

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE S. G. PANDIT

AND

THE HON'BLE MR. JUSTICE K.V.ARAVIND

WRIT PETITION NO.37850/2025 (S-KSAT)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF YOUTH
EMPOWERMENT AND SPORTS
M.S. BUILDING
BANGALORE – 560 001.

2. THE COMMISSIONER
DIRECTORATE OF YOUTH
EMPOWERMENT AND SPORTS
STATE YOUTH CENTRE, YAVANIKA
NRUPATHUNGA ROAD
BENGALURU – 560001.

... PETITIONERS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

SMT. LAKSHMI DEVI
W/O P NARAYANA

AGED ABOUT 52 YEARS
WORKING AS ATTENDER CUM SWEEPER
GOVERNMENT SPORTS HIGH SCHOOL
VIDYA NAGAR,
BENGALURU NORTH-562157
R/AT GOVERNMENT QUARTERS
VIDYA NAGAR
BENGALURU NORTH-562157.

...RESPONDENT

(BY SRI M.S. BHAGWATH, SENIOR ADV. FOR
SRI K. SATISH, ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN APPLICATION NO.4741/2024 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU VIDE ANNEXURE-A AND B) ISSUE A WRIT, ORDER OR DIRECTION TO QUASH THE ORDER DATED 30.06.2025 IN APPLICATION NO.4741/2024 PASSED BY THE KSAT, BENGALURU, VIDE ANNEXURE-A AND PASS SUCH OTHER ORDERS.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDER ON **04.02.2026** COMING ON THIS DAY, **S.G.PANDIT J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE S.G.PANDIT
and
HON'BLE MR JUSTICE K.V.ARAVIND

CAV ORDER

(PER: HON'BLE MR JUSTICE S.G.PANDIT)

The State Authorities in the Department of Youth Empowerment and Sports are before this Court under Article 226 of the Constitution of India questioning the order dated 30.06.2025 in Application No.4741/2024 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') whereby the respondent's application for a direction to the petitioners to consider her case for regularization of her service in the cadre of Attender-cum-Sweeper with effect from the date she completed ten years of service with consequential benefits is allowed.

2. Brief facts of the case are that, it is the case of the respondent that she was appointed on consolidated/cumulative pay basis with the Sports School at Vydyanagar, Bengaluru, as Attender-cum-

Sweeper. The applicant, along with similarly placed persons approached the Tribunal in Application Nos.1366-1371/1999 with a prayer for regularization from the date of appointment. The Tribunal disposed of the same by order dated 26.07.2007, directing the respondent as well as similarly situated persons to make individual representations to the authorities concerned seeking regularization. Accordingly, it is stated that the respondent is said to have submitted a presentation and there was no action by the petitioners on the said representation. In the meanwhile, the respondent's consolidated pay was enhanced by order dated 20.08.2011 (Annexure-A4). It is stated that Annexure-A6 dated 28.06.2014, details of the applicant were sought and the Director, Youth Services and Sports Department, by letter dated 21.02.2015, forwarded the details of the respondent and recommended for consideration of

respondent's case under the Karnataka Daily Wages Employees' Welfare Act, 2012 (for short, '2012 Act'). Even to that, there was no response and no order was passed under 2012 Act.

3. It is stated that one Rajanna, Assistant Teacher in the same department, approached this Court in W.P.No.22179/2014 and this Court by order dated 11.01.2016 directed consideration of his case for regularization. Accordingly, vide order dated 30.06.2017 of the petitioners, services of the said Rajanna was regularized. On the similar lines, respondent requested for consideration of her case for regularization by making representation dated 03.01.2024. As there was no action, the respondent approached the Tribunal in the above stated application seeking regularization of her services, stating that she is working as Attender-cum-Sweeper

for more than 29 years and she would be entitled for regularization.

4. The Tribunal on consideration of the case of the respondent and on placing reliance on the latest decisions of the Hon'ble Apex Court in **JAGGO VS. UNION OF INDIA AND OTHERS**¹ directed the petitioners to consider the representation dated 03.01.2024 for regularization of services of the respondent as Attender-cum-Sweeper effective from the date of her completion of 10 years of service with consequential benefits. Aggrieved by the said order, the State Authorities are before this Court in this writ petition.

5. Heard learned Additional Government Advocate Sri.Vikas Rojipura for petitioners, learned senior counsel Sri.M.S.Bhagawath for Sri.K.Sathish,

¹ 2024 SCC OnLine SC 3826

learned counsel for the respondent. Perused the entire writ petition papers.

6. Learned Additional Government Advocate Sri.Vikas Rojipura, in addition to the grounds urged in the memorandum of writ petition, submits that the respondent would not be entitled for consideration of her case for regularization since her appointment is irregular/illegal. Further, learned Additional Government Advocate would submit that the respondent is not appointed through regular selection process and the employees who have entered from back door would not be entitled for regularization.

7. Learned Additional Government Advocate would further submit that the respondent would not fulfill the conditions laid down by the Hon'ble Apex Court in the case of **SECRETARY, STATE OF KARNATAKA AND OTHERS Vs. UMADEVI (3) AND**

OTHERS². Particularly, learned Additional Government Advocate would submit that the respondent is not appointed to a sanctioned post nor she would possess the qualification required for the post of Attender-cum-Sweeper. Learned Additional Government Advocate would place reliance on the various decisions of the Hon'ble Apex Court contend that including **UMADEV**I (supra) to contend that irregularly and illegally appointed persons would not be entitled for regularization and also to contend that the daily wager appointed contrary to law would not get right to seek regularization. Thus, he would pray for allowing the writ petition by setting aside the order passed by the Tribunal.

8. On the other hand, learned senior counsel Sri.M.S.Bhagawath for respondent would contend that the respondent has served more than 29 years in the

² (2006) 4 SCC 1

petitioners' department and she would be entitled for regularization. Learned senior counsel would submit that the respondent was appointed to a sanctioned post by the competent authority and as on the date of her appointment, there was no qualification prescribed for the post of Attender-cum-Sweeper. Therefore, there is no merit in the contention of the learned Additional Government Advocate and he prays for rejection of the said contention that the respondent would not fulfill the criteria prescribed under **UMADEVI** (supra). Learned senior counsel in the matter of regularization, places reliance on the latest decision of the Hon'ble Apex Court in **JAGGO** (supra) and also **DHARAM SINGH AND OTHERS vs. STATE OF U.P. AND ANOTHER**³. Thus, he would support the order passed by the Tribunal and prays for dismissal of the writ petition.

³ 2025 SCC Online SC 1735

9. Having heard the learned counsel appearing for the parties and on perusal of the entire writ petition papers, the point which falls for our consideration is as to,

In the facts and circumstances of the case, whether the impugned order passed by the Tribunal warrants interference?

10. Answer to the above point would be in the Negative for the following reasons:

The petitioners would not dispute the appointment of the respondent as Attender-cum-Sweeper on 06.07.1995 on the consolidated/cumulative pay basis with the Sports School at Vidyanagar, Bengaluru. The petitioners would also not dispute the services rendered by the respondent for more than 29 years and continuance of the respondent as Attender-cum-Sweeper as on this date. It is also a fact that the respondent as on the date of making application before the Tribunal had completed

nearly 29 years and as on this date she has completed nearly 30 years of service as Attender-cum-Sweeper.

11. The main contention of the learned Additional Government Advocate for petitioners is that the respondent was not appointed to a sanctioned post and would not fulfill the criteria laid down by the Hon'ble Apex Court in **UMADEVI** (supra). The post of Attender-cum-Sweeper in sports school is one of the essential post and as the respondent was continued for this length of time i.e., more than 30 years, the petitioners were in need of her service. Having taken respondents service for these many years, at this length of time, when the question of regularization has cropped up, it is not open for the petitioners to contend that respondent has no qualification, that too a Group-'D' post of 'Attender-cum-Sweeper'.

12. The Tribunal taking note of the fact that the respondent has completed more than 29 years service and respondent has completed 10 years of continuous service as on 06.07.2005 and taking note of the continuance of the respondent's service, directed regularization. We do not find any error in the facts and circumstances of the case.

13. The Hon'ble Apex Court in ***DHARM SINGH AND OTHERS*** (supra) after noticing ***UMADEVI*** (supra) and subsequent cases in the matter of regularization at paragraph 13, 17 and 18, it observed as follows:

"13. As we have observed in both Jaggo (Supra) and Shripal (Supra), outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. The Commission's further contention that the appellants are not "full-time" employees but continue only by virtue of

interim orders also does not advance their case. That interim protection was granted precisely because of the long history of engagement and the pendency of the challenge to the State's refusals. It neither creates rights that did not exist nor erases entitlements that may arise upon a proper adjudication of the legality of those refusals.

17. *Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a*

talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. *Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running."*

14. A Co-ordinate Bench of this Court in the case of **SRI THYAGARAJU VS. THE STATE OF**

KARNATAKA AND ANOTHER⁴ considering identical contention raised by the petitioners/State, at paragraphs 21, 22, 23, 24 and 25 has held as follows:

"21. The contention of the State that the appointment of the petitioner is contrary to Article 14 and as the appointment of the petitioner is contrary to Constitutional Scheme, he would not be entitled for regularization is untenable and cannot be countenanced. It is too late in the day after having continued the petitioner on temporary/daily wage basis for more than 35 years, the contention that the appointment of the petitioner is contrary to Article 14 and Constitutional Scheme, is misplaced. It is not open at this length of time for the State to contend that the petitioner's appointment is illegal. It is for the State to think and take a decision before appointing a person on temporary basis. A person who is offered employment on daily wage or temporary basis would have no choice in the days of unemployment and he would be compelled to accept employment on temporary

⁴ W.P.No.3805/2023 DATED 14.07.2025

or daily wage basis due to pressing needs. The State, after appointing a person on daily wage or temporary basis, cannot be permitted at this length of service to contend that his appointment is contrary to Article 14 or Constitutional Scheme. The State has an obligation to comply Article 14 and Constitutional Scheme before making appointment. Having made appointments even to say contrary to Article 14 and Constitutional Scheme, it cannot blame the employee for accepting such employment, that too after 35 years.

22. *Learned Additional Government Advocate places reliance on the decision in **UPENDRA SINGH** (supra) to contend that a daily wager who is appointed contrary to law is not entitled for regularization. The decision in **UPENDRA SINGH** (supra) places reliance on the decision of the Hon'ble Apex Court in **UMADEVI (3)** (supra). Paragraph 53 of the **UMADEVI (3)** (supra) provides for regularization of a daily/temporary employee on certain circumstances, if he fulfills the conditions laid down therein. Since the*

*petitioner herein fulfills the criteria laid down for regularization in **UMADEVI (3)** (supra), the decision of the Hon'ble Apex Court in **UPENDRA SINGH** (supra) would not be an impediment to consider the case of the petitioner for regularization. Moreover, based on the facts, we have come to the conclusion that the petitioner was appointed to a vacant post of Hawaldar, as indicated in the order of appointment dated 27.12.1984 (Annexure-A8).*

23. *The Hon'ble Apex Court in the case of **STATE OF KARNATAKA AND OTHERS VS. M.L.KESARI AND OTHERS**⁵ explained its earlier decision in **UMADEVI (3)** (supra), at paragraphs 7, 8 and 11, which we reproduce as follows:*

"7. It is evident from the above that there is an exception to the general principles against "regularisation" enunciated in Umadevi (3) [(2006) 4 SCC 1], if the following conditions are fulfilled:

(i) The employee concerned should have worked for 10 years or more in duly

⁵ (2010) 9 SCC 247

sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

(ii) The appointment of such employee should not be illegal, even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular.

8. *Umadevi (3) [(2006) 4 SCC 1] casts a duty upon the Government or instrumentality concerned, to take steps*

to regularise the services of those irregularly appointed employees who had served for more than ten years without the benefit or protection of any interim orders of courts or tribunals, as a one-time measure. Umadevi (3) [(2006) 4 SCC 1] directed that such one-time measure must be set in motion within six months from the date of its decision (rendered on 10-4-2006).

11.*The object behind the said direction in para 53 of Umadevi (3) [(2006) 4 SCC 1] is twofold. First is to ensure that those who have put in more than ten years of continuous service without the protection of any interim orders of courts or tribunals, before the date of decision in Umadevi (3) [(2006) 4 SCC 1] was rendered, are considered for regularisation in view of their long service. Second is to ensure that the departments/instrumentalities do not perpetuate the practice of employing persons on daily-wage/ad hoc/casual basis for long periods and then*

periodically regularise them on the ground that they have served for more than ten years, thereby defeating the constitutional or statutory provisions relating to recruitment and appointment. The true effect of the direction is that all persons who have worked for more than ten years as on 10-4-2006 [the date of decision in Umadevi (3) [(2006) 4 SCC 1]] without the protection of any interim order of any court or tribunal, in vacant posts, possessing the requisite qualification, are entitled to be considered for regularisation. The fact that the employer has not undertaken such exercise of regularisation within six months of the decision in Umadevi (3) [(2006) 4 SCC 1] or that such exercise was undertaken only in regard to a limited few, will not disentitle such employees, the right to be considered for regularisation in terms of the above directions in Umadevi (3) [(2006) 4 SCC 1] as a one-time measure.”

24. In the case of **JAGGO VS. UNION OF INDIA AND OTHERS**⁶, the Hon'ble Apex Court was considering the regularization of part time/contractual employee and at paragraphs 10, 12, 13, 14, 21 and 26, the Hon'ble Apex Court has observed as follows:

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.

12. Despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily and continuous basis over extensive periods,

⁶ 2024 SCC OnLine SC 3826

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.

13.*The claim by the respondents that these were not regular posts lacks merit, as the nature of the work performed by the appellants was perennial and fundamental to the functioning of the offices. The recurring nature of these duties necessitates their classification as regular posts, irrespective of how their initial engagements were labelled. It is also noteworthy that subsequent outsourcing of these same tasks to private agencies after the appellants' termination demonstrates the inherent need for these services. This act of outsourcing, which effectively replaced one set of workers*

with another, further underscores that the work in question was neither temporary nor occasional.

14.*The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service.*

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.

26. *While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as*

a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades."

25. *In the case on hand also, the petitioner is continued on daily wage/temporary basis for nearly 35 years. After extracting regular work from the petitioner, the action of the respondents in rejecting the petitioner's request for regularization at this length of time is wholly*

arbitrary, unreasonable and unfair and opposed to Article 21 of the Constitution of India.

The above decision of the Co-ordinate Bench would aptly apply to the facts of the present case also.

15. We do not find any merit in the writ petition. Accordingly, writ petition stands rejected.

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(K.V.ARAVIND)
JUDGE**

NC
CT: bms