



2026:CGHC:7471

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5378 of 2023

1 - Hans Kumar Rajwade S/o Shri Balrup Ram Rajwade Aged About 32 Years Presently Working As Data Entry Operator, O/o Block Education Officer, Udaypur, P.S. Udaypur, District : Surguja Chhattisgarh

2 - Jai Prakash Chauhan S/o Shri Sudhram Chauhan Aged About 36 Years Presently Working As Data Entry Operator, O/o Block Education Officer, Lundra, P.S. Lundra, District : Surguja Chhattisgarh

3 - Ansarun Nisha W/o Md. Irshad Aged About 35 Years Presently Working As Data Entry Operator, O/o Block Education Officer, Lakhanpur, P.S. Lakhanpur, District : Surguja, Chhattisgarh

... Petitioners

versus

1 - State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)

2 - Secretary Depart of Tribal Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)

3 - Director of Public Instructions 1st Floor, Indrawati Bhawan, Atal Nagar, Nava Raipur (C.G.)

4 - Commissioner (Tribal Welfare Department) Indrawati Bhawan, Atal Nagar, Nava Raipur (C.G.)

5 - Collector District Surguja, Ambikapur, Surguja (C.G.)

6 - Assistant Commissioner (Tribal Welfare Development) O/o. The Collector, Ambikapur, Surguja (C.G.)

7 - District Education Officer Ambikapur, Surguja (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. N. Naha Roy, Advocate
For Respondents	:	Mr. Sangharsh Pandey, Govt. Advocate

Hon'ble Shri Amitendra Kishore Prasad, Judge
Order on Board

10.02.2026

1. By filing the present petition, the petitioners have challenged the impugned order dated 25.10.2022 (Annexure P/1), whereby it has been held that the petitioners' appointments would not be treated as regular appointments and would continue to remain contractual in nature. The petitioners have prayed for the following reliefs:-

“10.1 Issue an appropriate writ in the nature of mandamus and quash the impugned order dated 25.10.2022 (Annexure P/1) thereby saying that the petitioners' appointment would not be altered as a regular appointment and would remain contractual in nature, in a most arbitrary manner.

10.2 Issue an appropriate writ in the nature of mandamus and direct the respondents to consider the cases of petitioners for being treated as regular incumbents since their initial appointments with all consequential benefits associated therewith including the arrears of pay and seniority.

10.3 Grant any other relief, which is deemed fit in the circumstances of the case.”

2. Brief facts of the case, in a nutshell are that the respondent Department had earlier issued a joint advertisement in the year 2012 inviting applications for appointment on various Class-III and IV posts, including the post of Data Entry Operator. The said posts of Data Entry Operator were already sanctioned on regular basis for the offices of Block Education Officers under the Tribal Welfare Department. By that time, the ban imposed on regular recruitment in the State had already been lifted vide order dated 18.09.2007 and subsequent communications, thereby permitting regular recruitment on such posts without requiring consultation with the Finance Department.
3. Despite the vacancies being regularly sanctioned and the ban on regular recruitment having been lifted, the advertisement reflected the posts of Data Entry Operator as contractual. The petitioners, being unaware of these developments, participated in the selection process and, upon due selection, were appointed in the years 2012–2013 on fixed remuneration. Significantly, their appointment orders contained a clause placing them on probation for two years, which is a condition ordinarily applicable to regular appointments.
4. The petitioners have been continuously discharging their duties for more than ten years against sanctioned vacancies without any break. As no order extending probation or confirming their services was issued, they submitted representations dated 21.01.2022 and

20.04.2022 seeking to be treated as regular appointees. Earlier, this Court, in WP(S) No. 4287/2022, vide order dated 24.06.2022, directed the respondents to consider and decide their claim. However, the respondents rejected their representations vide impugned order dated 25.10.2022 in a cryptic manner, reiterating that their engagement would remain contractual.

5. Being aggrieved by the said arbitrary and non-speaking order, despite long and continuous service against regularly sanctioned posts, the petitioners have preferred the present writ petition.
6. Learned counsel for the petitioners submits that the impugned order dated 25.10.2022 is wholly arbitrary, cryptic and unsustainable in law, as the respondents have failed to consider the material facts and binding government instructions while rejecting the claim of the petitioners. It is contended that the posts of Data Entry Operator against which the petitioners were appointed were duly sanctioned on regular basis much prior to the issuance of the advertisement, and the ban on regular recruitment in the State had already been lifted vide order dated 18.09.2007 and subsequent communications. Therefore, there was no legal impediment for filling up the said posts on regular basis. He further submits that despite the vacancies being regular in nature, the advertisement reflected the posts as contractual without any justification. The petitioners, after participating in a due process of selection pursuant to a joint recruitment drive, were appointed

during the years 2012–2013. It is argued that the appointment orders themselves contained a specific clause placing the petitioners on probation for a period of two years, which is a condition applicable exclusively to regular appointments and not to contractual engagements. This, according to learned counsel, clearly demonstrates that the appointments were, in substance, regular in nature.

7. It is further submitted that the petitioners have continuously worked for more than ten years against sanctioned vacancies without any break in service and have been discharging duties identical to those of regular incumbents. No order extending their probation or expressly continuing their status as purely contractual employees was ever issued. Thus, the action of the respondents in treating their services as contractual even after long and uninterrupted service is arbitrary and violative of Articles 14 and 16 of the Constitution of India. It is further contended that the petitioners had earlier approached this Court and, pursuant to the order dated 24.06.2022 passed in WP(S) No. 4287/2022, the respondents were directed to consider their representations. However, the respondents, without advertng to the relevant facts and legal position, rejected the representations by a non-speaking and mechanical order dated 25.10.2022. It is thus contended that the impugned order deserves to be set aside and appropriate directions be issued to the respondents to treat the petitioners as regular incumbents with all consequential benefits.

8. Learned counsel for the petitioners lastly submits that the petitioners' case is squarely covered by the recent judgment of the Hon'ble Supreme Court in ***Bhola Nath v. The State of Jharkhand and others, 2026 SCC OnLine SC 129***, which directly supports their claim for regularisation. In that case, the Supreme Court was pleased to hold that where employees have been engaged pursuant to due process of selection against sanctioned posts and have rendered long and uninterrupted service for over a decade, merely labeling their engagement as "contractual" cannot defeat their claim to regularisation in the absence of cogent reasons to deny such relief. The Court emphasized that the State cannot hide behind formal contractual nomenclature to perpetuate ad-hocism and deny constitutional guarantees of equality and fairness under Article 14 of the Constitution of India, especially where the services rendered are integral to public administration and the employees have legitimate expectations of regularisation arising from long service and repeated extensions. Consequently, the Supreme Court directed regularisation of the contractual employees with all consequential benefits, underscoring that contractual stipulations cannot be allowed to override constitutional protections and legitimate expectations of the employees.
9. On the other hand, learned State counsel vehemently opposed the writ petition and supported the impugned order dated 25.10.2022. It is submitted that the petitioners were appointed as Data Entry

Operators (Contractual) vide orders dated 25.08.2012, 01.12.2012 and 01.10.2013 issued by the Collector, Tribal Development, Ambikapur, District Surguja. From a bare perusal of the appointment orders, particularly Condition Nos. 1 and 5, it is evident that the appointments were purely temporary and contractual in nature. Condition No. 1 clearly stipulates that the engagement is temporary, and Condition No. 5 provides that the appointment can be terminated by either party by giving one month's notice or salary in lieu thereof. Therefore, the terms of appointment unequivocally establish the contractual status of the petitioners.

10. Learned State counsel further submits that earlier the petitioners had preferred WPS No. 4287 of 2022, which was disposed of by this Court vide order dated 24.06.2022 granting liberty to the petitioners to submit representations and directing the respondents to consider the same in light of the State Government policy and the communication dated 24.11.2011. In compliance thereof, the representations were duly considered and decided by the competent authority, and the same were rejected vide impugned order dated 25.10.2022 on the ground that there exists no policy or rule of the State Government providing for regularization of contractual Data Entry Operators. It is submitted that while rejecting the claim of the petitioners, the respondents have rightly taken into consideration the Finance Instructions No. 52/2011 issued vide circular dated 24.11.2011 by the Finance &

Planning Department, Government of Chhattisgarh. The said circular pertains to relaxation in direct recruitment of Class-III and IV posts and does not contemplate regularization of contractual employees. The impugned order specifically records that in the absence of any circular, policy decision, or statutory provision permitting regularization, the petitioners cannot claim regularization as a matter of right. However, their services have been continued on the post of Data Entry Operator (Contractual), and thus, no adverse action has been taken against them so as to give rise to any enforceable cause of action.

11. Learned State counsel also submits that regularization of contractual appointments solely on the basis of long or continuous service would be contrary to the constitutional scheme of public employment under Articles 14 and 16 of the Constitution of India and would amount to permitting backdoor entry into service. It is a settled principle of law that regularization cannot be claimed merely on completion of ten years of service. In support of his submissions, learned State counsel has placed reliance upon the Constitution Bench judgment of the Hon'ble Supreme Court in ***State of Karnataka v. Uma Devi, (2006) 4 SCC 1***, wherein it has been categorically held that regularization cannot be directed in violation of the constitutional scheme of recruitment. Further reliance has been placed on ***University of Delhi v. Delhi University Contract Employees Union, (2021) 16 SCC 71***, wherein it was reiterated that contractual employees are not

entitled to regularization merely on the basis of long service. Reference has also been made to ***Union of India & Others v. Ilmo Devi & Another, Civil Appeal Nos. 5689–5690 of 2021 (2021 SCC OnLine SC 899)***, wherein the Hon'ble Supreme Court held that regularization can only be in accordance with a valid regularization policy and cannot be claimed dehors such policy.

12. It is further submitted that this Court in ***Darbar Singh Porte & Another v. State of C.G. & Others, 2010 (Vol. 3) CGLJ***, has also held that temporary or daily wage employees cannot claim regularization, continuance, or reinstatement if their appointments were not made in accordance with the prescribed procedure. It is lastly contended that the judgment relied upon by the petitioners in ***Bhola Nath*** (supra) is distinguishable on facts. Therefore, the writ petition is devoid of merits and is liable to be dismissed.
13. I have heard learned counsel for the parties, gone through the pleadings and documents annexed with the writ petition.
14. From a careful perusal of the record, it is evident that pursuant to a regular recruitment process, in which a joint advertisement was issued inviting applications, the petitioners participated in the selection process and were appointed on the post of Data Entry Operator vide orders dated 25.08.2012, 01.12.2012 and 01.10.2013. The appointment orders clearly disclose that the petitioners were directed to undergo a probation period of two years. They were required to submit all relevant original

documents, and the roster rules were duly followed. The material placed on record thus reflects that the appointments were not backdoor entries or casual engagements but were made after following due procedure against vacant and sanctioned posts in the year 2012–2013. The petitioners have thereafter continued to discharge their duties on the said posts till date without any break in service.

- 15.** It is also not in dispute that earlier the petitioners had approached this Court by filing WPS No. 4287/2022 seeking consideration of their claim for regularization on the basis of their initial appointments and long continuation in service. This Court, vide order dated 24.06.2022, granted liberty to the petitioners to submit representations and directed the respondent authorities to consider the same in the light of the policy of the State Government, particularly the communication dated 24.11.2011, within a reasonable time. In compliance thereof, the petitioners submitted representations dated 21.01.2022 and 20.04.2022.
- 16.** However, the said representations came to be rejected vide impugned order dated 25.10.2022 primarily on the ground that the petitioners were appointed on contractual basis and that there exists no specific guideline or policy for regularization of contractual employees. The impugned order, upon perusal, appears to be cryptic and bereft of detailed reasoning. Though the respondents have continued the services of the petitioners on the

said posts, the claim for being treated as regular incumbents has been declined solely by placing reliance upon the nomenclature of “contractual appointment” and the absence of an express regularization policy.

17. The issue with regard to regularization of employees who have rendered long years of service has been considered by the Hon’ble Supreme Court in a catena of decisions beginning from ***Umadevi*** (supra), in which it was held that regularization cannot be directed in violation of the constitutional scheme of public employment under Articles 14 and 16 of the Constitution of India, and that backdoor appointments cannot be regularized. At the same time, the Constitution Bench carved out an exception in paragraph 53 for those cases where irregular (not illegal) appointments were made in duly sanctioned vacant posts and the employees had continued for more than ten years without intervention of courts, directing the State to consider framing a one-time measure for their regularization.
18. The principles laid down in ***Umadevi*** (supra) were subsequently explained and clarified in ***State of Karnataka v. M.L. Kesari, (2010) 9 SCC 247, Jaggo v. Union of India, 2024 SCC OnLine SC 3826, Shripal v. Nagar Nigam, 2025 SCC OnLine SC 221, Vinod Kumar v. Union of India, (2024) 9 SCC 327*** and ***Dharam Singh v. State of U.P., 2025 SCC OnLine SC 1735*** wherein the Hon’ble Supreme Court held that if an employee has worked for

ten years or more in a duly sanctioned post and was appointed through a process consistent with Article 14, though not strictly in accordance with the rules, such case would fall within the exception contemplated in **Umadevi** (supra) and would require consideration for regularization, subject to fulfillment of eligibility conditions.

19. Recently, in **Bhola Nath** (supra), the Hon'ble Supreme Court has again emphasized that where employees have been engaged pursuant to a due selection process against sanctioned posts and have rendered long and uninterrupted service for over a decade, mere description of their engagement as "contractual" cannot be a ground to indefinitely deny them consideration for regularization, particularly when the State continues to avail their services. The Court reiterated that the State cannot perpetuate ad-hocism and defeat legitimate expectations arising from long and continuous service by relying solely on contractual nomenclature. The Hon'ble Supreme Court while deciding the issue, has held as under :-

"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, 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 and Vinod Kumar v. Union of India, 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., 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.*

FINAL CONCLUSION:

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.”

- 20.** Reverting to the facts of the present case and examining the matter in the light of the principles enunciated by the Hon’ble Supreme Court in **Bhola Nath** (supra), it clearly emerges from the record that: (i) the posts of Data Entry Operator were duly sanctioned regular posts under the Department; (ii) the petitioners were appointed pursuant to a public advertisement and after

undergoing a due process of selection; (iii) the applicable roster rules were duly followed; (iv) the appointment orders themselves provided for a probation period of two years, which is ordinarily a condition attached to regular appointments; and (v) the petitioners have rendered more than a decade of continuous and uninterrupted service against sanctioned and vacant posts and are still discharging their duties to the satisfaction of the Department. There is no allegation on record that the petitioners were ineligible, or that their appointments were illegal, irregular in the sense contemplated in *Umadevi* (supra), or vitiated by fraud, misrepresentation, or any procedural impropriety.

21. The mere description of the petitioners' engagement as "contractual" in the appointment orders, coupled with a clause permitting termination by notice, cannot, in the peculiar facts of the present case, override the substantive features of their appointments. The sanctioned nature of the posts, adherence to a transparent selection process, stipulation of probation, and long years of uninterrupted service unmistakably indicate that the petitioners' appointments were not backdoor or dehors the constitutional scheme. The respondents, while passing the impugned order dated 25.10.2022, have failed to consider these material aspects and have rejected the claim solely on the basis of nomenclature and absence of an express regularization policy. Such a mechanical and non-speaking approach is contrary to the

mandate of Articles 14 and 16 of the Constitution of India and is unsustainable in law.

- 22.** In view of the foregoing discussion and the authoritative pronouncements of the Hon'ble Supreme Court in the aforementioned cases, this Court is satisfied that the petitioners' case falls within the category of appointments made against sanctioned posts through due process, followed by long and continuous service. The continued extraction of services from the petitioners for more than ten years, while denying them regular status, cannot be countenanced. Accordingly, the writ petition deserves to be allowed.
- 23.** Consequently, the impugned order dated 25.10.2022 (Annexure P/1) is hereby quashed and set aside. The respondents are directed to regularize the services of all the petitioners against the sanctioned posts to which they were initially appointed, forthwith and without any avoidable delay. The petitioners shall be entitled to all consequential service benefits, including continuity of service, fixation in the regular pay scale and other attendant benefits, accruing from the date of this judgment.
- 24.** The writ petition is, accordingly, **allowed** in the above terms. No order as to costs.

Sd/-

(Amitendra Kishore Prasad)
Judge

Head-Note

Employees appointed against duly sanctioned vacancies through a regular selection process and continued in long, uninterrupted service cannot be denied regular status merely on the basis of the label “contractual” in their appointment orders. When such appointments are made following due procedure and against existing posts, substantive rights cannot be subordinated to form or nomenclature. A cryptic and mechanical rejection of regularization, without due consideration of these material aspects, is unsustainable in law.