IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 6085 of 2023

1. Sulendra Lohra, aged about 43 years, son of Dhadhu Lohra, resident of village Patra Toli, Kanke, P.O. R.V.C. Kanke, P.S. Kanke, District Ranchi, Jharkhand.
2. Krishna Mahto, aged about 37 years, son of Ghasiya Mahto, resident of village Barudih, Tamar, P.O. Tamar, P.S. Tamar, District Ranchi, Jharkhand.
3. Rajiv Ram Ganjhu, aged about 46 years, son of Gorachand Ram Ganjhu, resident of Hutubdag, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand.
4. Jagran Nag, aged about 45 years, son of Rupu Nag, resident of Kamanta, P.O. Anigara, P.S. Khunti, District Khunti, Jharkhand.
5. Hindu Pahan, aged about 35 years, son of Chara Pahan, resident of village Sirum, P.O. Sirum, P.S. Khunti, Ruguddih, District Khunti, Jharkhand.
6. Binod Kumar Kashyap, aged about 45 years, son of Rajendra Ram Gaunjhu, resident of Torpa Road, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand.
7. Jaytun Purty, aged about 47 years, son of Joseph Purty, resident of village Ulihatu, P.O. Ulihatu, P.S. Arki, District Khunti, Jharkhand.
8. Rakesh Kumar, aged about 35 years, son of Nand Kishor Ganjhu, resident of Karra Road Nawa Toli, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand.
9. Ajay Kumar Gupta, aged about 46 years, son of Amar Nath Gupta, resident of H. No.611, Amar Kunj, V.L.W. Colony, Hatia, P.O. Hatia, P.S. Jagarnathpur, District Ranchi, Jharkhand.
10. Lalit Oraon, aged about 44 years, C/O Budhnarayan Oraon, resident of Dandupara, P.O. Khukhra, P.S. Narkopi, District Ranchi, Jharkhand.
11. Md. Kaisar Hayat, aged about 44 years, son of Md. Zamir, resident of near YMCA Hospital, Pathal Kudwa Islam Nagar, P.O. Ranchi G.P.O., P.S. Lower Bazar, District Ranchi, Jharkhand.
12. Gora Chand Seth, aged about 46 years, son of Gandhru Seth, resident of Hindridih, Tamar, P.O. Tamar, P.S. Tamar, District Ranchi, Jharkhand.
13. Prakash Kumar Pathak, aged about 39 years, son of Maheshwari Pathak, resident of Near Pashupalan, Dardag, P.O. Chakla, P.S. Ormanjhi, District Ranchi, Jharkhand.

14. Kundan Kumar Mishra, aged about 46 years, son of ड Nand Kishore Mishra, resident of village Anandi, P.O. Ormanjhi, P.S. Ormanjhi, District Ranchi, Jharkhand.
15. Manoj Kumar Swansi, aged about 35 years, son of Shyam Chand Swansi, resident of Tola Sawdih, P.O. Kocha Sindri, P.S. Arki, District Khunti, Jharkhand.
16. Shanta Kumar, aged about 34 years, son of Raghunath Singh, resident of village Bandhgari, Dipatoli, P.O. Bariyatu, P.S. Sadar, Ranchi, District Ranchi, Jharkhand.
17. Ezaz Ansari, aged about 36 years, son of Serajuddin Ansari, resident of village Fudi, P.O. Fudi, P.S. Khunti, District Khunti, Jharkhand.
18. Shashi Kant Ekka, aged about 47 years, son of Shantilal Ekka, resident of Qr. No.-D.T.-2703, Tanki Side, Dhurwa, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
19. Roshan Toppo, aged about 41 years, son of Karma Toppo, resident of House No.67, Near RIMS Colony Naya Toli, P.O. Bariyatu, P.S. Bariyatu, District Ranchi, Jharkhand.
20. Vinay Kumar Singh, aged about 34 years, son of Jitnath Singh, resident of Garke, P.O. Kone, P.S. Karra, District Khunti, Jharkhand.
21. Manish Kumar Sinha, aged about 45 years, son of Brij Kishore Prasad Sinha, resident of H-39, Sector-1, Patel Nagar, Dhurwa, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
22. Anil Prasad, aged about 49 years, son of Ramanand Rai, resident of Near Jamuna Seth Shop, Harihar Singh Road, Morabadi, P.O. Morabadi, P.S. Bariatu, District Ranchi, Jharkhand.
23. Rajesh Kumar Pramanik, aged about 37 years, son of Kamla Kant Pramanik, resident of village Tangar Toli, P.O. Bundu, P.S. Bundu, District Ranchi, Jharkhand.
24. Rumanul Haque, aged about 35 years, son of Ziaul Haque, resident of H. No. 99, P.O. Baraudi, P.OS. Burmu, P.S. Burumu, District Ranchi, Jharkhand.
25. Raj Tirkey, aged about 33 years, son of Rajendra Tirkey, resident of village Patra Toli, P.O. R.V.C., P.S. Kanke, District Ranchi, Jharkhand.
26. Subhash Chandra Munda, aged about 48 years, son of Chhutu Singh Munda, resident of village Rugari, P.O. Tamar, P.S. Tamar, District Ranchi, Jharkhand.
27. Pawan Aind, aged about 43 years, son of Peter Syvester Aind, resident of village Icha Karanj Toli, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand.

28. Hemant Kumar Guria, aged about 39 years, son of Namjan Guria, resident of village Tapkara Anandpur, P.O. Barda, P.S. Torpa, District Khunti, Jharkhand.
29. Basant Pahan, aged about 34 years, son of Baleshwar Pahan, resident of village Pusu Patra Toli, Pithauriya, P.O. Pithauriya, P.S. Pithauriya, District Ranchi, Jharkhand.
30. Mukesh Kumar Lohra, aged about 34 years, son of BudhanLal Lohra, resident of village Manjhidih, Tamar, P.O. Tamar, P.S. Tamar, District Ranchi, Jharkhand.
31. Johnson Aind, aged about 34 years, son of Jolen Aind, resident of Barka Toli, Koinara, P.O. Barda, P.S. Rania, District Khunti, Jharkhand.
32. Jaypal Oraon, aged about 37 years, son of Sainath Oraon, resident of village Gomda, Pahar Toli, P.O. Rahe, P.S. Sonahatu, District Ranchi, Jharkhand.
33. Ratnesh Kumar, aged about 50 years, son of Ram vinay Sharma, resident of Qr. No.-DT-2688, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
34 Niral Uppal Horo, aged about 46 years, son of Helan Horo, resident of Naya Hulhundu, P.O. Hulhundu, P.S. Hulhundu, District Ranchi, Jharkhand.
35. Ranjeet Kumar, aged about 50 years, son of Late Kartik Singh, resident of D.A.V. Road, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand.
36. Hemant Kumar, aged about 35 years, son of Shaliwahan Ram, resident of Karra Road, Khunti, P.O. Khunti, P.S. Khunti, District Jharkhand.
37. Banaras Kumar Mahto, aged about 34 years, son of Mitku Mahto, resident of House No.14, Jurdag Karra, Banganaloya, P.O. Jurdag, P.S. Karra, District Khunti, Jharkhand.
38. Jay Prakash, aged about 40 years, son of Sri Parash Nath Prasad, resident of Qr. No. HB 31/A, Adarsh Nagar, P.O. Dhurwa, P.S. Dhurwa, District Ranchi, Jharkhand.
39. Arun Kumar, aged about 45 years, son of Gauri Shankar Prasad, resident of New Sahdeo Nagar, P.O. Hehal, P.S. Hehal, District Ranchi, Jharkhand.
40. Lakhan Singh Munda, aged about 34 years, son of Samray Munda, resident of Lotor Banddih, P.O. Landup, P.S. Khunti, District Khunti, Jharkhand.
41. Amit Samson Topno, aged about 39 years, son of Kalyan Topno, resident of Sarbo, P.O. Sarbo, P.S. Rania, District Khunti, Jharkhand.
42. Anup Oraon, aged about 34 years, son of Gunwanti Oraon, resident of village Bakhar, P.O. Mandro, P.S. Mandar, District Ranchi, Jharkhand.

43. Rajesh Kumar Munda, aged about 33 years, son of Charka Munda, resident of 80, Baltharwa, Chema, P.O. Chama, P.S. Chano, District Ranchi, Jharkhand.
44. Pradip Kumar Gupta, aged about 47 years, son of Bhuneshwar Gupta, resident of village Tapkara, P.O. Tapkara, P.S. Tapkara, District Khunti, Jharkhand.
45. Kartik Oraon, aged about 33 years, resident of House No.92, village Soso, P.O. Chandwe, P.S. Pithoria, District Ranchi,
46. Gurucharan Gonjhu, aged about 37 years, son of Sri Gohan Gonjhu, resident of village + P.O. Chokahatu, P.S. Sonahatu, District Ranchi, Jharkhand.
47. Dinesh Ram, aged about 46 years, son of Bipat Ram, resident of village Niche Toli, Hesag, Hatia, P.O. Hatia, P.S. Hatia, District Ranchi, Jharkhand.
48. Sachchidanand Nag, aged about 35 years, son of Raghu Nag, resident of village Garhsidam, P.O. Rania, P.S. Rania, District Khunti, Jharkhand.
49. Dinesh Kumar, aged about 36 years, son of Pravhu Mandal, resident of Makchund Toli, P.O. Chutia, P.S. Chutia, District Ranchi, Jharkhand.
50. Abhishek Hemrom, aged about 42 years, son of Lt Dharam Das Hemrom, resident of Naya Toli Pathal kudwa, Ranchi, P.O. Ranchi P.S. Lowar Bazar District Ranchi, Jharkhand.
51. Ramdeo Manjhi, aged about 41 years son of Dashu Manjhi, resident of Uruguttu, Pithoria, P.O Uruguttu P.S. Pithoria, District Ranchi, Jharkhand. **..... Petitioner(s)**

V E R S U S

1. The State of Jharkhand through the Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand, having its office at Nepal House, Doranda, P.O. Doranda, P.S. Doranda, District Ranchi, Jharkhand.
2. Union of India through its Principal Secretary Department of Health, Medical Education and Family Welfare, Nirman Bhawan, New Delhi, P.O. Nirman Bhawan, P.S. Nirman Bhawan, District Central Delhi.
3. The Principal Secretary, Department of Personnel, Administrative Reforms & Rajbhasha having its office at having its office at Project Building, Dhurwa, P.O. Dhurwa, P.S. Jagannathpur, District Ranchi, Jharkhand.
4. The Director-in-Chief, Health Services, Department of Health and Family Welfare Department, Government of Jharkhand, Ranchi having its office at Namkum, P.O. Namkum, P.S. Namkum, District Ranchi, Jharkhand.

5. The Deputy Commissioner, Khunti, P.O. Khunti, P.S. Khunti, District- Khunti, Jharkhand.
6. The District Malaria Officer, Khunti, P.O. Khunti, P.S. Khunti, District Khunti, Jharkhand. **..... Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Indrajit Sinha, Advocate
Mr. Ankit Vishal, Advocate
For the Resp.-State : Mr. Sachin Kumar, A.C. to S.C.-I
For the Resp.-UOI : Mr. Ramit Satender, CGC

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C.A.V. ON: 18/09/2026 **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 issuance of an appropriate writ(s) / order(s) / direction(s) upon the respondent authorities to absorb the services of the petitioners, who have been working against the sanctioned post of "Multi-Purpose Worker"(MPW)in the Department of Health, Medical Education and Family Welfare, Government of Jharkhand with all consequential benefits.*
> *(ii) Upon absorption of the services of the petitioners for further issuance of an appropriate writ(s) / order(s) / direction(s) in the nature of writ of mandamus commanding upon the respondents to consider the period from the date of initial appointment for computation of all benefits including the retiral benefits.*
> *(iii) In alternatively, for issuance of an appropriate writ(s), order(s), direction(s) particularly the writ of mandamus commanding upon the respondents to make payment of remuneration / benefit to the petitioners at par the remuneration / benefits being granted to the regular employees working on the post of Multi-Purpose Worker (MPW).*

Case of the Petitioner

3. The State of Jharkhand was declared as Malaria Endemic State vide letter No. T.14020/13/2007-VBD dated 20.03.2008 issued by Department of Health & Family Welfare, Govt. of India. The Government of India in its first phase proposed the contractual appointment of 1116 Multi-Purpose Worker (MPW) in the year 2008 and subsequently in second

phase, Government of India purpose appointment of 1188 Multi-Purpose Worker (MPW) on contractual basis in the year 2010.

4. The Health Secretary-cum-Chairman, State Malaria Control Committee, Jharkhand, proposed to invite the eligible candidates for appointment on the post of Multi-Purpose Worker (MPW) on contract basic under Vector Borne Disease Control Programme. The eligible candidates were required to undergo Written Examination, Interview and Counselling for appointment on the post of Multi-Purpose Worker (MPW). The State Malaria Officer-cum-Member Secretary, National Vector Borne Disease Control Committee, Jharkhand, Ranchi vide Advertisement published in the year 2008 invited eligible candidates for appointment on 1116 posts of multi-Purpose Worker. The educational qualifications mandated for appointment on the post of MPW was 10+2 Intermediate.

5. The petitioners being the eligible candidates applied for the said post and after completion of the Selection Process, the petitioners were appointed on the post of Multi-Purpose Worker (MPW). The Ministry of Health & Family Welfare, Government of India vide letter No. DO No. 5-80/2008/NVBDCP dated 19.01.2010 directed the State Governments to fill-up the vacant post of Multi-Purpose Worker (Male) and also to create the requisite number of posts of MPW as per the requirement. Further, Ministry of Health & Family Welfare, Government of India vide letter No. DO No. 5-80/2008/NVBDCP dated 28.05.2010 requested the State

Governments to take-up the matter of filling-up the vacant posts of MPW so that the contractual MPWs in the subsequent years can be reduced.

6. The Under Secretary, Ministry of Health, Family Welfare, Government of India vide Office Memorandum dated 03.01.2011 requested the State Governments to initiate necessary action for recruitment and training of Multi-Purpose Health Workers (Male) as the support of Central Government in engagement of MPWs (Male) would be declining as 85%, 75%, 65% respectively for the period of three years.

The Department of Health and Family Welfare, Government of India vide letter No.7(35)-2014-NRHM-1 dated 23.06.2014 directed the State Governments to create requisite number of posts of MPWs (Male) if such services are required beyond 30th September, 2014 and fill them accordingly on regular basis.

7. In spite of the several letters/ reminders sent by the Ministry of Health and Family Welfare, Government of India, the State of Jharkhand did not take any steps for absorption of the Multi-Purpose Workers including the petitioners which resultantly, compelled the petitioners to sit idle without any work after 30th September, 2014 till the year 2016 although, the respondents were in need of the services of the Multi-Purpose Worker including the petitioners which would be evident from the fact that a Committee headed by Chief Secretary, Government of Jharkhand in its meeting held on

08.06.2015 accorded permission for creation of 2150 sanctioned posts of Multi-Purpose Workers (Male).

8. The Deputy Secretary, National Health Mission, Ministry of Health and Family Welfare, Government of India vide Office Memorandum dated 23.06.2014 conveyed to the State Governments that the support for continuation of Multi-Purpose Workers (Male) shall be given till 30th September, 2014 and the State Governments shall create requisite number of positions of MPWs if their services are required beyond 30th September, 2014 and fill them accordingly.

9. The Secretary, Department of Health, Medical Education and Family Welfare, Government of Jharkhand vide Notification No.266(S)dated 21.07.2015 published in Extra-Ordinary Jharkhand Gazette No. 533 dated 23.07.2015 Notified that 2150 posts of Multi-Purpose Workers in the State of Jharkhand have been sanctioned in lieu of shortage of regular medical employees in the State which is prone to Vector Borne Diseases.

10. The Directorate, Employment and Training, Government of Jharkhand vide Advertisement No. 13/2015 invited applicants for appointment on 2150 sanctioned posts of multi-Purpose Workers. The petitioners applied for appointment on the post of multi-Purpose Workers and consequently they were selected for appointment. The Director-in-Chief, Health Services, Government of Jharkhand vide orders dated 04.06.2016,15.06.2016, 31.08.2016,

08.03.2018 and 04.04.2018 respectively appointed the petitioners in Community Health Centres on the post of MPW.

11. It is stated that save and except the petitioner no.2, petitioner no. 14 and petitioner no. 27, all the petitioners have been appointed in the June 2016.

Submissions on behalf of the Petitioners

12. Based on the above facts, following submissions are being made:-

(i) It is submitted on behalf of the petitioners that the petitioners have been working on the sanctioned post and no departmental proceeding or any adverse remarks have ever been made against the petitioners.

(ii) It is submitted that so far as the artificial break in service between September 2014 to 2016 is concerned, it is stated that in-spite of several correspondences/ letter sent by the Ministry of Health, Government of India, the State Government (respondents) did not take immediate steps for absorption of MPW including the petitioners although the respondents were in need of manpower/ MPW in the State of Jharkhand and the petitioners cannot be faulted for such break in service.

(iii) The petitioners have not been engaged in carrying out additional work of the Health Department; rather the petitioner have been appointed / engaged by the respondents for performing the regular work of MULTI-PURPOSE WORKER (MPW) and further amidst the outbreak of COVID 19 pandemic, the petitioners have worked tirelessly 24/7 as frontline warriors without any leave / break from the department.

(iv) It is submitted that the sanctioned post of MULTI-PURPOSE WORKER (MPW) has not been filled up by the respondent State since long time and no regular appointments have been made from to time.

It cannot be disputed that the nature of job of M.P.W is perennial in nature, apart from it being a very important factor in the infrastructure of the State.

(v) It is submitted that the initial appointment of the petitioners cannot be termed to be illegal. The appointments of the petitioners were done in accordance with the advertisement published in the newspaper, which may at best be termed as irregular appointment but certainly not an illegal appointment.

Even otherwise, they possess the educational qualification and fulfil other criterion to be appointed as an M.P.W and so far as experience is concerned, the petitioners are undoubtedly the most suited.

The counsel on behalf of the petitioners relied upon various judgments of the Hon'ble Supreme Court of India in relation to regularization of services of the petitioners, such as *Bhola Nath Vs. State of Jharkhand*; **2026 SCC OnLine SC 129;** *Pawan Kumar Tiwary and Others Versus Jharkhand State Electricity Board and Others. reported in* **2025 SCC OnLine SC 1751**. Further, the petitioners have relied upon the judgment of the Hon'ble Supreme Court of India passed in the case of *Prem Chand Vs. State of Punjab* **(Civil Appeal No. 12139 of 2025)** in relation to artificial breaks in services of the petitioners.

Submission on behalf of the State

13. It has been submitted that the respondent State in its counter affidavit dated 08.04.2024 has raised an objection that

the petitioners were appointed on contract basis with the condition that no claim for regular appointment would be tenable and the petitioners have submitted and under taking that their services are purely on contract basis.

14. The respondent State has also submitted in its counter affidavit that total no. 2150 of posts have been created for appointment of Multi-Purpose Worker (Male) on contract basis and the advertisement would be published for appointment of the candidates purely on contract basis whose claim for regular appointment would not be tenable.

15. **Findings**

16. The State being a model employer is expected to act with fairness in the matter relating to appointment and the State is bound to treat its employee with full dignity. The State cannot be permitted to exploit its employees or take advantage of their helplessness or unequal bargaining position.

17. The Hon'ble Supreme Court of India in the case of *Bhola Nath Vs. State of Jharkhand*; **2026 SCC OnLine SC 129** has held that the State is not justified in continuing the contractual employees under the nomenclature of contractual engagement and thereafter, deny the benefits of regularization. The Hon'ble Supreme Court in the said judgment has held as under:-

> *"12. In Central Inland Water Transport Corpn. v. Brojo Nath Ganguly6, this Court acknowledged the increasing imbalance in the bargaining power of contracting parties. The Court held thus: -*
>
> > *"89. . . . We have a Constitution for our country. Our judges are bound by their oath to "uphold the Constitution and the laws". The Constitution was enacted to secure to all the*

citizens of this country social and economic justice. Article 14 of the Constitution guarantees to all persons equality before the law and the equal protection of the laws. The principle deducible from the above discussions on this part of the case is in consonance with right and reason, intended to secure social and economic justice and conforms to the mandate of the great equality clause in Article 14. This principle is that the courts will not enforce and will, when called upon to do so, strike down an unfair and unreasonable contract, or an unfair and unreasonable clause in a contract, entered into between parties who are not equal in bargaining power. It is difficult to give an exhaustive list of all bargains of this type. No court can visualize the different situations which can arise in the affairs of men. One can only attempt to give some illustrations. For instance, the above principle will apply where the inequality of bargaining power is the result of the great disparity in the economic strength of the contracting parties. It will apply where the inequality is the result of circumstances, whether of the creation of the parties or not. It will apply to situations in which the weaker party is in aposition in which he can obtain goods or services or means of livelihood only upon the terms imposed by the stronger party or go without them. It will also apply where a man has no choice, or rather no meaningful choice, but to give his assent to a contract or to sign on the dotted line in a prescribed or standard form or to accept a set of rules as part of the contract, however unfair, unreasonable and unconscionable a clause in that contract or form or rules may be. This principle, however, will not apply where the bargaining power of the contracting parties is equal or almost equal. This principle may not apply where both parties are businessmen and the contract is a commercial transaction. In today's complex world of giant corporations with their vast infrastructural organizations and with the State through its instrumentalities and agencies entering into almost every branch of industry and commerce, there can be myriad situations which result in unfair and unreasonable bargains between parties possessing wholly disproportionate and unequal bargaining power. These cases can neither be enumerated nor fully illustrated. The court must judge each case on its own facts and circumstances."

(emphasis laid)

Therefore, the Court has held that the Constitution obliges courts to advance social and economic justice and to give effect to the equality mandate under Article 14. Consequently, courts will neither enforce nor hesitate to invalidate contracts, or contractual clauses, that are unfair or unreasonable when entered into between parties with unequal bargaining power.

12.1. Relying on the aforesaid reasoning, another two-Judge Bench in Pani Ram v. Union of India7, reiterated that the guarantee of equality under Article 14 extends even to

situations where a person has no meaningful choice but to accept imposed contractual terms, however unfair or unreasonable they may be. Applying this principle to the facts before it, the Court observed thus: -

> *"23. As held by this Court, a right to equality guaranteed under Article 14 of the Constitution of India would also apply to a man who has no choice or rather no meaningful choice, but to give his assent to a contract or to sign on the dotted line in a prescribed or standard form or to accept a set of rules as part of the contract, however unfair, unreasonable and unconscionable a clause in that contract or form or rules may be. We find that the said observations rightly apply to the facts of the present case. Can it be said that the mighty Union of India and an ordinary soldier, who having fought for the country and retired from Regular Army, seeking re-employment in the Territorial Army, have an equal bargaining power. We are therefore of the considered view that the reliance placed on the said document would also be of no assistance to the case of the respondents."*

(emphasis laid)

Therefore, it is clear that Courts are empowered to invalidate unconscionable elements of a contract where the parties lack the ability to exercise any real or meaningful choice in negotiating its terms. In the present case, the appellants were left with no alternative but to accept the conditions unilaterally prescribed by the respondent-State in order to secure their livelihood and sustain a source of income. It would be entirely unrealistic to assume that, in such circumstances, an employee seeking temporary employment could meaningfully negotiate or assert a position against the overwhelming might of the State machinery.

12.2. At this juncture, the analogy of apples and oranges serves as a useful reminder that certain relationships are inherently incapable of being assessed on an equal plane. A contract between the State and an employee stands on a similar footing. The State, in such a relationship, assumes the role of a metaphorical lion, endowed with overwhelming authority, resources and bargaining strength, whereas the employee, who is yet an aspirant, is reduced to the position of a metaphorical lamb, possessing little real negotiating power. To suggest parity between the two, i.e. the lion and the lamb, would be to ignore the stark imbalance that defines the relationship.

12.3. Therefore, where a lion contracts with a lamb, the inequality is not incidental but structural, and it is precisely this disproportion that calls for judicial sensitivity. In such situations, the conscience of Constitutional Courts must inevitably tilt in favour of protecting the lamb. We have no hesitation in holding that Constitutional Courts are duty-bound to act to safeguard those who are vulnerable to exploitation, so that employees are not compelled to meekly submit to the demands of a vastly dominant contracting party like the State, but are instead assured that constitutional protections will intervene to prevent such exploitation.

Legitimate Expectation of the employees: -

13. Another facet requiring consideration in the case of contractual employees, such as the present appellants, is the doctrine of legitimate expectation. Where employees have continued to discharge their duties on contractual posts for a considerable length of time, as in the present case, it is but natural that a legitimate expectation arises that the State would, at some stage, recognize their long and continuous service. It is in this belief, bolstered by repeated extensions granted by the Executive, that such employees continue in service and refrain from seeking alternative employment, notwithstanding the contractual nature of their engagement. At this juncture, it is thus apposite to advert to the principles governing the doctrine of legitimate expectation as enunciated by this Court in Army Welfare Education Society v. Sunil Kumar Sharma8, wherein it was held as follows: -

> *"63. A reading of the aforesaid decisions brings forth the following features regarding the doctrine of legitimate expectation:*
>
> *63.1. First, legitimate expectation must be based on a right as opposed to a mere hope, wish or anticipation;*
>
> *63.2. Secondly, legitimate expectation must arise either from an express or implied promise; or a consistent past practice or custom followed by an authority in its dealings;*
>
> *…*
>
> *63.5. Fifthly, legitimate expectation operates in the realm of public law, that is, a plea of legitimate action can be taken only when a public authority breaches a promise or deviates from a consistent past practice, without any reasonable basis.*
>
> *…*
>
> *64. The aforesaid features, although not exhaustive in nature, are sufficient to help us in deciding the applicability of the doctrine of legitimate expectation to the facts of the case at hand. It is clear that legitimate expectation, jurisprudentially, was a device created in order to maintain a check on arbitrariness in State action. It does not extend to and cannot govern the operation of contracts between private parties, wherein the doctrine of promissory estoppel holds the field."*
>
> *(emphasis laid)*

It is, therefore, not difficult to comprehend the expectation with which such contractual employees continue in the service of the State. The repeated conduct of the employer-State in expressing confidence in their performance and consistently granting monetary upgrades & tenure extensions reasonably nurtures an expectation that their long and continuous service would receive further recognition.

13.1. Another Constitution Bench in State of Karnataka v. Umadevi9, cautioned that the doctrine of legitimate expectation cannot ordinarily be extended to persons whose appointments are temporary, casual or contractual in nature. The relevant extract of the judgment reads as follows: -

"47. When a person enters a temporary employment or gets engagement as a contractual or casual worker and the engagement is not based on a proper selection as recognised by

the relevant rules or procedure, he is aware of the consequences of the appointment being temporary, casual or contractual in nature. Such a person cannot invoke the theory of legitimate expectation for being confirmed in the post when an appointment to the post could be made only by following a proper procedure for selection and in cases concerned, in consultation with the Public Service Commission. Therefore, the theory of legitimate expectation cannot be successfully advanced by temporary, contractual or casual employees. It cannot also be held that the State has held out any promise while engaging these persons either to continue them where they are or to make them permanent. The State cannot constitutionally make such a promise. It is also obvious that the theory cannot be invoked to seek a positive relief of being made permanent in the post."
(emphasis laid)
However, this Court in Umadevi (supra) clarified that the bar against invocation of the doctrine of legitimate expectation applies only to those temporary, contractual or casual employees whose engagement was not preceded by a proper selection process in accordance with the extant rules. Consequently, where such engagement is made after following a due and lawful selection procedure, there is no absolute bar in law preventing such employees from invoking the doctrine of legitimate expectation.
Limits on Perpetual Contractual Engagements:
13.2. In the present case, the respondent-State had engaged the services of the appellants on sanctioned posts since the year 2012. It was only towards the end of the year 2022 that the respondents communicated that no further extension of the appellants' engagement was likely to be granted.
13.3. In our considered opinion, the aforesaid action is not only vitiated by arbitrariness but is also in clear derogation of the equality principles enshrined in Article 14 of the Constitution. The respondent-State initially engaged the appellants in their youth to discharge public duties and functions. Having rendered long and dedicated service, the appellants cannot now be left to fend for themselves, particularly when the employment opportunities that may have been available to them a decade ago are no longer accessible owing to age constraints.
13.4. We are unable to discern any rational basis for the respondent-State's decision to discontinue the appellants after nearly ten years of continuous service.We are conscious that the symbiotic-relationship between the appellants and the respondent-State was mutually beneficial, the State derived the advantage of the appellants' experience and institutional familiarity, while the appellants remained in public service. In such circumstances, any departure from a long-standing practice of renewal, particularly one that frustrates the legitimate expectation of the employees, ought to be supported by cogent reasons recorded in a speaking order.
13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or

undesirable. We are unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular.

*13.6. This Court has, on several occasions, deprecated the practice adopted by States of engaging employees under the nominal labels of "part-time", "contractual" or "temporary" in perpetuity and thereby exploiting them by not regularizing their positions. In Jaggo v. Union of India*10*, this Court underscored that government-departments must lead by example in ensuring fair and stable employment, and evolved the test of examining whether the duties performed by such temporary employees are integral to the day-to-day functioning of the organization.*

*13.7. In Shripal v. Nagar Nigam*11 *and Vinod Kumar v. Union of India*12*, this Court cautioned against a mechanical and blind reliance on Umadevi (supra) to deny regularization to temporary employees in the absence of statutory rules. It was held that Umadevi (supra) cannot be employed as a shield to legitimise exploitative engagements continued for years without undertaking regular recruitment. The Court further clarified that Umadevi itself draws a distinction between appointments that are "illegal" and those that are merely "irregular", the latter being amenable to regularization upon fulfilment of the prescribed conditions.*

*13.8. In Dharam Singh v. State of U.P.*13*, this Court strongly deprecated the culture of "ad-hocism" adopted by States in their capacity as employers. The Court criticised the practice of outsourcing or informalizing recruitment as a means to evade regular employment obligations, observing that such measures perpetuate precarious working conditions while circumventing fair and lawful engagement practices.*

13.9. The State must remain conscious that part-time employees, such as the appellants, constitute an integral part of the edifice upon which the machinery of the State continues to function. They are not merely ancillary to the system, but form essential components thereof. The equality mandate of our Constitution, therefore, requires that their service be reciprocated in a manner free from arbitrariness, ensuring that decisions of the State affecting the careers and livelihood of such part-time and contractual employees are guided by fairness and reason.

13.10. In the aforesaid backdrop, we are unable to persuade ourselves to accept the respondent-State's contention that the mere contractual nomenclature of the appellants' engagement denudes them of constitutional protection. The State, having availed of the appellants' services on sanctioned posts for over a decade pursuant to a due process of selection and having consistently acknowledged their satisfactory performance, cannot, in the absence of cogent reasons or a speaking decision, abruptly discontinue such engagement by taking refuge behind formal contractual clauses. Such action is manifestly arbitrary, inconsistent with the obligation of the State to act as a model employer, and fails to withstand scrutiny under Article 14 of the Constitution."

18. The Hon'ble Supreme Court of India in the judgment rendered in the case of *Pawan Kumar Tiwary and Others Versus Jharkhand State Electricity Board and Others. reported in* **2025 SCC OnLine SC 1751** has held:-

> *"22. The Division Bench also placed reliance on the procedural deviation from the regular advertisement process, by observing that the internal notice issued by the Chief Engineer did not amount to a proper recruitment notification. While procedural irregularities, if proven to be mala fide or substantially affecting fairness, may vitiate a selection process, in the present case, the selection was conducted through tests and interviews overseen by a selection committee. The entire process culminated in formal appointment letters being issued. As held by this Court in Secretary, State of Karnataka v. Umadevi (3), mere technical Irregularities in appointment processes and in the absence of evidence of illegality, arbitrariness or fraud cannot be a ground to undo appointments, especially when the appointees are not at fault.*
> *23. The Division Bench appears to have blurred the distinction between irregular and illegal appointments. In Vikas Pratap Singh (supra), this Court held that an appointment made without following every procedural formality may be irregular, but it does not become illegal unless it violates statutory provisions or is made without the existence of a post. This Court observed that if the appointment is to a sanctioned post, made by a competent authority, and not tainted by fraud or deceit, it cannot be labelled illegal merely due to some procedural lapse. The facts of the present case are squarely covered by this reasoning. The posts were sanctioned, the appellants were duly qualified, and the appointments were made by the competent authority after following due process of selection and at worst, any infirmity could only render the appointments irregular, not illegal. In R.S. Garg v. State of U.P., this Court held that appointments made within sanctioned strength, even if temporary or irregular, do not automatically become illegal unless shown to be in violation of statutory rules. There is no evidence or even a finding that the posts were not available or were created in violation of recruitment rules.*
> *28. In Kumari Shrilekha Vidyarthi v. State of U.P, this Court has emphasized that the State, even in contractual or administrative matters, cannot act arbitrarily and must be guided by constitutional values. These observations gain special relevance in cases where authorities, rather than conducting granular scrutiny, proceed to cancel entire appointments in a sweeping manner.*
> *31. The jurisprudence around irregular v. illegal appointments must not be blurred. An irregular appointment is one where procedure is not strictly followed but the appointee is otherwise qualified and the post is sanctioned. An illegal appointment, on the other hand, is void ab initio, such as where the appointee*

is ineligible or the post does not exist. When appointments are questioned on grounds of irregularity, the inquiry must not end with detecting the infirmity but must proceed further to distinguish those whose appointments are unimpeachable. Justice demands separation, not erasure.

32. The High Court failed to apply the test of individual scrutiny, which is now a bedrock requirement in service jurisprudence. When appointments of large numbers of persons are questioned, courts and authorities must:

(i) Separate the legally sustainable from the unsustainable

(ii) Apply the test of eligibility and sanctioned strength

(iii) Assess whether there was fraud or misrepresentation

(iv) Provide an opportunity of hearing before cancellation

35. It must be underscored that the jurisprudential divide between irregular and illegal appointments is neither artificial nor academic. An appointment may be irregular if it deviates from established procedure, but it crosses into the realm of illegality only where it violates statutory mandates, is made without the existence of a sanctioned post, or is tainted by fraud. Conflating the two categories leads to manifest injustice, particularly when individuals, who have no role in the procedural defect, are visited with the severest consequence of termination."

19. The continued extraction of work from the petitioners for long period of time without regularization violates Article 14 and 16 of the Constitution of India by treating them unequally vis-à-vis the employee working on regular post. The petitioners have not been appointment through back door entry, rather, the petitioners have been appointed on the post of MPW through an advertisement after following the selection process. Therefore, the petitioners cannot be said to be appointed illegally rather, the petitioners have been continuously working on the post of MPW against the genuine requirement of the State Government.

20. So far as the break of services of the petitioners from September, 2014 to 2016/2018, is concerned, such break in service is artificial in nature which has been created by the State Government so as to deny the benefits of the regularization to the petitioners as the petitioners were all along ready to perform their duties and they had not abandoned their services. The Hon'ble Supreme Court of India

in the case of ***Prem Chand Vs. State of Punjab*** **(Civil Appeal No. 12139 of 2025)** has observed that the long services of contractual employee cannot be disregarded in lieu of the artificial breaks and by levelling the initial employment as ad hoc. The Hon'ble Apex Court in Prem Chand (supra) has held as under:

> *"20. Moreover, the breaks in service relied upon by the Respondents to deny regularization are, on a closer examination, artificial in nature. The Appellants were consistently re-engaged, save for short breaks, and continued to discharge their duties to the satisfaction of the appointing authorities on the same posts. The breaks do not reflect any genuine abandonment of service or voluntary cessation of employment. Therefore, we are of the opinion that the long service of the Appellants cannot be disregarded in lieu of artificial breaks and by leveling the initial employment as ad hoc."*

21. Further, the Hon'ble Supreme Court of India in *Jaggo v. Union of India* **(2024 SCC OnLine SC 3826)** has held 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:*
>
> *"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…"

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.*

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."*

22. From perusal of the pleadings and documents on record it is evident that the petitioners have been continuously working on the post of MPWs without there being any complaint or adverse remark by the employer. Further, it is not in dispute that the respondent State of Jharkhand is in need of the petitioners and the nature of works performed by the petitioners are perennial in nature.

23. In view of the aforesaid submissions and judgments rendered by the Hon'ble Supreme Court of India, this Court direct the respondents to regularize the services of the petitioners on the post of Multi-Purpose Worker in the

Department of Health, Medical Education and Family Welfare, Government of Jharkhand with all consequential benefits and further, the respondents are directed to consider the period from the date of initial appointment for computation of all benefits including the retiral benefits.

24. 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