



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 13016/2011

Satu Lal S/o Shri Mauji Ram, aged about 39 years, R/o Birodha,
Tehsil Maniya, District Dholpur (Raj.)

-----Petitioner

Versus

1. State of Rajasthan through its Secretary to the Government Department of Ayurved, Secretariat, Jaipur.
2. Bhartiya Health and Ayurvedic Department, Secretariat, Jaipur through its Secretary.
3. Director, Directorate of Ayurved Department, Ajmer, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. D.P. Sharma
For Respondent(s)	:	Mr.Vinod Kumar Gupta, AGC Ms. Karishma Soni

HON'BLE MR. JUSTICE ANAND SHARMA

Order

06/01/2026

1. The present writ petition has been filed invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of mandamus directing the respondents to regularize the services of the petitioner, who has been engaged on alleged part time basis for a considerable length of time and has continuously discharged duties of a perennial and essential nature. The petitioner further seeks consequential service benefits, contending that the prolonged denial of regularization is arbitrary, unreasonable, and violative of Articles 14, 16 and 21 of the Constitution.



2. It is not a matter of dispute that the petitioner was initially engaged as Class IV Employee/Ward Boy on 10.07.1984 at Government Ayurvedic Hospital, Dholpur. However, his services were terminated by the respondents. Feeling aggrieved, the petitioner raised industrial dispute, which culminated in award dated 21.01.1993 passed by Labour Court Bharatpur directing for reinstatement of the petitioner along with continuity in service. It is stated that in compliance of award of Labour Court, the petitioner was reinstated on 12.02.1996, however, when his services were not regularized, he filed S.B. Civil Writ Petition No. 212/1997 for seeking regularization. The aforesaid writ petition was disposed of vide order dated 18.03.2010 directing the petitioner to make a representation to the respondents for considering the case of the petitioner pursuant to notification dated 08.07.2009 issued by the respondent-Government for considering the cases of regularization in compliance of directions given by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & Ors. v. Uma Devi & Ors., (2006) 4 SCC**

1. It is further submitted that in compliance of order dated 18.03.2010 passed by this Court in earlier writ petition of the petitioner, he submitted his representation. However, the claim of regularization of petitioner has been rejected by the respondents vide order dated 01.06.2011 on the ground that the claim put forward by the petitioner does not come within the purview of notification dated 08.07.2009. In reply to the writ petition, the respondents have placed on record the minutes of meeting of a screening committee, which considered the case of regularization



of the petitioner and submitted that the petitioner was never appointed against a duly sanctioned post and was in fact continued under the orders passed by the Labour Court therefore, benefit of regularization under notification dated 08.07.2009 cannot be granted to the petitioner.

3. The facts, which are largely undisputed, reveal that the petitioner was initially engaged by the respondent department to meet administrative and functional requirements. Though the engagement was described as part-timer, the petitioner has continued in service uninterruptedly for several years and has performed duties identical in nature to those discharged by regularly appointed employees. The petitioner has worked under the direct control and supervision of the respondents. Despite repeated representations, the respondents have not taken any steps to regularize the petitioner's services.

4. *Per contra*, it has been submitted on behalf of the respondents that the petitioner's engagement was purely on part time and does not confer any right to regularization. Regularization is contingent upon the existence of sanctioned posts and adherence to applicable service rules, and cannot be granted merely on the basis of continuity of service. The State has acted in accordance with the rules, and there is no illegality or arbitrariness in denying permanent employment. Granting regularization outside the prescribed framework would undermine structured recruitment, budgetary discipline, and merit-based



selection. Therefore, the petitioner has no entitlement, and the writ petition is not maintainable and deserves to be dismissed.

5. The principal issue that arises for consideration is whether the petitioner, having rendered long and continuous service while performing duties of perennial nature, is entitled to regularization, and whether the refusal of the respondents to consider such regularization withstands constitutional scrutiny.

6. It is undisputed fact that the petitioner was initially engaged in the year 1984 however, when his services were terminated, he took shelter of the competent Court and the award was passed in his favour with directions of reinstatement along with continuity in services. Consequently, the petitioner was reinstated on 12.02.1996 and since then, he was continuously working with the respondents. Therefore, even as per notification dated 08.07.2009, an incumbent was required to complete 10 years of service as on 10.04.2006, which undisputedly, the petitioner has completed and his long continuance for the reason that at the relevant time, petitioner was not appointed on a sanctioned post, cannot be a ground to deny benefit of regularization whereas, it has not been disputed that post of Class IV employee is a sanctioned post in respondent-Department. Hence, the petitioner is entitled for regularization in view of notification dated 08.07.2009.

7. At the threshold, it is necessary to reiterate that public employment is governed by constitutional mandates of equality and fairness enshrined under Articles 14 and 16 of the Constitution of India. The law is well settled that regularization



cannot be claimed as a matter of right and that appointments made in flagrant violation of recruitment rules cannot be sustained merely on the basis of length of service. However, it is equally well established that constitutional principles do not permit the State to exploit labour by keeping employees in a state of perpetual temporariness while extracting regular and continuous work.

8. The jurisprudence on regularization has evolved through a series of authoritative pronouncements of the Hon'ble Supreme Court. In **Secretary, State of Karnataka & Ors. v. Uma Devi & Ors. (supra)**, the Constitution Bench held that regularization is not a mode of recruitment and that illegal appointments made in contravention of Articles 14 and 16 of the Constitution of India cannot be regularized as a matter of right. The primary concern of the Hon'ble Supreme Court was to prevent backdoor entry into public service. At the same time, the Hon'ble Supreme Court carved out a significant exception permitting one-time regularization of employees who had rendered ten years or more of continuous service and whose appointments were irregular.

9. The contours of this exception were clarified in **State of Karnataka & Ors. v. M.L. Kesari & Ors., (2010) 9 SCC 247**, wherein the Supreme Court held that the exception carved out in *Uma Devi (supra)* must be applied in a purposive and pragmatic manner. The Court emphasized that the benefit of regularization cannot be denied on hyper-technical grounds or due to the failure of the State to undertake the one-time exercise



contemplated in *Uma Devi (supra)*. Administrative delay or inaction, it was held, cannot operate to the prejudice of long-serving employees.

10. In ***State of Punjab & Ors. v. Jagjit Singh & Ors., (2017) 1 SCC 148***, although the issue directly pertained to pay parity, the Hon'ble Supreme Court reinforced the doctrine of dignity of labour and held that extraction of identical work from temporary or daily-wage employees while denying them equal remuneration amounts to exploitation and violates Article 14 of the Constitution of India. This judgment infused substantive equality into service jurisprudence and laid the groundwork for later decisions addressing prolonged ad-hocism.

11. The recent decisions of the Supreme Court further develop this jurisprudence. In ***Jaggo v. Union of India & Ors., 2024 SCC OnLine SC 3826***, the Court held that mere nomenclature such as "temporary" or "contractual" cannot defeat substantive rights where the employee performs duties that are perennial and essential to the functioning of the establishment. The Apex Court categorically held that ***Uma Devi (supra)*** cannot be invoked as a shield to perpetuate exploitative arrangements and that prolonged continuation itself creates an obligation on the employer to rationalize or regularize the engagement.

12. In ***Dharam Singh & Ors. v. State of U.P. & Anr., 2025 SCC OnLine SC 1735***, the Hon'ble Supreme Court held that the State, as a constitutional and model employer, cannot extract regular work from ad hoc or daily-wage employees without sanctioning posts or initiating regular recruitment. Prolonged ad-





hocism was held to be violative of Articles 14, 16 and 21 of the Constitution of India, and executive inaction in creating posts or undertaking recruitment was held to be subject to judicial review.

13. Similarly, in ***Shripal & Anr. v. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221***, the Supreme Court held that employees performing essential civic duties on a continuous basis cannot be left in a state of perpetual insecurity. The Court directed reinstatement and mandated initiation of a fair, transparent and time-bound process for regularization, reiterating that perennial public duties cannot be discharged through endlessly temporary arrangements.

14. A conjoint reading of the aforesaid judgments demonstrates that while ***Uma Devi (supra)*** continues to prohibit regularization of illegal appointments, it does not authorize the State to perpetuate ad-hocism, avoid creation of posts, or exploit labour under the guise of constitutional compliance. The focus has decisively shifted from the form of appointment to the substance of employment, namely the nature of duties, length of service, existence of sanctioned work, and the conduct of the employer.

15. Applying the aforesaid principles to the facts of the present case, this Court finds that the petitioner has rendered long and uninterrupted service, possesses the requisite qualifications, and has performed duties of a perennial and essential nature under the direct control of the respondents. The respondents have failed to demonstrate that the petitioner's engagement was illegal or tainted by fraud. The continued engagement of the petitioner without initiating regular recruitment or considering regularization



reflects administrative arbitrariness and is contrary to the constitutional obligation of the State to act as a model employer.

16. The refusal to regularize the petitioner, viewed in the light of the law laid down by the Hon'ble Supreme Court in the cases of **Jaggo (supra)**, **Dharam Singh (supra)** and **Shripal (supra)**, cannot be sustained. To permit the respondents to continue such an arrangement would amount to endorsing exploitation and would defeat the constitutional guarantee of fairness, equality and dignity of labour.

17. Accordingly, the writ petition is allowed, and the respondents are directed as follows:

- (i) The respondents shall undertake the exercise of regularizing the services of the petitioner against a sanctioned post corresponding to the nature of duties presently being discharged by the petitioner, in terms of the principles laid down by the Hon'ble Supreme Court.
- (ii) Such regularization shall be effected with effect from the date on which the petitioner completed ten years of continuous service pursuant to notification dated 08.07.2009, subject to verification of qualifications and eligibility, which shall not be rejected on hyper-technical grounds.
- (iii) Upon regularization, the petitioner shall be entitled to continuity of service and all consequential service benefits, including fixation of pay, seniority and pensionary benefits, in accordance with law. However, arrears of salary shall be restricted to a period of three years preceding the filing of the writ petition.



(iv) The entire exercise shall be completed within a period of three months from the date of receipt of a certified copy of this judgment.

(ANAND SHARMA),J



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