IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2026:PHHC:062483

117 **Decided on: 18.04.2026**

1. CWP-35408-2025

NEERAJ RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

2. CWP-10047-2026

USHA RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

3. CWP-10050-2026

DINESH CHAUHAN AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

4. CWP-10051-2026

INDU KHURANA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

5. CWP-10274-2026

ANU RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

6. CWP-1673-2026

KULDEEP AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

7. CWP-1751-2026

KIRTI SAGAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

8. CWP-1753-2026

NIYAZ MOHD AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

9. CWP-1783-2026

KRISHNA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

10. CWP-1785-2026

SHEELA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

11. CWP-20352-2025

SANJO DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

12. CWP-2263-2026

ISHANT SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

13. CWP-2265-2026

MOHIT KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

14. CWP-24030-2025

PINKI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

15. CWP-2442-2026

HARISH KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

16. CWP-2517-2026

MINAKASHI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

17. CWP-26711-2025

HEM PRABHA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

18. CWP-28260-2025

KAUSHALYA RANI **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

19. CWP-29753-2025

GEETA MALHOTRA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

20. CWP-31472-2025

AMARJIT KAUR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

21. CWP-34619-2025

POONAM AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

22. CWP-34633-2025

SUNITA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

23. CWP-2871-2026

MANJU AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

24. CWP-32013-2025

BABITA AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

25. CWP-3224-2026

NEERAJ KUMARI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

26. CWP-324-2026

BEENA RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

27. CWP-3321-2026

JITENDER SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

28. CWP-3333-2026

BABLI RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

29. CWP-3449-2026

SANDEEP KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

30. CWP-3527-2026

HEM LATA AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

31. CWP-35443-2025

PARMILA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

32. CWP-35453-2025

ARUNA GAUTAM AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

33. CWP-35457-2025

JAMANA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

34. CWP-35459-2025

KAMALDEEP KAUR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

35. CWP-3575-2026

SUSHIL AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondents**

36. CWP-36764-2025

BIMLA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

37. CWP-36889-2025

KAMLESH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

38. CWP-36898-2025

PARKASH RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

39. CWP-36908-2025

SUNITA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

40. CWP-37411-2025

PAL KAUR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

41. CWP-37743-2025

KANTA RAI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

42. CWP-38124-2025

PUSHKAR DAHIYA AND ANOTHER **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

43. CWP-38126-2025

MONIKA MATTA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

44. CWP-3814-2026

ROMY JASWAL **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

45. CWP-38141-2025

DR HARISH MEHTA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

46. CWP-38142-2025

PREETI SHARMA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

47. CWP-38146-2025

SUDESH PAL AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

48. CWP-38172-2025

POONAM AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

49. CWP-38194-2025

SHIVANI KAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

50. CWP-3825-2026

MEENAKSHI KUMARI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

51. CWP-3828-2026

MONIKA VASHISHTHA AND ORS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

52. CWP-38483-2025

DR JITENDER MALIK AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

53. CWP-38670-2025

MAMTA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

54. CWP-39214-2025

PANKAJ FOGAAT AND ORS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

55. CWP-3942-2026

SUSHMA MANDERNA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

56. CWP-3974-2026

MUKESH KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

57. CWP-4112-2026

POONAM RANI AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

58. CWP-4464-2026

BHUPINDER PAL SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

59. CWP-4556-2026

SAMUNDERO AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

60. CWP-4571-2026

ANITA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

61. CWP-4574-2026

NISHA BAI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

62. CWP-4675-2026

ANIL KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

63. CWP-4676-2026

KUSUM DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

64. CWP-4677-2026

SAVITIRI DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

65. CWP-4692-2026

RAVINDER SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

66. CWP-4976-2026

NUTAN SINGH AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERSS **...Respondent(s)**

67. CWP-4995-2026

RAJVINDER KAUR AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

68. CWP-5382-2026

JYOTI SINGH **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

69. CWP-5857-2026(O&M)

BHAJAN LAL OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

70. CWP-6335-2026

SAROJ DEVI AND OTHERS **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

71. CWP-6253-2026

AMIT KUMAR **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

72. CWP-6336-2026

SONIA AND ANOTHER **...Petitioner(s)**

VERSUS

MISSION DIRECTOR NATIONAL HEALTH MISSION AND OTHERS **...Respondent(s)**

73. CWP-6397-2026

SATAR MOHAMMAD AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

74. CWP-6653-2026

RENU BALA **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

75. CWP-7251-2022

MOHAMMAD HASHIM **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

76. CWP-736-2026

GOMTI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

77. CWP-7853-2026

NISHA GAUTAM AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

78. CWP-7870-2026

SALIM MOHAMMAD AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

79. CWP-7916-2026

MITHLESH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

80. CWP-7861-2026

ASHIMA BAKSHI AND ANOTHER **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

81. CWP-8171-2026

MITHLESH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

82. CWP-8172-2026

KRISHAN KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

83. CWP-8597-2026

PALLAVI RANA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

84. CWP-8774-2026

SHEELA YADAV AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

85. CWP-8777-2026

PAWAN KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

86. CWP-9571-2026

SANDEEP SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

87. CWP-9756-2026

VISHNU MITTAL AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

88. CWP-9764-2026

SAHUN AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

89. CWP-9774-2026

ANTIMA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

90. CWP-9791-2026

RAKESH KUMAR MOR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

91. CWP-9801-2026

MONIKA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

92. CWP-9839-2026

ASHOK KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

93. CWP-9860-2026

SANJAY KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

94. CWP-9863-2026

SUNIL KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

95. CWP-9864-2026

MEENAKSHI SINGH AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

96. CWP-9883-2026

POONAM LOHIYA DABODIYA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

97. CWP-9925-2026

SUNIL AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

98. CWP-9926-2026

SATISH KUMAR DHIMAN AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

99. CWP-9944-2026

ALOK AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

100. CWP-9945-2026

ARUN KUMAR AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

101. CWP-9966-2026

SANTOSH RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

102. CWP-10549-2026

AASHA DEVI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

103. CWP-10380-2026

PRIYA RANI AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

104. CWP-11281-2026

AMITA AND OTHERS **...Petitioner(s)**

VERSUS

STATE OF HARYANA AND OTHERS **...Respondent(s)**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashwani Talwar, Sr. Advocate with
Mr. Lalit Narang, Advocate
Mr. Nikhil Sehrawat, Advocate
Mr. Deepak Goyat, Advocate
Mr. Vikas Malik, Advocate and
Ms. Komal Sidhu, Advocate
Mr. Rajat Mor, Advocate
Mr. Parambir Singh, Advocate
Mr. R.S.Dhull, Advocate
Mr. Tejpal Singh Dhull, Advocate with
Ms. Sneha Jakhar, Advocate
Mr. Rajesh Sharma, Advocate
Mr. Rajesh K. Sheoran, Advocate,
Mr. Hardeep Singh Poonia, Advocate and
Mr. Ojasvi Toak, Advocate
Mr. Aakash Juneja, Advocate
Mr. Chander Shekhar Sharma, Advocate
Mr. RS Kalra, Advocate with
Ms. Ashmit Kaur, Advocate and
Ms. Apurva Walia, Advocate
Mr. Sanjeev Kumar, Advocate

Mr. Aazam Khan, Advocate
Mr. RS Dhull, Advocate with
Mr. Navnit Sharma, Advocate
Mr. Ashwani Kumar Katter, Advocate
Mr. KDS Hooda, Advocate
Mr. Sanjeev Kumar, Advocate
Mr. Mazlish Khan, Advocate,
Mr. Mohd. Tarif, Advocate,
Mr. Vikrant Koundal, Advocate
Mr. Parambir Singh, Advocate
Ms. Parminder Kaur, Advocate and
Ms. Maneesha Kumari, Advocate
for the petitioner(s).

Mr. Maheshinder Singh Sidhu, Sr. Panel Counsel
(through hybrid mode) for respondent-UOI
in CWPs-38125-2025, 38126-2025, 38141-2025,
38142-2025, 38146-2025, 38172-2025, 38194-2025,
38483-2025, 38484-2025 and 38670-2025 and 8597-2026.

Ms. Divya Sharma, Sr. Advocate with
Mr. Karan Bhardwaj, Advocate and
Mr. Alankrit Bhardwaj, Advocate for respondent No.3-UOI in
CWP-3575, 9801, 9863, 9864, 9756, 9764, 9839, 9860, 9883,

9925, 9944, 9966, 9945 and 9791-2026.

Mr. Alankrit Bhardwaj, Advocate
for respondent No.6-UOI in CWP-35443-2025, 324-2026, 4675-2026, 4676-2026, 4677-2026, 24030-2025, 39214-2025, 7870-2026, 7916-2026, 7853-2026, 4571-2026, 4574-2026, 10047-2026, 9774-2026, 11281-2026 and 11407-2026.

Mr. Arvind Seth, Advocate
for respondent-UOI in CWP-3942-2026, 32013-2025, 35408-2025, 31472-2025, 34619-2025, 34633-2025, 35453-2025, 3974-2026, 4464-2026, 6653-2026, 35457-2025, 35459-2025, 36764-2025, 36889-2025, 36898-2025, 36908-2025, 37411-2025, 37743-2025, 38126-2025, 3814-2026, 3825-2026, 3828-2026, 3333-2026, 3449-2026, 3321-2026, 8172-2026, 8774-2026, 8777-2026 and 5857-2026.

Mr. Deepak Balyan, Addl. AG Haryana and
Mr. Teevar Sharma, DAG Haryana for the respondent-State

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Sandeep Moudgil, J. (Oral)

Vide this common order, this Court intends to dispose off all the above-said petitions together as common question of law is involved therein. For the sake of brevity, the facts are being taken from ***CWP-35408-2025 titled as "Neeraj Rani and others vs. State of Haryana and others"***

Prayer:

1. The present petition seeks issuance of a writ of mandamus directing the respondents to regularize their services, who have been working for over a decade, on the posts held by them from the date of their initial appointment, along with all consequential benefits, including arrears and promotions. A further direction is sought restraining the respondents from making regular appointments in the same or similar cadre to the detriment of the petitioners along with any other appropriate order or direction in the interest of justice is also prayed for.

Factual Conspectus:

2. All the petitioners before this court have been appointed in the terms of the guidelines on human resources for the National health mission 2022 and are employed under the National Rural Health Mission (now subsumed under the

National Health Mission), a programme conceived to strengthen public health delivery, particularly in rural and underserved areas, through the State Health Society constituted under the administrative control of the State Government.

3. The State Health Society, Haryana, functions as the implementing arm of the Mission, with its governing structure chaired by the Chief Minister of the State. Its mandate includes execution of health programmes, administration of funds, and augmentation of public health infrastructure.

4. In furtherance of the objectives of the Mission, the respondents issued advertisements for various posts, including that of Auxiliary Nurse Midwives (ANMs) and other health functionaries. The petitioners were selected pursuant to such advertisements, through a process involving scrutiny of qualifications and preparation of merit lists by duly constituted selection committees.

5. The appointments were made on contractual terms, initially for limited durations, but were extended from time to time, resulting in uninterrupted service of more than a decade in several cases.

6. It is not in dispute that the petitioners have continuously discharged duties integral to the public health system, including clinical, technical, and field-level functions, and have done so without any adverse remark throughout their tenure.

7. The record further indicates that policy communications vide letter D.O. No.10(37)/20011-NRHM-I dated 21.12.2011 (Annexure P-3) and U.O. No.87/2021-2022/DP dated 03.01.2022 (Annexure P-5) at various stages contemplated a transition from contractual engagements to creation of regular posts in order to sustain the functioning of the Mission. However, no such transition has been effected in respect of the petitioners.

8. It has also been brought on record that similarly situated employees in certain instances have been considered for regularisation, though no consistent policy has been put in place which could be applied to the petitioners.

9. In this background, the petitioners, having rendered long and continuous service in the service of a State health mission, seek consideration for regularisation and parity in service conditions.

SUBMISSIONS

ON THE BEHALF OF PETITIONERS

10. Learned counsel appearing for the petitioners submits as follows:

I. **Continuous Service:** The petitioners have served the public health system without break for long years. They have worked as staff nurses, lab technicians, sanitation workers, drivers and in other essential roles. Their duties are not casual or temporary. The work is of a permanent and continuing nature. The system itself has expanded and continues to depend on them. Such sustained service over more than a decade must weigh in favour of their claim for regularization.

II. **Relationship with the State:** The appointments were made by the Civil Surgeons of the districts. Appointment letters were issued by them as the competent authority authority. The petitioners have worked under the direct control and supervision of the State machinery. Funding may partly come from the Centre. But control and administration rest with the State Health Mission and the State Government. The State cannot avoid responsibility by shifting the burden elsewhere.

IV. **Nature of Appointment:** The petitioners were engaged under the Human Resources Guidelines. Clause 4.1 describes the engagement as contractual. Clause 5.1 requires a proper process of recruitment similar to regular appointments. In substance the petitioners discharge the same functions as regular employees. Their appointments though termed contractual have been renewed

again and again. This has resulted in uninterrupted service for over eleven years. Their duties are identical to those in the regular cadre and are essential to the institution.

V. **Claim for Regularization:** In these circumstances the petitioners assert a right to be considered for regularization. Long service cannot be ignored. The principle of equal pay for equal work also applies. They cannot be left in a state of perpetual contractual uncertainty when the work they perform is permanent in nature.

ON THE BEHALF OF STATE

11. Learned counsel appearing for the respondents/State submits as follows:

I. **No Enforceable Legal Right:** At the outset, it is submitted that the petitioners have failed to demonstrate the existence of any enforceable legal or statutory right. In the absence of any provision, rule or policy conferring a right to regularisation, the relief sought cannot be granted.

II. **Engagement is Purely Contractual and Binding:** The petitioners' engagement is governed entirely by the terms of their contractual appointment, which expressly stipulate that the engagement is tenure-based and does not confer any right to regularisation or absorption. The petitioners, at the time of engagement, have consciously accepted the condition that no claim for regularisation shall be maintainable, and are therefore bound by such stipulation. Having entered into the engagement with full knowledge of its terms, they cannot now seek to assert a claim contrary thereto.

III. **Scheme-Based Employment is Inherently Temporary:** The petitioners are engaged under the National Health Mission, which is a centrally sponsored scheme operating on a defined funding pattern, wherein the financial burden is shared between the Union and the State Governments in the ratio of 60:40. The scheme is project-based in nature, implemented through periodic

approvals, and its continuance is contingent upon allocation of funds and approval of competent authorities.

The posts under the said scheme are not part of the regular establishment of the State, but are purely project-specific and co-terminus with the duration of the scheme. In such a framework, the State does not possess unilateral authority to convert such engagements into permanent appointments, nor can it be compelled to assume a permanent financial liability arising out of a time-bound, centrally structured programme.

IV. **No Sanctioned Posts :** The appointments are not against any sanctioned posts in the regular establishment. In the absence of sanctioned cadre posts, regularisation is legally impermissible and any such direction would amount to creation of posts, which lies beyond judicial competence.

V**.** **No Viability: T**he State Government is functioning under significant financial constraints and budgetary limitations, and the expenditure under various welfare schemes, including the National Health Mission, is strictly governed by approved allocations from the Union Government and corresponding State share. The funds released under such schemes are earmarked and cannot be diverted for creation of permanent liabilities or regular establishment posts. The financial structure of the scheme itself demonstrates that the engagement of the petitioners is purely project-based and dependent on availability of sanctioned funds for a limited duration. In such circumstances, directing regularisation would impose an unforeseen and continuing financial burden on the State exchequer, which is neither contemplated under the scheme nor administratively feasible.

ON BEHALF OF UNION OF INDIA

12. Though, during the course of hearing today, no substantial submissions were advanced except the contention that the petitioners are engaged by the State, however, upon consideration of the short counter affidavit filed on behalf of the respondent–Union of India, the following contentions emerge:

I. **Not Necessary Party:** Respondent/ UOI is neither a necessary nor a proper party to the present proceedings, inasmuch as no enforceable cause of action or relief is made out against it.

2. **Administrative Domain of the State:** The subject matter of the present petition pertains to "public health and hospitals", which falls within the domain of the State List (Entry 6, List II) under the Constitution of India. Consequently, all matters relating to recruitment, service conditions, and regularization of personnel lie exclusively within the jurisdiction of the respective State Government. It is asserted that under the National Health Mission (NHM), its role is confined to providing policy framework, technical support, and financial assistance to the States/Union Territories. It does not exercise any administrative, supervisory, or disciplinary control over the personnel engaged thereunder.

4. **No Employer- Employee Relationship:** The engagement of the petitioners has been undertaken by the State authorities in accordance with their requirements, and therefore, no service-related claim can be maintained against the Union of India. It is submitted that the human resources engaged under NHM are appointed on a contractual basis by the States/UTs. The terms and conditions of such engagement, including continuation, regularization, or termination, are determined solely by the concerned State authorities. It is also submitted that the financial assistance extended by the Union of India under NHM, including the cost-sharing pattern, does not confer any administrative control or legal obligation upon respondent/union of india with respect to the employees engaged by the States.

13. Heard

Canvas of the Present Case

14. Out of the factual backdrop and contentions the dispute can be culled out that it is not in dispute that the petitioners have been engaged under the National Health Mission pursuant to a duly notified selection process. Their

appointments were preceded by issuance of advertisements, scrutiny of qualifications, and preparation of merit lists by competent selection committees. Appointment letters were issued by the state through its competent authorities, including the offices of the Civil Surgeons, and the petitioners thereafter joined service in various capacities.

15. The facts speak for themselves as the petitioners have continued in service without interruption for a considerable period extending beyond a decade. Though their initial appointments were for limited durations and described as contractual, the same have been renewed from time to time, resulting in continuous engagement co-extensive with the functioning of the Mission. There is no material placed on record to show any break in service, any adverse remarks against them during this period or the fact that their services are no longer required by the state.

16. The nature of duties discharged by the petitioners is also not in dispute. They have been working as Auxiliary Nurse Midwives (ANMs), staff nurses, lab technicians, and in other allied roles. The work performed by them relates directly to clinical services, diagnostics, field-level implementation, and other essential components of public healthcare delivery. The respondents have not demonstrated that such duties are temporary, seasonal, or project-specific in a limited sense. On the contrary, the continued requirement of such services is evident from the repeated extensions granted to them.

17. It is further an admitted position by the State Counsel that The National Health Mission project operates as a continuing programme aimed at strengthening public health infrastructure and service delivery, particularly in rural and underserved areas. The Mission has been in operation for several years and continues to function, with no material placed to suggest its closure or discontinuance in the foreseeable future.

18. The funding pattern of the Mission is also not in dispute. It is a centrally sponsored scheme with a cost-sharing ratio of 60:40 between the Union and the State. However, the implementation of the scheme, including engagement of human resources, is undertaken through the State Health Society functioning under the administrative control of the State Government. The petitioners were appointed by State authorities, their duties are assigned and supervised by officers of the State, and their work is integrated into the State's health delivery system. Their remuneration is disbursed through the State's implementing machinery, though sourced from scheme funds.

19. It is also not denied that the services rendered by the petitioners have been continuously utilized for the purposes of the Mission, and that they form part of the operational framework through which public health services are delivered. The respondents have not placed any material to indicate that the roles performed by the petitioners are either redundant or no longer required.

20. The record thus reflects that while the engagement of the petitioners is described in form as contractual under a scheme-based framework, in substance it has been continuous, against functions which are essential, recurring, and integral to the State's public health obligations, carried out under its control and supervision, and sustained over a long period of time. Though no policy has been relied upon by the petitioners but they are claiming regularization only on the basis of continuity and length of service and are seeking support from the judicial pronouncements of this court and the Apex court.

Ambit of judicial oversight:

21. At the outset, this court is mindful of the fact that ordinarily, the authority to create or abolish posts lies within the exclusive domain of the Executive. It is equally for the Executive to determine the conditions of service, subject, of course, to any law enacted by the competent legislature. Such conditions may be prescribed either through rules framed under the proviso to

Article 309 of the Constitution or, in the absence of such rules, through administrative instructions issued in exercise of executive power.

22. The role of the Court in this sphere is necessarily limited. It intervenes not to supplant executive discretion, but to ensure that such discretion is exercised in conformity with fundamental rights, statutory mandates, and governing rules or instructions. Its primary concern is the preservation of the rule of law and the assurance that the State acts with fairness, consistent with the guarantees under Articles 14 and 16.

23. This obligation of fairness carries with it a corresponding restraint, the State cannot be permitted to exploit its employees or to derive advantage from the vulnerability of those seeking employment or already in service. The State, as repeatedly emphasised, is expected to function as a model employer. It is in this context that the Courts have disapproved the practice of keeping individuals in a temporary or ad hoc capacity for unduly long periods. Where such continuance persists, it justifies an inference that the work is of a permanent nature and that a regular post is warranted, leading the Court to consider appropriate directions for regularisation.

THE DOCTRINAL BEDROCK

24. One must remember that public employment in India is governed by the equality mandate of Articles 14 and 16 of the Constitution. These provisions are not matters of form, but of substance as they require that access to State employment be fair, transparent, and non-arbitrary. The right is not to appointment, but to equal opportunity, and to a process that is just in both design and application.

25. At the same time, employment under the State is closely bound with the right to livelihood, which stands recognised as part of the right to life under Article 21. For many, it is not merely a source of income, but of dignity and

security. The Constitution, therefore, does not permit a framework where fairness is observed in appearance but denied in reality. When the State employs, it does not act as an ordinary master and is held to a higher standard. As a model employer, it is expected to act with fairness, consistency, and a sense of public duty. Its decisions must reflect not only legality, but also reasonableness in their effect.

26. This court is of the view that a welfare State cannot justify arrangements that keep individuals in a state of prolonged uncertainty where the need for work is continuous. Administrative convenience cannot displace constitutional obligation.

A MERE CONTRACTUAL ENGAGEMENT?

27. The present lis cannot be adjudicated upon by imprisoning it within the narrow walls of a contract, as though the Constitution were a silent spectator and the State a mere trader, striking bargains in the marketplace, stepping towards commercialization. Such an approach, though convenient, would be constitutionally impoverished as it would reduce a living issue of public employment to a lifeless recital of terms, ignoring the deeper currents that animate the relationship between the State and those who serve it.

28. To put it differently the employment being dealt with is no ordinary commercial engagement but an engagement under the authority of the State, which carries with it, the imprint of constitutional obligation. The State does not shed its character when it enters into contracts but instead it remains bound by the discipline of fairness, the mandate of equality, and the conscience of the Constitution. This court can not countenance such abdication. Where the State acts, it must act justly and where justice demands a broader gaze, the Court will not be constrained by the fine print of a contract. A course of action which, though clothed in contractual form, results in manifest unfairness cannot receive the Imprimatur of the Court.

29. The court also cannot lose sight of the fact that employment under the State is a source of livelihood and stability for many as it sustains not merely individuals but, in a broader sense, the functioning of public institutions themselves. The application of contractual principles, therefore, must yield where they come into conflict with constitutional mandates. The State, while entitled to structure its engagements, cannot do so in a manner that defeats the guarantees of fairness and equality.

Contractual Terms Bow to Fundamental Rights

30. Even otherwise, the mere acceptance of such stipulations cannot be construed as a surrender of constitutional protections. To hold that an employee, by entering into a contract with the State, has waived the guarantee of equality would be to invert the constitutional scheme itself. Fundamental rights are not matters of private disposition; they are limitations upon State power. They do not ebb and flow with consent, nor can they be bartered away through the device of a contractual clause. This view of mine derives its strength from the landmark judgement of the Supreme court in ***"Basheshar Nath v. Commissioner of Income-tax, Delhi and Rajasthan 1958 INSC 102"***.

31. Thus, it must be remembered that the relationship here is not one of private autonomy in its pure form. It is one where the State, clothed with authority, structures the terms of engagement within a public framework. In such a setting, to treat contractual acceptance as a waiver of constitutional safeguards would enable the State to do indirectly what it cannot do directly, namely, to bypass the discipline of Articles 14 and 16 by drafting terms that immunise its actions from scrutiny.

32. This Court is of the considered view that the relationship between the State and its employees cannot be examined as though both parties stand on equal footing. In matters of public employment, the State invariably occupies a position

of overwhelming dominance by virtue of its authority, financial strength and control over the conditions of engagement, whereas the employee, particularly one seeking continuation of livelihood, is left with little meaningful bargaining capacity. Any assumption of parity between the two would be wholly artificial and contrary to the realities governing such engagements.

33. It is, therefore, the constitutional obligation of the Courts to ensure that such imbalance does not result in arbitrariness or exploitation. Employees cannot be expected to silently yield to conditions imposed by an overwhelmingly dominant employer merely because of economic compulsion or insecurity of tenure. Constitutional protections exist precisely to ensure that fairness prevails in such relationships and that the might of the State is exercised within the bounds of equity, reasonableness and constitutional morality. This stance adopted by this court gains strength from the recent dictum of the Apex court in ***"Bhola Nath v. State of Jharkhand 2026 INSC 99"***. Thus this court must lean against an interpretation that result in manifest injustice to many.

Exploitation Camouflaged as Contractual Engagement

34. What stares the court in the face is that the vice lies not merely in the origin of the engagement, but in its prolongation. Year after year of renewals, without a corresponding effort to bring the engagement within the fold of a lawful recruitment process, bespeaks not necessity but neglect. The Constitution does not countenance a regime where the State draws upon regular labour while denying the structure of regular employment. Such temporary engagement in perpetuity wears the mask of administration, but carries the mark of arbitrariness.

35. Thus to allow such arrangements to continue indefinitely is to invert that principle. It reflects not necessity, but an avoidance of obligation. The State is not at liberty to organise its workforce on makeshift lines where the requirement is plainly enduring. Public employment must be structured in accordance with law,

and not allowed to drift into a system where temporariness becomes the norm and regularity the exception.

36. A clear thread of this principle may be traced in the jurisprudence on regularization, as it has developed through a consistent line of judicial pronouncements. The evolution of the law reflects an increasing insistence that public employment cannot be structured on temporary or makeshift lines, and that such practices must ultimately yield to the discipline of the constitutional scheme.

Locked into Contracts Endlessly

37. The law on regularization in public employment has travelled a long and, at times, uneven path shaped by the tension between equitable considerations and constitutional discipline. An appointment made in the teeth of statutory rules or *dehors* the constitutional scheme was held to be void incapable of being sanctified by length of service.

38. However, the subsequent phase witnessed a perceptible shift, where the Court moved by the realities of prolonged and precarious employment and extended relief on considerations of fairness. In ***Daily Rated Casual Labour employed under P and T Department v. Union of India (1988)1 SCC 122*** and ***Dharwad District PWD Literate Daily Wage Employees Association v. State of Karnataka 1990 INSC 54***, directions were issued for absorption and regularisation of workers who had rendered long years of service. The emphasis, in these decisions, was less on the legality of entry and more on the inequity of continued casualisation.

39. However this approach though rooted in a humane impulse, left a doctrinal looseness it did not fully reconcile such directions with the constitutional requirement of open and fair recruitment under Articles 14 and 16 of the Constitution.

40. This tension became evident in the judgement of the Supreme Court in ***State of Haryana v. Piara Singh, 1992(3) SCT 201,*** where the court articulated

a practical constitutional ethic that regular recruitment is the norm and ad hoc engagement may be compelled by exigency but an ad hoc employee should not be replaced by another ad hoc employee. It was held as under:

> *25. Before parting with the case we think it appropriate to say a few words concerning the issue of regularisation of ad hoc/temporary employees in Government Service.*
>
> *The normal rule, of course, is regular recruitment trough the prescribed agency but exigencies of administration may sometimes call for an ad hoc or temporary appointment to be made. In such a situation, effort should always be to replace such an adhoc/temporary employee by regularly selected employee as early as possible. Such a temporary employee may also compete along with others for such regular selection/appointment. If he gets selected, well and good, but if he does not, he must give way to the regularly selected candidate. The appointment of regularly selected candidate can not be withheld or kept in abeyance for the sake of such an ad hoc/temporary employee.*
>
> *Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority.*
>
> *Thirdly, even where an ad hoc or temporary employment is necessitated on account of the exigencies of administration, he should ordinarily be drawn from the employment exchange unless it cannot brook delay in which case the pressing cause must be stated on the file. If no candidate is available or is not sponsored by the employment exchange, some appropriate method consistent with the requirement of Article 16 should be followed. In other words, there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly.*
>
> *An unqualified person ought to be appointed only when qualified persons are not available through the above processes.*
>
> *If for any reason, an ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularisation provided he is eligible and qualified according to rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State.*
>
> *The proper course would be that each State prepares a scheme, if one is not already in vogue, for regularisation of such employees consistent with its reservation policy and if a scheme is already framed, the same may be made consistent with our observation herein so as to reduce avoidable litigation in this behalf. If and when such person is regularised he should be placed immediately below the last*

> *regularly appointed employee in that category, class or service, as the case may be."*

41. However a course correction was initiated in ***A. Umarani v. Registrar, Cooperative Societies 2004(4) SCC 728***, where the Supreme Court held that appointments made in violation of mandatory statutory provisions are nullities and cannot be regularised. It was observed that,

> *"36. Provisions of the Act and the Rules framed thereunder reflect the legislative recruitment policy. The said provisions are, thus, mandatory in nature.*
>
> *37. Regularisation in our considered opinion, is not and cannot be the mode of recruitment by any "State" within the meaning of Article 12 of the Constitution of India or any body or authority governed by a Statutory Act or the Rules framed thereunder. It is also now well-settled that an appointment made in violation of the mandatory provisions of the Statute and in particular ignoring the minimum educational qualification and other essential qualification would be wholly illegal. Such illegality cannot be cured by taking recourse to regularisation.*
>
> *38. It is equally well-settled that those who come by backdoor should go through that door.*
>
> *39. Regularisation furthermore cannot give permanence to an employee whose services are ad-hoc in nature."*

42. This reasoning culminated in the Constitution Bench decision in ***"State of Karnataka v. Uma Devi(2006) 4 SCC 1"***, which brought doctrinal clarity and restraint. The Court held, in no uncertain terms, that regularisation cannot be a mode of recruitment, and that adherence to Articles 14 and 16 is non-negotiable. It rejected the notion that long service, by itself, can ripen into a right to permanence. At the same time, the Court, mindful of existing realities, carved out a narrow window for regularization:

1.1.1) The appointment must be irregular and not illegal.

1.1.2) The engagement must be against a duly sanctioned post.

1.1.3) The employee must possess the requisite qualifications for the post.

1.1.4) The appointment should not be in clear violation of Articles 14 and 16 of Constitution. (i.e. not a backdoor or arbitrary entry).

1.1.5) The employee must have worked for a long and continuous period (as understood in the one-time exercise).

1.1.6) The continuation in service should be without protection of interim court orders.

1.1.7) Regularisation, if any, is to be considered only as a one-time measure by the State, not as a recurring right.

43. Clarifying the application of ***Uma Devi (supra)***, a two judge bench of Supreme Court in ***Nihal Singh v. State of Punjab, (2013) 14 SCC 65*** had occasion to consider question of regularization of Special Police Officers (SPOs) appointed under section 17 of Police Act, 1861. A division bench of this court relying upon of an earlier judgment of this court dismissed petitions of 20 SPOs and matter travelled to Apex Court which turned down claim of the respondent-State of Punjab that there are no sanctioned post to absorb appellants despite their service of decades. The court held that State cannot take undue advantage of judgment of Supreme Court in ***Uma Devi (supra)***. The said judgment cannot become licence for exploitation by the State. After availing services for decades, it is not justified for the State to take a defence that there are no sanctioned posts to absorb the appellants.

44. In ***Narendra Kumar Tiwari vs. State of Jharkhand and others, (2018) 8 SCC 238***, the Apex Court dealt with denial of regularization and held that the State of Jharkhand has continued with irregular appointments for almost a decade after decision in Uma Devi's case (supra) and it was nothing but exploitation of the employees by not giving them their benefits. Resultantly, it was held that if they had completed 10 years of service, they were to be regularized unless there is valid objection to their regularization. Resultantly, the order of the High Court was set aside which had itself placed reliance upon Uma Dev's case (supra). The relevant portion reads as:-

> *"7. The purpose and intent of the decision in Umadevi (3) was therefore two-fold, namely, to prevent irregular or illegal appointments in the future and secondly, to confer a benefit on those who had been irregularly appointed in the past. The fact that the State of Jharkhand continued with the irregular appointments for*

> *almost a decade after the decision in Umadevi (3) is a clear indication that it believes that it was all right to continue with irregular appointments, and whenever required, terminate the services of the irregularly appointed employees on the ground that they were irregularly appointed. This is nothing but a form of exploitation of the employees by not giving them the benefits of regularisation and by placing the sword of Damocles over their head. This is precisely what Umadevi (3) and Kesari sought to avoid.*
>
> *****
>
> *10. Under the circumstances, we are of the view that the Regularisation Rules must be given a pragmatic interpretation and the appellants, if they have completed 10 years of service on the date of promulgation of the Regularisation Rules, ought to be given the benefit of the service rendered by them. If they have completed 10 years of service they should be regularised unless there is some valid objection to their regularisation like misconduct etc.*
>
> *****
>
> *12. We may add that that it would be worthwhile for the State of Jharkhand to henceforth consider making regular appointments only and dropping the idea of making irregular appointments so as to short circuit the process of regular appointments. "*

45. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as noticed by the Supreme Court in ***Jaggo v. Union of India 2024 SCC Online SC 3826*** in the following terms. The Court observed that the continued engagement of employees on temporary or contractual terms for years together, despite the work being perennial in nature, cannot be justified merely on administrative grounds. It was further emphasized that such practices, particularly when adopted by State instrumentalities, defeat the principles of fairness and security in public employment. The State, being a model employer, is expected to ensure that its employment practices conform to constitutional standards and do not perpetuate uncertainty or exploitation under the guise of temporary arrangements. It was observed that,

> *"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations"*

46. Similarly, in ***Shripal v. Nagar Nigam, Ghaziabad, 2025 SCC OnLine SC 221***, the Supreme Court followed the tenets of ***Jaggo (supra***) and directed the respondents to reinstate the workmen, who had rendered prolonged service, in their respective posts in Nagar Nigam. The relevant paragraph of ***Shripal (supra)*** reads as under:

> *"14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are "illegal" and those that are "irregular," the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor-based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices."*

47. These pronouncements of the Apex Court unmistakably reveal a judicial concern that prolonged continuation of contractual

employment, under the guise of engagement year after year, sits uneasily with fairness in labour relations. Such a practice, though dressed in contractual form, often reflects a reality of economic dependence and inequality of bargaining power. The Court has therefore frowned upon arrangements which, in substance, reduce work to a state of prolonged insecurity, running contrary to the humane and welfare-oriented ethos underlying labour jurisprudence. In essence, what is contractual in form cannot be permitted to become exploitative in effect, nor allowed to dilute the dignity of labour or the promise of fair treatment in service conditions.

Regularisation in Scheme-Based Projects

48. There is yet another aspect of the matter that compels a closure judicial scrutiny by this Court as the rights flowing from employment cannot remain frozen by the nomenclature and the terms of the initial appointment, even where the nature of service has undergone a complete transformation over time. The petitioners have continued for years performing duties identical to those discharged by regular employees, against work of a perennial nature, and their engagement itself arose through a process akin to regular recruitment. In such circumstances, the substance of the employment relationship must prevail over the label originally attached to it. Guidance may be derived from the judgement of the Apex court in ***Vinod Kumar v. Union of India, (2024) 9 SCC 327*** wherein the court dealt with a case where employments were made under a scheme and the appellants before the Supreme Court, in this case, were appointed as Accounts Clerks under a temporary scheme based arrangement, albeit after a selection process involving written test and viva voce. On the date when the judgment was rendered by the Supreme Court, they had been working continuously on the said posts for over 25 years. They petitioned the Central Administrative Tribunal, seeking regularization. The Tribunal, as well as thereafter the High Court, dismissed the pleas of the appellants on the ground that their appointments were

temporary and made under a specific scheme. Reliance was placed, for the purpose, on the well-known decision of the Constitution Bench of the Supreme Court in ***Uma Devi(supra)***. The Supreme Court reversed the decision of the Tribunal and the High Court, reasoning thus:

> *"5. Having heard the arguments of both the sides, this Court believes that the essence of employment and the rights thereof cannot be merely determined by the initial terms of appointment when the actual course of employment has evolved significantly over time. The continuous service of the appellants in the capacities of regular employees, performing duties indistinguishable from those in permanent posts, and their selection through a process that mirrors that of regular recruitment, constitute a substantive departure from the temporary and scheme-specific nature of their initial engagement. Moreover, the appellants' promotion process was conducted and overseen by a Departmental Promotional Committee and their sustained service for more than 25 years without any indication of the temporary nature of their roles being reaffirmed or the duration of such temporary engagement being specified, merits a reconsideration of their employment status.*
>
> *6. The application of the judgment in Umadevi by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in Umadevi.*
>
> *7. The judgment in Umadevi also distinguished between "irregular" and "illegal" appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or*

interviews as in the present case. Para 53 of Umadevi is reproduced hereunder:

"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in State of Mysore v. S.V. Narayanappa, AIR 1967 SC 1071, R.N. Nanjundappa v. T. Thimmiah, (1972) 1 SCC 409, and B.N. Nagarajan v. State of Karnataka, (1979) 4 SCC 507 and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

(emphasis in original)

8. In light of the reasons recorded above, this Court 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 recognise 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."

The crux of the matter :

The following propositions emerge from this decision:

(i) What matters is the "essence of employment".

(ii) The rights flowing therefrom cannot be determined by the initial terms of appointment, where the actual course of employment has evolved significantly over time.

(iii) The substantive rights of the employees, which have evolved over a period of time, cannot be perpetually denied by relying on non-compliance with procedural formalities at the commencement of employment.

(iv) The substantive rights of such employees accrue over a considerable period through continuous service.

(v) Even if appointments in such cases were not made strictly in accordance with the prescribed rules and procedures, they could not be treated as illegal if they had followed the procedure of regular employment such as public advertisements, conduct of written examinations and interviews.

49. Similarly, a co-ordinate bench of this court in ***"Arvind Rana vs. Union of India"*** in CWP-20096-2021 decided on 14.11.2025, Ld. Single Judge, dealt with a writ petition filed by the teacher enrolled under the Sarva Shiksha Abhiyaan (SSA), who were appointed as per approved programme wherein the States and U.T. were supposed to make appointment of additional teachers to comply with pupil teacher ratio prescribed under Right to Education Act (in short 'RTE'). The petitioners were appointed by U.T. Chandigarh under SSA. They are working in Government Schools run by U.T. Administration. They are either Junior Basic Training Teacher (in short 'JBT') or Trained Graduate Teacher (in short 'TGT') and had been working for more than 10 Years. The court ordered regularization of teachers appointed under the SSA Scheme who had been working for more than 10 years on such posts. It was observed that,

> *24. The case of petitioners is squarely covered by recent judgments of Hon'ble Supreme Court in* ***Jaggo (supra)****,* ***Shripal and Another v. Nagar Nigam, Ghaziabad, 2025 SCC Online SC 221*** *and* ***Dharam Singh and Others v. State of U.P. and Another, 2025 SCC Online SC 1735.*** *In view of those judgments, reliance placed by respondents upon* ***Uma Devi (supra)*** *is misplaced. It is apt to notice that during the course of hearing, despite being repeatedly asked, learned counsel for the respondent could not point out any judgment where regularization was denied in spite of appointment after following due procedure. The petitioners are not backdoor entrants and they were appointed against posts sanctioned by Project Approval Board. The respondent in the teeth of judgment of Supreme Court in* ***Uma Devi (supra)*** *continued to engage petitioners on contract basis. Judgments cited by respondents criticize irregular and backdoor entry. By placing reliance upon* ***Uma Devi (supra)****, the respondents have raised self-contradictory stand. On one hand, the respondent did not make regular appointments in the teeth of Supreme Court judgments and on the other hand despite following due appointment procedure has kept the petitioners contractual for almost 20 years.*
>
> *25. As per judgment of this Court as well as Supreme Court, adhoc, temporary, part time, daily wage or contractual workers cannot be regularized if their appointment was not made as per procedure prescribed for regular appointments. The petitioners were appointed after following due procedure. They are fully qualified. They are working with the U.T. Chandigarh since 2005 and that too without any protection of this Court or any other Court. They were selected against posts sanctioned by Project Approval Board. They cannot be denied regularization on the basis of absence of posts or regularization policy.*

<u>In the Absence of Sanctioned Posts</u>

50. The Supreme Court in ***"Dharam Singh v. State of U.P. 2025 INSC 998"***, held that the High Court erred in not adjudicating the challenge to the State's refusal to sanction posts and in treating the dispute as a mere claim for regularization ignoring the continuing nature of work and length of service. It was held that the State's orders were unsustainable as they were non-speaking and failed to consider relevant factors. The refusals based only on financial constraints and absence of sanctioned posts were set aside, and consequential directions for regularisation with creation of supernumerary posts were issued. It was observed that,

> *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.*

The crux of the matter :

51. The following propositions emerge from *Dharam Singh (supra)* are listed hereunder:

(i) What is relevant is the essence and actual course of employment, not merely its initial form or label.

(ii) Rights cannot be determined solely on the basis of initial terms of appointment, where service has evolved into regular employment over time.

(iii) Relevant considerations include:

(a) long and continuous service, and

(b) performance of duties indistinguishable from regular employees.

(iv) The Court emphasises that substance of employment prevails over nomenclature, especially where service has continued for a substantial period.

(v) Reliance on the initial contractual or temporary label alone cannot conclude the enquiry where the employment reality is different.

Legitimate Expectation

52. The doctrine of legitimate expectation enters the scene not as a mere technical plea, but as a reminder that State action must carry a measure of fairness and consistency, especially where human lives and livelihoods are involved.

53. When a worker continues in service year after year under the steady assurance, sometimes express, sometimes implied through conduct, that his engagement will be renewed, it is only natural that a hope, ripened by time and practice, takes root. He does not merely act on a passing wish, but on a pattern of official conduct which induces him to stay put, to forego other avenues, and to build his life around that service.

54. The Apex Court in ***Union of India v. Hindustan Development Corporation reported in (1993) 3 SCC 499*** enunciated that the doctrine of legitimate expectation is a creature of public law aimed at combating arbitrariness in executive action by public authorities. It held thus:-

> *"Time is a three-fold present: the present as we experience it, the past as a present memory and future as a present expectation. For legal purposes, the expectation cannot be the same as anticipation. It is different from a wish, a desire or a hope nor can it amount to a claim or demand on the ground of a right. However earnest and sincere a wish, a desire or a hope may be and however confidently one may look to them to be fulfilled, they by themselves cannot amount to an assertable expectation and a mere disappointment does not attract legal consequences. A pious hope even leading to a moral obligation cannot amount to a legitimate expectation. The legitimacy of an expectation can be inferred only if it is founded on the sanction of law or custom or an established procedure followed in regular and natural sequence. Again, it is distinguishable from a genuine expectation. Such expectation should be justifiably legitimate and protectable. Every such legitimate expectation does not by itself fructify into a right and therefore it does not amount to a right in the conventional sense."*

55. Furthermore, the Apex Court in **"*Khajjan Singh v. State of Haryana 2015 (1) SCT 604"*** held that employees who have been continuously engaged by the State over a long period, performing duties essential to the functioning of the department, acquire a legitimate expectation that their cases will be considered for regularization. It was further emphasized that technical or formalistic objections,

such as non-appointment against a sanctioned post, cannot be allowed to defeat the substantive right of long-serving employees to have their claims examined under the applicable regularization policy. This principle squarely applies to the facts of the present case, where the petitioner has rendered long and continuous service to the department, and therefore his claim deserves to be considered on merits in accordance with law.

56. Indeed, constitutional courts are not mere umpires of technicalities; they are entrusted with the solemn duty of preserving the spirit of the Constitution and upholding the rule of law in its lived sense. When an employee enters service, even on a contractual footing and is continued year after year through successive extensions granted by the State, a certain stability is induced in his affairs. He shapes his livelihood around that engagement, often foregoing the other regular recruitment processes elsewhere.

57. In such circumstances, it would be unrealistic to view his continuance in that employment as a matter of bare contract alone, divorced from the surrounding conduct of the State. The repeated renewals are not without consequence; they foster a reasonable expectation that his long and uninterrupted service will, at some stage, receive due recognition. Courts, therefore, cannot remain indifferent to this human element embedded within administrative action.

Analysis :

58. At the outset it is apposite to note that “Public Heath and Sanitation, Hospitals and Dispensaries” falls under the subjects of the State under the State List at serial no. 6 under Schedule VII of the Constitution of India. Public health is not merely another governmental activity, it lies at the core of the State’s constitutional and statutory responsibilities. It is a subject squarely entrusted to the State, and forms an integral part of its obligation to secure the right to life under Article 21. The duty to provide accessible and effective healthcare is not

contingent upon schemes or funding patterns but is a continuing obligation of governance.

59. The National Health Mission, therefore, is not an isolated or temporary venture. It is an instrument through which the State discharges this enduring responsibility. Its continuity over the years is itself indicative of the permanence of the function it serves. Healthcare, by its very nature, cannot be episodic. The need is constant, and so must be the means to meet it.

Nature of Work of the Petitioners

60. It is in this setting that the position of the petitioners must be appreciated. They are not engaged in work that is casual or incidental. Their roles, whether in clinical support, diagnostics, field assistance, or essential service form part of the operational framework through which public health services are delivered. The system cannot function without them. They are, in a very real sense, the working hands of the State in the discharge of one of its most fundamental duties and important duties of healthcare.

61. This Court is, therefore, of the view that the engagement of the petitioners cannot be viewed in isolation or treated as a matter of contractual convenience. It must be seen in the larger context of the State's obligation to provide healthcare. Where that obligation is continuous, and the services of the petitioners are integral to its fulfilment, the State cannot justify a position that keeps them in a state of perpetual temporariness.

Establishing an Employer-Employee Relationship

62. The submission of the State that its obligation stands diluted, if not displaced, by reason of the scheme being partly funded by the Union, does not commend acceptance. The relationship of master and servant is not determined by the source from which the salary trickles down, but by the hand that appoints, the authority that controls, and the power that disciplines. Funding is but a fiscal arrangement, employment is a juridical reality.

63. On the facts as they unfold, the indicia are unmistakable. The petitioners were engaged through processes conducted under the authority of the State; their appointment letters emanate from the office of the office of the state government through Civil Surgeon, their duties are discharged within the administrative framework of the State's health machinery, and their work is supervised, regulated and evaluated by officers of the State. The nodal control, the disciplinary oversight, and the functional integration all vest in the State apparatus. The work performed is not alien to the State's obligations. It is, in truth, the very marrow of its public health responsibility. In such a setting, to contend that the State is but a conduit, and not the employer, is to mistake form for substance.

64. This Court is of the opinion that though no single test can conclusively determine the existence of an employer–employee relationship. The issue must be examined holistically by considering factors such as the authority of appointment, payment of wages, power of dismissal, continuity of service, degree of supervision and control, nature of duties performed and the overall character of the establishment. The true relationship is to be gathered from the substance of the engagement and not merely from its form or description.

65. This court is also sanguine of the fact that the principle of enduring relevance is that the real employer is the one for whom the work is done and who has the economic and functional control over the labour, regardless of the intermediaries interposed.

66. Tested on these principles, the defence of the State must fail. The plea of partial central funding cannot transmute the character of employment. The State cannot, after having exercised full administrative control, issued appointments, supervised performance, and reaped the benefit of sustained labour, now disown its position as employer. Constitutional responsibility cannot be outsourced, nor can it be fractioned in proportion to budgetary contribution to accept such a

contention would be to permit the State to wear two faces, one, that of authority when it commands labour, the other, that of disavowal when called upon to honour it. The law does not countenance such duality.

67. Hence, I have no hesitation and thus hold that the petitioners, in the eye of law, are employees of the State, and the State cannot shift that burden, either to the Union or to the abstractions of a funding scheme.

Years of Contractual Confinement

68. The submission of the State that the petitioners are bound by the terms of their contractual engagement, and are therefore precluded from seeking regularisation till the closure of the project, cannot be accepted in the facts of the present case. It is no doubt true that the petitioners entered service on contractual terms, however, such stipulations cannot be read in isolation, divorced from the surrounding circumstances and the subsequent conduct of the parties.

69. It is an admitted position that the National Health Mission continues to operate and has not reached its terminus. Once this is so, the premise on which the contractual limitation is sought to be justified, that the engagement is co-terminus with a short-lived project loses its foundation. A programme which has endured over years, with no definite end in sight, and which caters to an essential and continuing public function, cannot be treated as a temporary venture merely because it is described as a “scheme”.

70. The contractual clause relied upon by the State, therefore, cannot be elevated to defeat the substantive reality. It is well settled that there can be no estoppel against constitutional principles as has been discussed above in ***Basheshar Nath (supra)*** that an employee, by accepting contractual terms at the threshold, does not waive the protection of Articles 14 and 16 of Constitution of India where the facts disclose arbitrariness in continued engagement. If the work itself is of a continuing nature, the condition that the employment shall remain temporary till the completion of the project cannot be used as a device to

perpetuate that temporariness indefinitely. Otherwise also, the acceptance of such a term at the time of appointment, particularly in the context of public employment, does not conclude the matter where the engagement, in reality, continues for long years against work of a regular and enduring nature.

71. The State cannot, on the one hand, acknowledge that the Mission is ongoing and that the services rendered by the petitioners are required, and yet, on the other, rely upon the contractual stipulation to deny them any semblance of security. The acceptance of such an argument would enable the State to retain the benefit of continuous labour while avoiding the corresponding obligations. That is not a position the law can countenance.

72. Moreover, the State has failed to abide by the binding pronouncements of the Apex Court as mentioned above, which have consistently frowned upon prolonged contractual engagements. Regular employment is the norm and contractual engagement, at best, an exception. To invert this principle is to reduce security of tenure to a mirage and leave workers in a state of perpetual uncertainty. The state has a duty to act with utmost responsbilty. The verse as found in the Mahabharata, specifically in the Shanti Parva:

"प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम्।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम्॥"

- aptly conveys that *the legitimacy of authority rests in the well-being of those it governs.* This ancient ethic resonates deeply with our constitutional ethos. It finds a modern expression in the doctrine that the State must act as a model employer, ensuring fairness, dignity, and security in its dealings with those who serve under it.

73. As such, it is imperative that this Court, while adjudicating the issue at hand, exercises ample caution so as to refrain from placing unnecessary reliance on the initial label of 'contractual appointment' affixed to the petitioners.

74. It is the duty of this court to look beyond superficial labels and consider the ground realities of the nature of employment of the petitioners, as borne out from the record. Therefore, refusal of regularization of service of the Petitioners merely on the ground that their initial / original term of engagement does not specifically state so, would be contrary to the principles of fairness and equity.

75. It is manifest that the petitioners have, for a considerable length of time, indeed, in several cases extending beyond a decade continuously discharged their duties under the National Health Mission without interruption or adverse remark. The respondents, who are in custody of the relevant service record, have placed no material to controvert either the continuity or the quality of such service. In such circumstances, an adverse inference must necessarily follow.

76. Service jurisprudence in this country does not countenance a situation where individuals, performing essential and recurring public functions year after year, are retained in a state of perpetual contractual uncertainty. Personnel engaged in the discharge of core governmental obligations under a flagship health programme cannot be treated as expendable, particularly when the nature of their duties is indistinguishable from that performed by regular appointees and the engagement is not shown to be truly casual or project-bound.

Employees Cannot Bear Fiscal Burden

77. This court is unable to appreciate the stand sought to be projected by the state counsel regarding financial constraint and the same cannot be accepted in the facts of the present case. The petitioners were appointed under the National Health Mission, pursuant to a due process, and have continued in service for over a decade. Their engagement has not been intermittent or casual. It has run alongside the Mission itself, which admittedly continues even today. The work taken from them has been regular, necessary, and integral to the functioning of the public health system.

78. The State has, year after year, renewed their engagement and utilised their services in discharge of its obligations. Having done so, it cannot now be heard to say that according recognition to that very engagement would impose a financial burden.

79. The liability is not being created today. It has been carried, in substance, all along, what is sought to be projected as a financial constraint is, in truth, the result of the State's own arrangement. The petitioners did not determine the scale of engagement, nor the manner in which the Mission was staffed. They only discharged the duties assigned to them.

80. The State cannot steady its finances by placing the burden upon those who discharge its most basic and continuous public functions. Where work persists not for a season, but across years, the structure of the establishment must answer to that reality. To extract regular labour under the guise of temporary engagement is to practise a quiet injustice: it diminishes administrative credibility and jars with the promise of equal protection. Fiscal constraint may guide policy, but it cannot become a convenient alibi to sidestep fairness, reason, and the obligation to organise public employment on lawful and enduring lines.

81. To accept the submission of the State would be to permit it to **partake of the *amrit* (sacred water) that has flowed from the continuous churning of their labour,** year after year and yet deny any share to those whose toil made that possible. That is not a position the law recognises.

<u>The Grey Zone</u>

82. The position that emerges today is one of calibrated balance. There is no vested right to regularisation, nor can courts direct absorption in disregard of the constitutional scheme. Yet, where the State, in fact, engages individuals over long periods in functions that are continuous and necessary, the law does not permit it to take refuge behind labels or contractual forms to defeat claims that arise within the discipline of Articles 14 and 16.

83. At this stage, we would like to point out that the philosophy of this Court as evolved in the cases we have referred to above is not that of the Court but is ingrained in the Constitution as one of the basic aspects as the Preamble declared the Republic to be a socialistic one. The judgments, therefore, do nothing more than highlight one aspect of the constitutional philosophy and make sure, just to give the philosophy a reality of flesh and blood.

Ripple Effects Beyond Government

84. This Court cannot shut its eyes to the fact that the State, which is expected to be a model employer, has itself indulged in a manner of dealing with its employees which bears the clear imprint of exploitation. When such conduct emanates from the State, it does not remain confined to the narrow compass of a service dispute. It assumes a larger constitutional significance. For if the State itself legitimises or tolerates unfair treatment of its employees, it sends out an unfortunate signal that such conduct is acceptable in the place of employment.

85. The ripple effect is inevitable and dangerous. Private employers, quick to draw comfort from State practice, may feel emboldened to adopt similar methods, thereby normalising what ought never to be normalised. What begins as an aberration in State conduct may thus silently harden into a pattern of exploitation in the wider employment landscape.

86. This Court must therefore remind itself that the State, as a model employer, is not merely to obey the law, but to set the tone of fairness. Any deviation from this constitutional expectation is not merely a wrong to employees, but a disservice to the very idea of just governance.

Conclusion

87. In view of the discussion made hereinabove, this Court is satisfied that the petitioners, having been appointed through a due process of selection, having continuously discharged essential functions for the State, and having

remained in service for over a decade, have acquired a legitimate claim for regularization. To deny them such consideration would be to perpetuate uncertainty where stability is warranted.

88. The present bunch of petitions is hereby allowed.

89. Consequently, the respondents are directed to take immediate steps required to regularise the services of those petitioners who have completed more than ten years of continuous service, in accordance with law. Necessary orders be passed regularizing their services within a period of 8 weeks from the date of receipt of certified copy of this order.

90. Pending applications, if any, stand disposed of.

18.04.2026 **(SANDEEP MOUDGIL)**
Meenu **JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No