IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (S) No. 190 of 2025

1. Anjani Kumar, aged about 42 years, son of Shri Indra Deo Prasad, resident of A.N. Singh Road, South Kusai Colony, Doranda, P.O. & P.S.-Doranda, District- Ranchi.
2. Aakash Srivastava, aged about 36 years, son of Shri Rakesh Kumar Srivastava, resident of Devi Mandap Road, Hesal, P.O.-Hehal, P.S.-Sukhdeo Nagar, District-Ranchi.
3. Anand Kumar, aged about 36 years, son of Late Birendra Kumar, resident of Nalanda Apartment, Flat No.006, Kilburn Colony, Hinoo, P.O.-Hinoo, P.S.-Doranda, District- Ranchi.
4. Ashish Kumar, aged about 34 years, son of Shri Umesh Prasad Singh, resident of Near Bank Officers Colony, Devi Mandap Road, Hesal, Ratu Road, P.O. & P.S.-Pandra, District- Ranchi.
5. Dheeraj Kumar Swansi, aged about 35 years, son of Shri Bhim Sen Swansi, resident of Mahavir Colony, Lowadih, Namkum, P.O. & P.S.-Namkum, District- Ranchi.
6. Abhinav Kumar, aged about 35 years, son of Shri Akhilanand, resident of Road No.1, Shir Puri Colony, Katari Hill Road, Gaya, P.O.-Gaya, P.S.-Chandauti, District- Gaya (Bihar).
7. Veer Bahadur Venkat Singh, aged about 41 years, son of Shri Kishto Prasad Mandal, resident of Kela Bari, Dhangersi, P.O.-Sahebganj, P.S.-Jirwabari, District- Sahebganj.
8. Rajiv Kumar Gaurav, aged about 35 years, son of Shri Rajendra Prasad, resident of Qr. No. B-126, Sector-3, HEC Colony, Dhurwa, P.O. & P.S.-Hatia, District- Ranchi.
9. Amrendra Kumar, aged about 33 years, son of Meghlal Mahto, resident of Hethli Murgaon Bishnugarh, P.O. & P.S.-Bishnugarh, District- Hazaribagh.
10. Sumit Kumar, aged about 38 years, son of Shri Parmeshwar Mahto, resident of Mahto Tola, Chhattar Mandu, P.O. & P.S.- Ramgarh, District-Ramgarh.

..... Petitioners

V E R S U S

1. The State of Jharkhand through the Secretary/Principal Secretary, Road Construction Department, having office at Project Building, Dhurwa, P.O. & P.S.- Dhurwa, Town and District- Ranchi.
2. Secretary/ Principal Secretary, Rural Works Department having office at F.F.P. Building, Dhurwa, P.O. & P.S.-Dhurwa, Town and District- Ranchi.
3. Jharkhand State Rural Road Development Authority (JSRRDA) through its Chief Executive Officer, having office

at F.F.P. Building, 3rd Floor, Dhurwa, P.O. & P.S.- Dhurwa, Town & District- Ranchi. **..... Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Mr. Manoj Tandon, Advocate
Mr. Siddharth Ranjan, Advocate
Ms. Shivani Bhardwaj, Advocate
Mr. Shubham Kumar, Advocate
Mr. Karamjit S. Chhabra, Advocate
For the Resp.-State : Mr. Rakesh Kr. Roy, A.C. to G.A.-III
For the Resp. No.3 : Dr. A.K.Singh, Advocate
Mr. Sharon Toppo, Advocate

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C.A.V. ON: 29/10/2026 **PRONOUNCED ON:04/11/2026**

1. Heard learned counsel for the parties.

2. The writ petition has been preferred by the petitioners for a direction upon the respondents to regularise their services as they have been working for more than 10 years on the post of Assistant Engineers pursuant to an Advertisement dated 22.07.2012. Petitioners have further prayed for appropriate relief for which they are entitled to in the facts and circumstances of the case.

3. The facts pleaded in the writ petition are that an Advertisement was issued on 22.07.2012 in daily "Dainik Jagran" Ranchi Edition for appointment on the post of Assistant Engineers. The total vacancy advertised was 50. The eligibility criteria for such appointment were B.E./B.Tech. (Civil) for the post of Assistant Engineers. The petitioners being eligible applied and faced the selection process. The merit list was published on 28.12.2012 for the post of Assistant Engineers. Pursuant

thereto, the petitioners were appointed, for which appointment letters were issued by the Principal Secretary, Rural Works Department who happens to be the Chief Executive Officer of Jharkhand State Rural Road Development Authority (for short "JSRRDA"). The date of appointment of petitioners is reflected in paragraph no.8 of the writ petition in following manner:-

Sl. No.	Name of the Petitioners	Date of appointment letter
1	Anjani Kumar	28.01.2013
2	Aakash Srivastava	04.02.2013
3	Anand Kumar	18.10.2013
4	Ashish Kumar	28.01.2013
5	Dheeraj Kumar Swansi	04.02.2013
6	Abhinav Kumar	18.10.2013
7	Veer Bhadur Venkat Singh	18.10.2013
8	Rajiv Kumar Gaurav	04.02.2013
9	Amrendra Kumar	04.02.2013
10	Sumit Kumar	18.10.2013

4. Thereafter the petitioners were given appropriate posting after the verification of certificates of the petitioners. The posting orders were issued on 07.02.2013, 18.02.2013 and 23.11.2013 with the approval of Principal Secretary, Rural Works Department, Government of Jharkhand by Letter No.49 dated 06.01.2016. The Rural Works Department issued guidelines to the effect that the employees, like the petitioners, are required to be posted even in other State sponsored Schemes along with *Pradhan Mantri Gram Sadak Yojana* (for short "PMGSY").

5. Though the initial appointments were made on contractual basis, but time to time services of the petitioners were extended by the competent authority and the petitioners are continuously discharging their work since the date of their appointments. By Letter No.775 dated 01.08.2018 the petitioners were allowed to discharge their duties exactly like that of regularly appointed Assistant Engineers.

6. The petitioners have pleaded that they are working against sanctioned and vacant posts and appointed pursuant to an advertisement. The petitioners were also extended the benefits of 7th Pay Revision Committee Report (7th PRC). Earlier the grade pay of the petitioners was 5400 but later on the petitioners were put in Pay Level-9. The benefits of pay revision were given to the petitioners only because the petitioners were treated working against sanctioned and vacant post.

7. It is the case of the petitioners that the petitioners' appointment was made after following the roaster/reservation policy of the State of Jharkhand. Since the petitioners completed more than 10 years, they submitted representation on 19.11.2024 for regularization of their services but the same yielded no fruitful result and hence the present writ petition.

8. A counter affidavit has been filed by the respondents stating, inter alia, that an advertisement was published in a leading newspaper for appointment on the post of Assistant

Engineers on behalf of Jharkhand State Rural Road Development Authority. The appointments were made on contractual basis to take care of the work load of *Pradhan Mantri Gram Sadak Yojana (PMGSY)*.

9. The Department has issued Resolution No.1687 dated 26.06.2012 stipulating the terms and conditions of appointment of Assistant Engineers/Junior Engineers. The petitioners appeared in the selection process knowing fully well that their appointments were contractual in nature. It is stated in the appointment letters itself that the petitioners would not claim regularisation or appointment in future on the said post.

10. Accordingly, the petitioners are bound by the terms and conditions of appointment. Reference has been made to the judgment of the Division Bench of this Court in the case of ***Bhola Nath Vs. The State of Jharkhand & Others***, (L.P.A. No.390 of 2024); and ***Asha Rai & Others Vs. The State of Jharkhand*** (L.P.A. No.306 of 2023) to contend that similar issue has been dealt with by the Division Bench and the claim for appointment on contractual basis was rejected.

11. The judgment in the case of ***State of Karnataka Vs. Uma Devi,*** reported in ***(2006) 4 SCC 1*** has also been referred in para 15 of the counter affidavit.

12. After the petitioners filed rejoinder to the said counter affidavit, a reply to the said rejoinder was also filed by the respondents 1 to 3 reiterating the same facts.

13. Mr. Manoj Tandon, Ld. Counsel appearing for the petitioners submits that the petitioners are working now for almost 13 years. The petitioners faced the selection process which is not disputed by the respondents. The petitioners are qualified to hold the post of Assistant Engineers. The petitioners therefore are required to be regularised.

He further submits that though the petitioners are discharging their duties as regular employee but still the respondents are treating the appointment of the petitioners on contractual basis just to deny the legitimate claim of the petitioners. He additionally submits that the pay of an employee is revised only when he or she is appointed on a sanctioned and vacant post.

14. He further submits that though the petitioners were appointed when 6th Pay Revision was in vogue, but later on the benefits of 7th PRC was also extended to the petitioners. This itself connotes that though the appointments of the petitioners are regular in nature but they are constrained to work under the nomenclature of contractual employees.

15. Mr. Tandon further submits that the respondents have basically relied upon a judgment in the case of ***Bhola Nath Vs.***

State of Jharkhand (L.P.A. No.390 of 2024), which is placed at Page No.72 of the counter affidavit filed by the respondents. He submits that it is true that the Division Bench of this Court held that the contractual employees are not entitled for regularisation but at the same time it is also equally true that the said judgement of the Division Bench was set aside by the Hon'ble Supreme Court of India in the case of ***Bhola Nath Vs. State of Jharkhand***, reported in ***2026 SCC OnLine SC 129*** with a direction to regularise the services of contractual employees.

16. Ld. Counsel for the petitioner has further relied upon the judgment reported in ***(2024) 9 SCC 327 (Vinod Kumar & Others Vs. Union of India & Ors.***) to contend that the Hon'ble Supreme Court of India directed for regularization of those who were working in a particular scheme. He submits that the continuous service of petitioners performing same duties as regular employees is indistinguishable from those in permanent post. On the basis of this judgment Mr. Tandon submits that the failure to recognize the substantive nature of the role of the petitioners and their continuous service akin to permanent employees runs counter to the principles of equity, fairness, and the intent behind employment rules. Therefore, the learned Counsel for the petitioners submits that the writ petition

deserves to be allowed by directing the regularisation of services of the petitioners.

17. Mr. Rakesh Kr. Roy, appears for the respondent-State of Jharkhand & Dr. Ashok Kumar Singh, appears for respondent no.3 (JSRRDA). On the basis of the averments made in the counter affidavit, the Ld. Counsels for the respondents submit that no case has been made out by the petitioners for regularisation of their services. The learned Counsel for the respondents relied upon ***Secretary of State of Karnataka Vs. Uma Devi,*** reported in ***(2006) 4 SCC 1; Jaggo Vs. Union of India and Others,*** reported in ***2024 SCC OnLine SC 3826*** and other similar case laws.

18. It is the contention of the respondents that the petitioners are working in a Scheme and hence their services cannot be regularised. It has been submitted by the respondents that petitioners do not have indefeasible right of regularization.

19. Having heard learned Counsels for the parties and upon perusal of the materials on record, the writ petition is fit to be allowed on the following grounds:-

(a) It is not in dispute that the petitioners are working for more than 10 years as they were appointed in the year 2013 itself and still continuing.

(b) It is also not disputed that the appointment was preceded by an advertisement and that after following

the selection process these petitioners were appointed.

(c) It is also not in dispute that the petitioners possess the requisite qualification for the post. This is so because the requisite qualification for appointment as per the advertisement was B.E./B.Tech. (Civil), which the petitioners possessed.

(d) It has also not been disputed that though the nature of appointment was contractual but time to time the service of the petitioners were extended. From the facts of the case, it is clear that the petitioners are discharging their duties akin to the regularly appointed Assistant Engineers.

(e) Learned Counsel appearing for the respondents submitted that petitioners are working in a Scheme and hence not entitled for regularisation. The facts, however, reveal that the petitioners are discharging the same duty as that of a regularly appointed Assistant Engineers.

The issue as to whether an employee working in a Scheme can be regularized or not fell for consideration before the Hon'ble Supreme Court of India in the case of ***Vinod Kumar & Others Vs. Union of India*** *(supra)*. The facts of ***Vinod Kumar (supra***) are that they were working in a Scheme but they faced selection process. The petitioners of that case claimed regularisation but

the same was rejected, which led to filing of an Original Application before the Central Administrative Tribunal. The learned Tribunal dismissed the O.A. on the ground that the appointments were temporary and for a specific Scheme and hence not fit for regularisation or absorption into permanent post. A writ petition was filed challenging the order of the Tribunal before the High Court which upheld the order of the learned Tribunal observing that the appointment of the employees was under a temporary scheme which could not confer upon them the right to claim regularisation. Such observation was made referring the judgement in the case of ***State of Karnataka Vs. Uma Devi (3).***

This was challenged before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court held that the continuous service of the appellants therein, performing duties were indistinguishable from those in permanent post. It was further held that the failure to recognize 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. For ready reference paragraphs no.8 and 9 of the *Vinod Kumar (Supra)* are reproduced in extenso:-

> ***"8.*** *In light of the reasons recorded above, this Courts 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 recognize 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.*
> ***9.*** *Accordingly, the appeals are allowed. The judgment of the High Court is set aside, and the appellants are entitled to be considered for regularisation in their respective posts. The respondents are directed to complete the process of regularisation within 3 months from the date of service of this judgment."*
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> *[emphasis supplied]*

Therefore, the net result is that the persons working in a specific scheme were also directed to be regularised. In view of such binding precedent in the case of *Vinod Kumar (supra),* this Court holds that the petitioners, though working in a Scheme, are entitled for regularisation of their services.

(f) From perusal of the counter affidavit and the documents annexed thereto it is evident that the respondents basically relied upon the Division Bench judgement of this Court in L.P.A. No.390 of 2024 ***(Bhola Nath Vs. State of Jharkhand)***, decided on 17th September, 2024. The Division Bench judgment of this Court, of course, held that a contractual employee is not entitled for regularisation, as is apparent from Para 38 thereof (running page 91 of the counter affidavit filed by respondents), but this judgement of the Division Bench was set aside by the Hon'ble Supreme Court of India in the case of ***Bhola Nath Vs. State of Jharkhand***, decided on 30th January, 2026 and the same is

reported in *2026 SCC OnLine SC 129*. The Hon'ble Supreme Court, after considering all the previous judgments relevant to the facts of the case, held that the State of Jharkhand was not justified in continuing such employees on sanctioned vacant post for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularisation. Paragraphs no.14 and 15 are profitable to reproduce: -

> **"*14.*** *In light of our discussion, in the foregoing paragraphs, we summarize our conclusions as follows:*
> *I. The respondent-State was not justified in continuing the appellants on sanctioned vacant posts for over a decade under the nomenclature of contractual engagement and thereafter denying them consideration for regularization.*
> *II. Abrupt discontinuance of such long-standing engagement solely on the basis of contractual nomenclature, without either recording cogent reasons or passing a speaking order, is manifestly arbitrary and violative of Article 14 of the Constitution.*
> *III. Contractual stipulations purporting to bar claims for regularization cannot override constitutional guarantees. Acceptance of contractual terms does not amount to waiver of fundamental rights, and contractual stipulations cannot immunize arbitrary State action from constitutional scrutiny.*
> *IV. The State, as a model employer, cannot rely on contractual labels or mechanical application of* ***Umadevi*** *(supra) to justify prolonged ad-hocism or to discard long-serving employees in a manner inconsistent with fairness, dignity and constitutional governance.*
> *V. In view of the foregoing discussion, we direct the respondent State to forthwith regularize the services of all the appellants against the sanctioned posts to which they were initially appointed. The appellants shall be entitled to all consequential service benefits accruing from the date of this judgment.*
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> ***15.*** *Accordingly, the present appeals are disposed of and all writ petitions are allowed and the judgments dated 17th September, 2024, 15th October, 2024 and 2nd December, 2024, in LPA Nos. 390 of 2024, 356 of 2024 and 368 of 2024, respectively, passed by the High Court of Jharkhand at Ranchi are set aside."*
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> *[emphasis supplied]*

20. During the course of argument, the learned Counsel for the respondent, Dr. Singh submitted that *Bhola Nath (supra)* may

not apply to the facts of this case, though the Division Bench judgement in the case of Bhola Nath was annexed with the very counter affidavit filed by the respondents, to contend that the writ petition deserves dismissal, as the Division Bench has denied such regularisation of such contractual employees.

21. This argument is absolutely fallacious. Once the respondent itself relied upon *Bhola Nath (supra)* of Division Bench to reject the claim of the petitioners, the respondents are duty bound to follow the judgment of the Hon'ble Supreme Court of India in the case of *Bhola Nath (supra)*, as the judgement of the Division Bench has been set aside by holding that the contractual employees are also entitled for regularisation.

22. Another judgment, ***Jaggo Vs. Union of India & Others***, reported in ***2024 SCC OnLine SC 3826*** has also been relied upon by the learned Counsel Dr. Singh, appearing for the concerned respondent. However, on perusal of this judgment in its entirety it would be evident that this judgment favours the case of the petitioners. The facts of that case are that the employees were originally engaged by the Central Water Commission on part-time and ad-hoc on terms on various posts. The employees claimed regularisation and filed Original Application before the Tribunal. They submitted that though they were working as part-time or contractual basis but they were performing the same duties as regular employees and the work

was perennial in nature but the Tribunal dismissed the O.A. on the ground that the appellants of that case were not engaged on what it considered "regular vacancies" and they were not discharging full-time service.

A writ petition was before the High Court, but the High Court also dismissed the writ petition on the ground that the petitioners of that case were part-time workers and were not appointed against sanctioned posts. This gave rise to filing of ***SLP(c) No.5580 of 2024.*** The Hon'ble Apex Court after examining each and every aspect of the matter including nature of duties, absence of performance issues, compliance with 'Uma Devi' guidelines, discrimination in regularisation, irrelevance of educational qualification, and equity and fairness, held that such employees were entitled for regularisation of their services.

While setting aside the orders of the High Court and that of the Tribunal the Hon'ble Supreme Court directed for regularisation of their services. The ratio laid down are in paragraphs 10, 12 and 16, which are profitable to place herein below in extenso:-

> ***"10.*** *Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.*
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> ***12.*** *Despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily and*

> *continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.*
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> ***16.*** *The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an afterthought and lacks credibility."*
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> *[emphasis supplied]*

The aforesaid judgment was rendered after noticing *Uma Devi (3).* This Court, therefore, is left with no option but to hold that the petitioners in this case are entitled for regularisation.

From the facts of the present case, it clearly transpires that though the petitioners were appointed and the appointments were labelled as "contractual in nature", but the petitioners are, in fact, working like regularly appointed employees. The finding of this Court to this extent is based on the facts that even the pay of the petitioners was revised time to time.

The petitioners were initially appointed in 6th PRC but later on when 7th PRC came into effect, such benefits were extended to the petitioners. There is specific pleading to this effect which has not been denied by the respondents. Therefore, it appears that though nature of appointment is permanent but

the same has been given the colour of contractual appointment just to deny the legitimate claim of employees like the petitioners who have rendered their services for more than a decade.

Since the petitioners have rendered satisfactory service of more than 10 years, they are entitled for regularisation on completion of 10 years of their services.

23. In view of the foregoing reasons, the instant writ petition stands allowed. The Respondents are directed to regularise the services of the petitioners with effect from the date they have completed 10 years of service. All consequential benefits must be extended to the petitioners like regular employees. The respondents would complete the entire exercise within a period of 10 weeks with effect from the date of receipt/production of a copy of this judgement.

24. Pending I.As., if any, stand closed. No order as to costs.

(Deepak Roshan, J.)

Dated:04 / 11/ 2026
Amardeep/
A.F.R
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5.11.2026