Mandal, resident of Village Sarmi, P.O. & P.S. Ramgarh, District Dumka, PIN – 814102.. …… Petitioners

V E R S U S

1. The State of Jharkhand.

2. The Principal Secretary, School Education & Literacy Department, having his office at Project Bhawan, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.

3. The Director, Primary Education, School Education & Literacy Department, having his office at Project Bhawan, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi.

4. The State Project Director, Jharkhand Education Project Council, having its office at Project Office, Old HEC High School, JSCA Stadium Road, Sector-3, P.O. & P.S. Dhurwa, District Ranchi – 834004.

…… Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. A.K.Das, Sr. Adv
Mr. Sankalp Goswami, Adv
Mr. Shashank Shekhar Choudhary, Adv
For the Resp.-State : Mr. Mukul Kr. Singh, A.C. to G.P.-III
For the Resp.-JEPS : Mr. Krishna Murari, Adv
Mr. Raj Vardhan, Adv

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C.A.V. ON: 26/10/2026 **PRONOUNCED ON:02 /11/2026**

1. Heard learned counsel for the parties.

2. The petitioners have filed the instant writ petition seeking a direction upon the respondents to regularize their services who are working as Cluster Resource Person since last almost two decades and the petitioners have also prayed for fixation of their salary in the pay scale applicable to Upper Primary School Teachers as previously the job of Cluster Resource Person/Block Resource Person was being discharged by Upper Primary School Teachers who were deputed against the said posts.

Case of the Petitioners

3. The Government of India for achieving the goal of universal elementary education had framed Sarvsiksha Abhiyan. The said scheme subsequently has merged with the Samagra Siksha Abhiyan which is presently in vogue. Initially, for the implementation of the programme, primary school teachers from government schools were deputed as Cluster Resource Centre Coordinators and Block Resource Centre Coordinators. The duty of the Cluster Resource Centre Coordinators and Block Resource Centre Coordinators were to ensure that the quality of education is maintained at the Cluster and Block levels by continuously maintaining and evaluating the manner in which education is being imparted, its impact on students and finding/suggesting steps for betterment of education at elementary level. Subsequently, the post of Cluster Resource Centre Coordinator was renamed as Cluster Resource Person and Block Resource Centre Coordinator as Block Resource Person.

4. The Government subsequently felt the need to recruit regular Cluster Resource Person/Block Resource Person. For the purposes thereof, the Commissioner-cum-Secretary, Higher Education, Human Resources Development Department, Government of Jharkhand, vide letter No. JEPC/2206 dated 08.01.2005 (Annexure-1), directed all the Deputy Commissioners to take the services of most eligible persons of the Cluster Resource Persons by direct recruitment for which advertisements were directed to be issued.

The Cluster Resource Persons were to be appointed at an honorarium of Rs. 100 to 300 per day based on their performance. The Cluster Resource Persons were made responsible for evaluation of progress made by the schools

in terms of quality education, job training of teachers, impart education, etc. on the basis of the said directions, advertisements were issued from time to time for filling up posts of Cluster Resource Person and Block Resource Person (Annexure 2).

5. The petitioner nos. 1, 15 to 81 were appointed as Cluster Resource Person in various districts. It is relevant to mention herein that all these petitioners have the qualification of B.Ed. and have also qualified JTET (Jharkhand Teachers' Eligibility Test). Details of their educational qualifications have been mentioned in a tabular form in paragraph 11 of the writ application.

6. Similarly, petitioner nos. 2 to 17 had applied and were selected and appointed against the post of Block Resource Persons in various blocks. All these petitioners have the qualification of Post Graduate with B.Ed. degree and all the petitioners have qualified JTET. Details of their qualifications and dates of joining have been mentioned in a separate chart in paragraph 14 of the writ application.

7. It is relevant to mention herein that the duties and the responsibilities of Cluster Resource Person and Block Resource Person are duly enumerated in Memo No. JEPC/SRD/793 and Memo No. JEPC/SRD/723, both dated 15.07.2005 (Annexure 4), the perusal of which would show that the Cluster Resource Persons and the Block Resource Persons are integral to the scheme of universalization of primary education in India and are discharging the services of Upper Primary School Teachers for maintain the quality of education at the grass-root level.

8. From time to time, the honorarium of the petitioners has been increased. Vide letter dated 18.10.2011 (Annexure 5), the wages of Cluster Resource Persons (CRPs) were increased to Rs.9000/- per month for untrained and Rs.9500/- per month for Graduate Trained CRPs.

9. Similarly, the wages of Block Resource Persons (BRPs) were fixed at Rs.9500/- per month and for Post Graduate Trained BRPs Rs.10,500/- per month. Subsequently, vide Memo Mo. ME/01/1008/2019/2531 dated 24.07.2019 and Memo No. 16/1-05/2024 …888/Ranchi dated 126.07.2024, the wages of the CRPs and BRPs were revised as Rs. 17,500/- per month for Trained BRPs, Rs. 10,500/- per month for Untrained BRPs, Rs. 16,500/- per month for Trained CRPs and Rs. 15,500/- for Untrained BRPs. The monthly emoluments were again revised in the year 2024 to Rs. 27,500/- per month and Rs. 26,000/- per month for Trained and Untrained BRPs respectively; whereas, for Trained and Untrained CRPs the same were enhanced to Rs. 25,000/- per month and Rs. 23,900/- per month respectively (Annexure 6).

10. The petitioners were also assigned magisterial duties during examination conducted by the Jharkhand Academic Council. The petitioners also assisted the State in various capacities just like other governmental officials/servants. In the 38th meeting of the State Executive Committee for Jharkhand Education Project Council held on 04.09.2014, it was decided that such CRPs who have B.Ed./D.El./ED./DPE. certificates from institutes duly recognized by NCTE were to be named as Cluster Resource Central Coordinators and their services will be taken as CRCCs with effect from the next financial year and in compliance of such decision, the State Project

Director vide Memo No. PED/04/40/2014-2017 (Annexure 7), directed all Deputy Collectors-cum-Chairman, District Executive Committee to ensure implementation of the said decision.

However, subsequently, vide another letter bearing No. PED/04/40/2014/852 dated 28.04.2015 (Annexure 7/1), the said letter was suspended without assigning any reason in a most arbitrary manner. The petitioners since then had been making repeated representations for protesting such arbitrary action.

11. The petitioners had been working for last more than a decade continuously and to the satisfaction of all the respondents-authorities. The State Government vide Memo No. 522 dated 04.03.2025 directed to extend the benefits of medical allowance and dearness allowance, pay revision, etc to all contractual employees who were recruited as per Memo No. 4569 dated 05.07.2022, but despite being eligible, the said benefits were never extended to the petitioners.

12. In this background, the petitioners had claimed for their regularization. The petitioners have brought on record various instances where other ad-hoc/contractual employees of other departments have been regularized.

Case of the Respondents

13. The respondents appeared and filed a detailed counter affidavit wherein the respondents have mainly contended that the writ applications filed by various contractual employees from different departments have already been rejected by this Court and for the purpose thereof, the respondents have relied

upon an order passed by the Coordinate Bench of this Court in *W.P. (S) No. 602 of 2019*, whereby this Court declined to pass an order of regularization with respect to the persons who were appointed on contractual basis against the posts of Accountant-cum-Computer Operator and Science Teacher in Kasturba Gandhi Residential Girls' School.

14. Similarly, the respondents had relied upon another order of this Court being *W.P. (S) No. 4232 of 2019* wherein the prayers for regularization made by some Teachers/Assistant Teachers/Accountant-cum-Computer Operators, Cook and chaukidars were regretted.

15. Additionally, the respondents have also filed a judgment of this Court passed in W.P. (S) No. 3477 of 2002 and analogous cases wherein the prayer for regularization made against the various posts was regretted by this Hon'ble Court.

16. Having heard Ld. Counsel for the parties, at the outset it is necessary to observe that the law relating to regularization has undergone a sea change. Recently, the Hon'ble Supreme Court in the case of *Vinod Kumar and Others v. Union of India and Others* reported in *(2024) 9 SCC 327* have held in paragraphs 5 to 8 as under:-

> ***"5.*** *Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants' promotion process was conducted and overseen by a Departmental Promotional Committee and their sustained service for more than 25 years without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status.*

6. *The application of the judgment in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] 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 Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] .*

7. *The judgment in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] 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. Para 53 of Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is reproduced hereunder : (SCC p. 42)*

> *"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [State of Mysore v. S.V. Narayanappa, 1966 SCC OnLine SC 23] , R.N. Nanjundappa [R.N. Nanjundappa v. T. Thimmiah, (1972) 1 SCC 409] and B.N. Nagarajan [B.N. Nagarajan v. State of Karnataka, (1979) 4 SCC 507 : 1980 SCC (L&S) 4] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases abovereferred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."*
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> *(emphasis in original)*

8. *In light of the reasons recorded above, this Court finds merit in the appellants' arguments and holds that their service conditions, as evolved over time, warrant a reclassification from temporary to regular status. The failure to recognise the substantive nature of their roles and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment regulations."*

17. The Hon'ble Supreme Court in the case of ***Dharam Singh v. State of U.P.,*** reported in ***2025 SCC OnLine SC 1735***, have observed as under:-

> ***14.*** *The learned Single Judge of the High Court also declined relief on the footing that the petitioners had not specifically assailed the subsequent decision dated 25.11.2003. However, that view overlooks that the writ petition squarely challenged the 11.11.1999 refusal as the High Court itself directed a fresh decision during pendency, and the later rejection was placed on record by the respondents. In such circumstances, we believe that the High Court was obliged to examine the legality of the State's stance in refusing sanction, whether in 1999 or upon reconsideration in 2003, rather than dispose of the matter on a mere technicality. The Division Bench of the High Court compounded the error by affirming the dismissal without engaging with the principal challenge or the intervening material. The approach of both the Courts, in reducing the dispute to a mechanical enquiry about "rules" and "vacancy" while ignoring the core question of arbitrariness in the State's refusal to sanction posts despite perennial need and long service, cannot be sustained.*
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> ***15.*** *Therefore, in view of the foregoing observations, the impugned order of the High Court cannot be sustained. The State's refusals dated 11.11.1999 and 25.11.2003, in so far as they concern the Commission's proposals for sanction/creation of Class-III/Class-IV posts to address perennial ministerial/attendant work, are held unsustainable and stand quashed.*
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> ***16.*** *The appeal must, accordingly, be allowed.*
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> ***17.*** *Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.*
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> ***18.*** *Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.*
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> ***19.*** *Having regard to the long, undisputed service of the appellants, the admitted perennial nature of their duties, and the material indicating vacancies and comparator regularisations, we issue the following directions:*
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> i. ***Regularization and creation of Supernumerary posts:*** *All appellants shall stand regularized with effect from 24.04.2002, the date on which the High Court directed a fresh recommendation by the Commission and a fresh decision by the State on sanctioning posts for the appellants. For this purpose, the State and the successor establishment (U.P. Education Services Selection Commission) shall create supernumerary posts in the*

corresponding cadres, Class-III (Driver or equivalent) and Class-IV (Peon/Attendant/Guard or equivalent) without any caveats or preconditions. On regularization, each appellant shall be placed at not less than the minimum of the regular pay-scale for the post, with protection of last-drawn wages if higher and the appellants shall be entitled to the subsequent increments in the pay scale as per the pay grade. For seniority and promotion, service shall count from the date of regularization as given above.

ii. ***Financial consequences and arrears:*** *Each appellant shall be paid as arrears the full difference between (a) the pay and admissible allowances at the minimum of the regular pay-level for the post from time to time, and (b) the amounts actually paid, for the period from 24.04.2002 until the date of regularization/retirement/death, as the case may be. Amounts already paid under previous interim directions shall be so adjusted. The net arrears shall be released within three months and if in default, the unpaid amount shall carry compound interest at 6% per annum from the date of default until payment.*

iii. ***Retired appellants:*** *Any appellant who has already retired shall be granted regularization with effect from 24.04.2002 until the date of superannuation for pay fixation, arrears under clause (ii), and recalculation of pension, gratuity and other terminal dues. The revised pension and terminal dues shall be paid within three months of this Judgment.*

iv. ***Deceased appellants:*** *In the case of Appellant No. 5 and any other appellant who has died during pendency, his/her legal representatives on record shall be paid the arrears under clause (ii) up to the date of death, together with all terminal/retiral dues recalculated consistently with clause (i), within three months of this Judgment.*

v. ***Compliance affidavit:*** *The Principal Secretary, Higher Education Department, Government of Uttar Pradesh, or the Secretary of the U.P. Education Services Selection Commission or the prevalent competent authority, shall file an affidavit of compliance before this Court within four months of this Judgment.*

20. *We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling "reconsiderations," and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India."*

18. The Hon'ble Supreme Court in the case of ***Jaggo v. Union of India [SLP (C) 5580 OF 2024]*** have observed as under:-

> ***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 judgment of this Court in Vinod Kumar v. Union of India[5], it was held that 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:*
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> > *"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 judgment 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…"*
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> ***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.*
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> ***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 fairness 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.

24. *The landmark judgment of the United State in the case of Vizcaino v. Microsoft Corporation*[7] *serves as a pertinent example from the private sector, illustrating the consequences of misclassifying employees to circumvent providing benefits. In this case, Microsoft classified certain workers as independent contractors, thereby denying them employee benefits. The U.S. Court of Appeals for the Ninth Circuit determined that these workers were, in fact, common-law employees and were entitled to the same benefits as regular employees. The Court noted that large Corporations have increasingly adopted the practice of hiring temporary employees or independent contractors as a means of avoiding payment of employee benefits, thereby increasing their profits. This judgment underscores the principle that the nature of the work performed, rather than the label assigned to the worker, should determine employment status and the corresponding rights and benefits. It highlights the judiciary's role in rectifying such misclassifications and ensuring that workers receive fair treatment.*

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.*

> ***26.*** *While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.*
>
> ***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."*

19. Further, this Hon'ble Court in the case *of* ***Amita Kumari v. the Union of India and Others [W.P. (S) No. 4283 of 2025)*** have observed as under:-

> *"34. The objection that there are no sanctioned posts stands on no better footing. The absence of sanctioned posts is the direct result of the Respondent State's own inaction in the face of the Central Government's communications dated 21.12.2011 and 02.07.2014, which specifically called upon the Respondent State to create regular posts and to plan for sustaining the manpower under the VBD Programme. The State cannot be permitted to take advantage of its own default, particularly when, in the case of the MPWs(M), it found it possible to create posts.*
>
> *35. Nor can the label of 1-year contractual engagement be decisive. The respondents' own case is that contracts are renewed only where the need persists. The uninterrupted renewal of the petitioners' contracts for 14 to 18 years is, by the respondents' own test, proof that the need is permanent. Similarly, the stipulation in the appointment letters that no claim to regular appointment would be entertained cannot override the constitutional guarantee of equality, more so when the employee had no real choice but to accept the terms offered by the State.*
>
> *36. The State itself recognised the perennial nature of the work under the VBD Programme by creating posts for the MPWs(M); it represented to this Court on affidavit that the absorption of the petitioners at par with MPWs(M) was under active consideration; and it has, for over eight years since, neither taken a decision, nor offered any reason for its inaction.*

> *In Dharam Singh versus State of Uttar Pradesh : 2025 SCC OnLine SC 1735, the Hon'ble Supreme Court of India, in comparable circumstances, directed the creation of supernumerary posts for the regularisation of long-serving workers. Remitting the matter yet again for consideration would, in these circumstances, serve no purpose and would only prolong the uncertainty which the petitioners have endured for decades."*

20. Apparently, the petitioners possess the qualification of Graduate, B.Ed., Post Graduate B.Ed., and all of the petitioners have also passed Jharkhand Teachers' Edibility Test. The petitioners were appointed pursuant to applications invited through open advertisement and after due selection. The petitioners have admittedly continued in service for more than a decade and some of the petitioners have completed more than two decades of continuous service.

The nature of duty which the petitioners are discharging is to ensure that the quality of education is maintained at the Cluster and Block Level by continuously maintaining and evaluating the manner in which education is being imparted, its impact on students and finding/suggesting steps for betterment of education at elementary level.

Such duties cannot be said to be temporary in nature, rather, it is an ongoing process and perennial in nature.

21. In this background, considering the totality of the circumstances, this Court holds that the petitioners are entitled to regularization as Cluster Resource Person and Block Resource Person, as the case may be, and as the said work was previously being taken by the States by deputing Upper Primary School Teachers from the Government Schools, petitioners would be at least entitled to the pay scales prescribed for such Upper Primary School Teachers who previously were being discharging such duties before appointment of

separate Cluster Resource Person/Block Resource Person by way of open advertisement.

22. Accordingly, the instant writ application stands allowed.

23. The concerned respondents are directed to issue necessary order for regularization of these petitioners as early as possible, preferably within a period of 12 weeks from the date of receipt/production of copy of this order.

24. Pending I.As if any also stands disposed of.

(Deepak Roshan, J.)

Dated:02 / 11/ 2026
Amardeep/
A.F.R
Uploaded on
3.11.2026