

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

D.B. Civil Special Appeal Writ No. 1268/2025

In

S.B. Civil Writ Petition No.18306/2024

Madan Lal Son Of Shri Amar Lal, Aged About 65 Years, R/o Awalheda, Tehsil Manohar Thana, District Jhalawar, Rajasthan. Presently Working Post Of Chokidar, Ambedkar Boys Hostel, Kalu Khedi District Jhalawar.

----Appellant

Versus

1. State Of Rajasthan, Through Chief Secretary, Social Justice And Empowerment Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Social Justice And Empowerment Department, Government Of Rajasthan, Near 22 Godam, Jaipur

----Respondents

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For Appellant(s)	:	Ms. Nidhi Sharma on behalf of Mr. Kailash Chander Sharma
For Respondent(s)	:	Mr. Prateek Saxena, Ms. Divya Rathore, Ms. Anjali Ranga & Ms. Anshul Ranga (for State)

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**  
**HON'BLE MRS. JUSTICE SHUBHA MEHTA**

**Judgment**

<b>Date of conclusion of arguments</b>	<b>:</b>	<b><u>23/03/2026</u></b>
<b>Date on which judgment was reserved</b>	<b>:</b>	<b><u>23/03/2026</u></b>
<b>Whether the full judgment or only the operative part is pronounced</b>	<b>:</b>	<b><u>Full judgment</u></b>
<b>Date of pronouncement</b>	<b>:</b>	<b><u>6/04/2026</u></b>

**(Per Hon'ble the Acting Chief Justice)**

1. The present special appeal (writ) is arising out of order dated 23.09.2025 passed by the learned Single Judge in S.B. Civil Writ

Petition No.18306/2024 whereby, the writ petition preferred by the appellant-writ petitioner challenged the order dated 25.04.2017 which was rejected as under:

*"7. Bare perusal of the judgment dated 25.04.2017 passed by the Coordinate Bench of this Court in the case of **Anokh Bai (supra)** would reveal that while not pressing the prayer for regularization, at no point of time, any liberty was sought by the petitioner for raising the dispute in future and in absence of any such liberty sought and granted by the Court, the petitioner cannot be allowed to make same prayer by way of filing another writ petition."*

2. The brief facts of the case are that the appellant-writ petitioner was initially appointed as a Chowkidar since June, 1997 as a part time employee. The appellant had rendered services for approximately 20 years after which, considering such a long tenure, the appellant filed a petition in 2014 before this Hon'ble High Court seeking regularization and grant of wages in the minimum pay scale applicable to Class-IV employees for the post held by him.

3. However, in the said petition, the appellant subsequently, relinquished the relief of regularization and had only sought the grant of wages in the minimum pay scale.

4. The Hon'ble Single Bench of this Court was pleased to pass an order dated 25.04.2017 directing the appellant to be paid wages in the pay scale applicable to Class-IV employees.

5. After the lapse of eight years of the said judgment, in November 2024, the appellant filed S.B. Civil Writ Petition No.18306/2024, on the basis of recent judgments passed by the Hon'ble High Court and Supreme Court, wherein it has been held that long continuous service of an employee is a valid basis for regularization on the post held.

6. However, vide the impugned order dated 23.09.2025, the Hon'ble Court dismissed the petition of the appellant on the ground of res judicata.

7. Hence, being aggrieved by the said order, the appellant preferred the present appeal.

8. The issue raised in the present appeal stands adjudicated by this Court in **D.B. Special Appeal (Writ) No.371/2023: Kanaram Vs. State of Rajasthan and Ors.** decided on 27.01.2026 wherein this Court after considering the law as laid down from time to time by the Hon'ble Apex Court reach to the conclusion as under:

*"5.14. In the present case, the writ petitioners were engaged pursuant to an advertisement on the posts of Cook/Chowkidar in Government Ambedkar Hostels. The duties discharged by them are indeed essential and perennial in nature, and therefore, their services cannot be treated as dispensable.*

*5.16. It is also worth mentioning that the services rendered by the writ petitioners have been entirely blemish-free. No complaint has ever been made against them. On the contrary, appreciation letters have been issued by the Superintendents of the respective hostels acknowledging them as non-contractual employes with their uninterrupted service over decades (Annexure-2 to the writ petition).*

*5.17. Despite of all this, non-consideration of these employees for regularization by the respondent Department reflects a perpetuation of temporary status for work of a perennial nature, thereby attracting judicial scrutiny and warranting intervention of this Court. This Court cannot lose sight of the principles emerging from Uma Devi(Supra) and subsequent decisions of the Hon'ble Supreme Court which reflect a clear intention to safe guard employees from exploitation. Individuals cannot be left to serve indefinitely on daily wage, contractual, work-charged or part time posts without fair opportunity for regularization. Service jurisprudence also recognizes something more fundamental, that the state cannot be allowed to profit from its own inaction when an institution extracts work for decades and then pleads that there are no sanctioned posts or they are not directly engaged by them. Therefore, a welfare state cannot run core public function on the spine of these contractual workers and then wash its hands by pointing to absence of sanctioned posts.*

*6. In light of the law laid down by the Hon'ble Supreme Court in the aforementioned cases, the judgment passed in S.B. Civil Writ Petition No. 10257/2019 cannot be sustained and deserves to be quashed and set aside. The writ petitioners are*

*entitled to regularization on the posts of Cook/Chowkidar to which they were initially appointed.*

*6.1. Consequently, the present Special Appeal Writ is allowed and the Respondent Departments are directed:*

*i. To regularize the services of the appellant after completion of 10 years from the date of his initial appointment. The pay fixations shall be done notionally and actual payment shall be made from the date of filing of the writ petition.*

*ii. that the above exercise shall be completed by the respondent departments within a period of three months from the date of receipt of the certified copy of this judgment."*

9. Accordingly, we allow this present special appeal and direct the respondents to regularize the service of the appellant in the same terms as above. The observations and order passed above shall apply *mutatis mutandis* to the present cases.

10. All pending applications also stand disposed of.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ