2026 LiveLaw (SC) 470

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
PANKAJ MITHAL; J., S.V.N. BHATTI; J.
SPECIAL LEAVE PETITION (CIVIL) NO(S). 4881 OF 2023; May 7, 2026
SUNIL KUMAR YADAV AND OTHERS *versus* **THE STATE OF JHARKHAND AND OTHERS**

Public Employment — Regularisation of Para-Teachers / Contractual Employees — Scheme-based appointments vs. Cadre posts — Para-teachers engaged on a contractual basis under the Sarva Shiksha Abhiyan ("SSA") sought blanket regularisation as permanent Assistant Teachers/Sahayak Acharyas bypassing the statutory recruitment rules — Held that a prayer for regularisation from a scheme post to a State cadre post changes the character of the appointment - A scheme post under the SSA is jointly funded and continues until the scheme ceases, whereas a cadre post is governed by Article 309 of the Constitution of India creating public employment via constitutionally aligned recruitment processes - A direct leap from one to the other, bypassing statutory rules, creates an unsanctioned mode of recruitment which is prohibited - Para-teachers have a right to participation and consideration under the statutory rules, but do not possess an absolute right to blanket regularisation. *[Paras 19 - 21]*

Constitution of India — Articles 14, 16, 226, 142 and 309 — Mandamus for Regularisation contrary to Statutory Rules — High Court dismissed writ petitions filed by contractual para-teachers seeking regularisation — Held that Courts exercising powers under Articles 226 or 142 cannot issue a mandamus to regularise services contrary to the statutory scheme or rules made under Article 309 - Adherence to statutory rules must be insisted upon to protect the rights of open-market candidates and preserve the constitutional guarantees of equal opportunity in public employment. *[Paras 11 - 21]*

Equal Pay for Equal Work — Principle Explained — Claim for pay parity by contractual para-teachers with regular Assistant Teachers—Held: Equal pay for equal work is not an automatic entitlement. The claimant must demonstrate that their duties, responsibilities, qualifications, accountability, and conditions of service are qualitatively and substantially identical to those of regular employees. Contractual para-teachers, though performing similar classroom functions, are not assigned the full range of responsibilities attached to regular Assistant Teachers. *[Para 20-25]*

Moulding of Relief — Elimination of Ad-hocism & Timely Recruitment — Though blanket regularisation was denied, the State of Jharkhand had earmarked a 50% horizontal quota for para-teachers in its 2012 and 2022 Recruitment Rules — Held: The State cannot resist the prayer for regularisation while simultaneously failing to give effect to its own statutory mechanism for absorbing para-teachers. To ensure security of employment and eliminate perpetual ad-hocism, the Court molded the relief by issuing a strict time-bound calendar (Immediate and Annual Recurring Schedules) directing the State to notify and fill the 50% earmarked vacancies exclusively from eligible para-teachers every academic year. *[Relied on State of Karnataka v. Umadevi (3), (2006) 4 SCC 1; State of Punjab v. Jagjit Singh, (2017) 1 SCC 148; Vinod Kumar v. Union of India, (2024) 9 SCC 327; Union of India v. Ilmo Devi, (2021) 20 SCC 290; Paras 23, 24]*

WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 5717 – 5729 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 5730 – 5739 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 5743 – 5753 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 5756 – 5766 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 6833 – 6837 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 7151 – 7164 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 7812 – 7817 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 7912 – 7915 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 8292 – 8304 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 9422 – 9432 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 9447 – 9448 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 9511 – 9527 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 15303 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 20844 – 20845 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 22085 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 23022 – 23045 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 24273 – 24304 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 25930 – 25936 OF 2023 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 2140 – 2144 OF 2024 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 28250 OF 2025 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11043 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11061 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11062 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11063 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11064 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11065 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11066 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11067 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11068 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11069 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11070 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11071 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11072 OF 2026 WITH SPECIAL LEAVE PETITION (CIVIL) NO(S). 11210 – 11236 OF 2026

For Petitioner(s)/ Mr. Colin Gonsalves, Sr. Adv.(argued by) Ms. Tanya Agarwal, Adv. Mr. Krishna Kumar Keshav, Adv. Mrs. Shubhangi Tuli, AOR Mr. Gopal Sankaranarayanan, Sr. Adv.(argued by) Dr. Rajiv Nanda, Sr. Adv.(argued by) Mr. Brajesh Pandey, Adv. Mr. Shashank Ratnoo, Adv.(argued by) Mr. Shantanu Lakhotia, Adv. Mr. Divyaveer Singh, Adv. Mr. Kanchan Kumar Jha, Adv. Mr. Paramhans Sahani, Adv. M/s. Brajesh Pandey & Associates, AOR Mr. Anilendra Pandey, AOR Mr. Prashant Bhushan, AOR (argued by) Ms. Alice Raj, Adv. Mr. Narendra Kumar, Adv.(argued by) Mr. Santosh Kumar Vishwakarma, Adv. Mr. Santosh Kumar Pandey, AOR Mr. Rajiv Ranjan Dwivedi, AOR Mr. Sanjay Kumar Mishra, Adv. Mr. Vishal, Adv. Mrs. Subhadra Dwivedi, Adv. Mr. Amitabh Singh, Adv. Mr. Binay Kumar Das, AOR Mr. Sandeep Jha, Adv. Mr. Ram Ekbal Roy, Adv. Ms. Priyanka Das, Adv. Ms. Neha Das, Adv. Mr. Aman Nihal, Adv. Mr. Sanjay Kumar Singh, Adv. Ms. Tanya Agarwal, AOR Mr. Krishna Kumar Keshav, Adv.

For Respondent(s)/ Mr. Arunab Choudhary, Sr. A.A.G. (Argued by) For State Mr. Vishnu Sharma, Adv. Ms. Madhusmita Bora, AOR Mr. Pawan Kishore Singh, Adv. Mr. Dipankar Singh, Adv. Ms. Pavithra V., Adv. Mr. Krishna Murari, Adv. (argued by) Mr. Satya Mitra, AOR Mr. Gurmeet Singh Makker, AOR Mr. Satyajeet Kumar, AOR Mr. Abhishek Tiwari, Adv. Mr. Goutam Prasad, Adv. Mr. S.D.Sanjay, A.S.G. Mr. Ashok Panigrahi, Adv. Mr. Shantanu Sharma, Adv. Mr. Priyanka Terdal, Adv. Mr. Krishna Kant Dubey, Adv. Mr. Akshay Amritanshu, Adv. Mr. Arun Kumar Yadav, Adv. Mr. Raj Bahadur Yadav, AOR Ms. Tanya Agarwal, AOR Mr. Krishna Kumar Keshav, Adv.

J U D G M E N T

S.V.N. BHATTI, J.

1. Leave granted.

2. The Sarva Shiksha Abhiyan ("SSA") is a flagship programmatic intervention by the Government of India, operationalised in partnership with State Governments, to achieve the universalisation of Elementary Education in India. Its jurisprudential foundation is anchored in the Directive Principles of State Policy under Article 45 of the Constitution of India and, subsequently, the Fundamental Right guaranteed under Article 21A[1], which mandates the State to provide free and compulsory education to

[1] Inserted via the 86th Constitutional Amendment Act, 2002

all children in the age group of six to fourteen years. The SSA is the primary vehicle for implementing the provisions of the Right of Children to Free and Compulsory Education Act, 2009 ("RTE Act"). In the State of Jharkhand, the overarching responsibility for implementing the SSA is with the Jharkhand Education Project Council, an autonomous State Implementation Society. The project was a muchneeded initiative, and to fulfil its laudable aims, the State may have been compelled to adopt innovative approaches to address the human resources gap in employing teachers. To shorten the narrative, it is noted that the result was the engagement of voluntary teachers/*para-teachers* on a contract basis starting in 2002.

3. The *para-teachers* engaged under the SSA are the Appellants. The Civil Appeals arise from the Judgment dated 16.12.2022, in Writ Petition (S) No. 315 of 2016 and a batch of similar petitions from the High Court of Jharkhand ("Impugned Judgment").

4. The Impugned Judgment was passed in a batch of over a hundred writ petitions filed by *para-teachers* engaged under the SSA across the State of Jharkhand. The lead writ petition was Writ Petition (S) No. 315 of 2016 filed by *Sunil Kumar Yadav and others*. The batch was heard together and disposed of by the Impugned Judgment. The reliefs sought by the Petitioners in the Writ Petition before the High Court are as follows:

- Regularisation of services as Assistant Teachers based on seniority and continuous service.
- Appointment against vacant and sanctioned posts of Assistant Teachers.
- Pay parity with regular Assistant Teachers.
- Declaration that the Jharkhand Primary School Recruitment Rules, 2012 (Notification No. 1632 dated 05.09.2012) ("2012 Rules") were unconstitutional insofar as they provided no regularisation route to the *para-teachers*.
- Comparative reference to policies of other States for the regularisation of *para-teachers*.

5. The High Court dismissed the Writ Petitions. Hence, the Civil Appeals.

6. The Writ Petition (S) No. 315 of 2016, dated 18.01.2016, was filed by Sunil Kumar Yadav, along with seventy-five *para-teachers* from various government schools in Garhwa District, State of Jharkhand. The Writ Petition raises the following points:

- The Writ Petitioners are *para-teachers* who have been serving in government schools across the State of Jharkhand for five to fifteen years. They were appointed under the SSA to aid in the development of education in the State of Jharkhand.
- They have acquired the necessary higher education degrees, namely, B.A., M.A., B.Ed., etc., and have successfully passed the Teacher Eligibility Tests ("TET") conducted by the Jharkhand Academic Council.
- Despite their educational qualification and experience as *para-teachers*, the State of Jharkhand has not regularised their employment in the permanent posts of Assistant Teachers.
- There is a severe shortage of approximately one lakh fifty thousand Assistant Teachers in primary and middle schools across Jharkhand's twenty-four districts.

However, the State of Jharkhand is making new appointments rather than regularising the experienced *para-teachers* working as per the SSA.

- The Appellants were eligible for appointment as *para-teachers* and were appointed through a selection process to perform the same duties as regular Assistant Teachers and to work for standard school hours, i.e., 10 AM to 4 PM or 8 AM to 2 PM. Notwithstanding compliance with the criteria for Assistant Teachers, the *para-teachers* were paid a meagre fixed honorarium of Rs. 7,400/- to Rs. 8,400/- with no additional allowances. Furthermore, they face financial hardship because these payments are highly irregular, sometimes delayed by six to eight months.

- Several other States, including Bihar, Chhattisgarh, Uttar Pradesh, Madhya Pradesh, and Assam, have already successfully formulated policies to regularise the services of *para-teachers*.

- The 2012 Rules are *ultra vires* and violate Articles 14, 16, 21, and 300A of the Constitution of India because they introduce a new recruitment process that ignores the seniority and teaching experience of existing *para-teachers*.

- Additionally, they challenged a Personnel Department memo restricting regularisation to those who had completed ten years of service before 07.10.2006.

- *Para-teachers*, in fine, prayed the High Court to direct the State of Jharkhand to regularise their services on the sanctioned, vacant posts of Assistant Teachers, based on their seniority and TET qualifications,

and to quash the contested portions of the 2012 Rules and the associated Personnel Department memo that took away their claims for regularisation.

7. The Respondents, in unison, resisted the Writ Prayers. The gist of the case of the Respondents is stated thus:

- *Para-teachers* were initially engaged as education volunteers (Sahyogi Shikshak) on a fixed honorarium under community school schemes. These centres were later subsumed into the centrally sponsored SSA. The *para-teachers* were engaged by local School Management Committees and the Village Education Committees, but not by district authorities. Their honorarium was paid from SSA funds provided by the Government of India and the State of Jharkhand in a 60:40 ratio. Following the Girinath Singh Committee's recommendation, the State of Jharkhand amended its recruitment rules in 2009 to provide a 50 per cent reservation for eligible *para-teachers* in direct appointments to regular teacher posts. Furthermore, *para-teachers* have been granted a relaxation of the upper age limit to 50 years. Under Article 309 of the Constitution of India, the framing of recruitment policies and the identification of sources of appointment are strictly matters of State policy.

- The *para-teachers'* terms of engagement stated that the appointment was purely contractual and co-terminus with the SSA. This engagement does not confer any right to absorption, permanency, or parity with government teachers.

- The Appellants are not being denied the opportunity to become regular Assistant Teachers. The 2012 Rules, as amended in 2014, already provide a specific 50 per cent quota for the direct recruitment of TET-qualified para teachers with two or more years' experience.

- The remaining 50 per cent of the quota under the 2012 Rules is strictly reserved for unemployed candidates in the open market. The Appellants, relying on their

subsequent TET qualifications and years of service, are essentially seeking accommodation within the 50 per cent open market quota. Regularising them against this quota would consume the seats reserved for open-market candidates, thereby violating the statutory balance and the rights guaranteed under Articles 14 and 16 of the Constitution of India.

- The framing of recruitment rules, service conditions, and the actual hiring of teachers is entirely the jurisdiction and prerogative of the State Government/Union Territories' Administrations. The Government of India has no role in the policy of service conditions of *para-teachers* engaged by the States.

- The TET is strictly an eligibility-qualifying test, not a teacher recruitment test that guarantees employment.

- Teacher recruitment is the prerogative of the State Government, and the Government of India submits that it has no role in it.

- The SSA or similarly designated schemes are an additional support program for States and Union Territories, and there are no plans to

close them.

- The schemes support the States in hiring additional teachers to maintain the mandated pupil-teacher ratio in the schools.

Simultaneously, the Union of India restricts its role to providing funds to meet the proportionate salary requirements of these *para-teachers* in accordance with the norms of the Samagra Shiksha Scheme.

- While systemic issues such as vacancies, poor teacher-student ratios, and single-teacher schools are real, the legal and administrative responsibility to address them and to determine the employment fate of the *para-teachers* lies squarely with the State of Jharkhand.

8. The Impugned Judgment, on an analysis of the admitted circumstances, the alleged claim/right for regularisation, and precedents on the point, dismissed the Writ Petitions. In the Impugned Judgment, the High Court noted that the Appellants are not challenging the Rules as contained in Notification No. 238 dated 14.04.2022, since the State of Jharkhand has come out with the rule for regulating the service conditions of *para-teachers* in exercise of powers conferred under the proviso to Article 309 of the Constitution of India. The High Court's consideration was limited to the claim of *para-teachers* for the substantive relief of regularisation.

8.1 The High Court held that since the writ petitioners voluntarily accepted appointments on a contractual/engagement basis as *para-teachers* under the SSA scheme, they cannot later claim regularisation as a matter of right. It reasoned that by accepting contractual employment, the Writ Petitioners acquiesced in the terms of their engagement, which did not, by itself, confer any right of absorption or regularisation of services as Assistant Teachers.

8.2 *Para-teachers* were not selected through a process comparable to the competitive selection process prescribed for Assistant Teachers, and therefore, regularisation is not permissible. It is stated that Village Education/Local School Management Committees have appointed the *para-teachers*, not the District Authorities.

8.3 The High Court distinguished the judgments cited by the writ petitioners on one or more key parameters, thus noting that their position was not covered by precedent.

8.4 The High Court did not fix a minimum pay for *para-teachers* at a level on par with that of Assistant teachers, citing the State of Jharkhand's financial capacity and deference to policy matters.

8.5 The High Court rejected the regularisation on the ground that the Writ Petitioners voluntarily accepted contractual appointments.

9. We have heard learned Senior Counsel, Mr. Colin Gonsalves, Mr. Gopal Sankaranarayanan and learned Counsel Mr. Prashant Bhushan, and Mr. Narendra Kumar for the Appellants, and learned Senior Counsel Mr. Arunab Choudhary and learned Counsel Mr. Krishna Murari for the Respondents.

10. The Appellants submit that the High Court's view is incorrect, primarily because the *para-teachers* had no choice except to be *para-teachers* on a contract basis. This Court's decisions on regularisation concerned contractual employees who, at the time of recruitment, had no option but to accept the contractual engagement. The High Court held in paragraph 22 of the Impugned Judgment that no wide advertisement was published inviting all concerned applicants. The Appellants counter this by demonstrating that identical advertisements were issued in all twenty-four districts of the State of Jharkhand for *para-teacher* posts, a procedure identical to that followed for Assistant Teacher appointments at the District level. The Appellants, on the High Court's observation that due process was not followed, argue that, firstly, no interviews were conducted for either *para-teachers* or Assistant Teachers; secondly, both classes were recruited through merit lists, with the highest qualifications/marks preferred; thirdly, the minimum qualifications were identical for *para-teachers* and Assistant Teachers; fourthly, the merit formula was exactly the same for both categories; and lastly, the appointment process is without a selection examination. The High Court wrongly held that the Appellants were not appointed against sanctioned posts. The Appellants rely on the State's own Counter Affidavit dated 21.10.2016, which admitted: (i) sanctioned *para-teacher* posts of 83,595 for Primary School; (ii) sanctioned *para-teacher* posts of 37,133 for Upper Primary; and (iii) vacancies persisted even up to 2022, as per Ministry of Education records. Further, the High Court wrongly declined to set a minimum pay, allegedly citing concerns about financial capacity. The current wage disparity is stark. The Appellants submit that this disparity is constitutionally unacceptable and utterly arbitrary. To resolve the issue, the Appellants submit that there is a practical and immediate solution. 20,149 sanctioned posts of Assistant Teachers are vacant, and 12,792 TET-qualified *para-teachers* are available with identical qualifications. Hence, all *para-teachers* can be directly appointed as Assistant Teachers without any further process.

11. Respondents argue that the Appellants' initial engagement under the SSA was purely contractual and did not confer any right to automatic regularisation of service as Assistant Teachers or pay parity with government teachers. Further, the 2012 Rules, as amended in 2014, provide for a dedicated 50 per cent marked vacancies for eligible and experienced *parateachers* seeking permanent employment. Their current demand to be regularised by encroaching upon the remaining 50 per cent marked vacancies, which is reserved for open-market candidates, is legally untenable, as accommodating them outside the marked vacancies would unjustly consume the open market quota, disrupt the statutory balance, and violate the constitutional guarantees

of equality and equal opportunity in public employment under Articles 14 and 16 besides overlooking the rules made under Article 309 of the Constitution of India.

12. The State of Jharkhand, in response to a directive issued by this Court, filed an Additional Affidavit dated 07.03.2026 setting out the vacancy position after accounting for the appointments already made. Further, the Additional Affidavit states that no recruitment for Assistant Teachers occurred during the 2021-2022 period. Historical recruitment took place in 2015, and the latest drive began in 2023, by which time a new regular post, "Sahayak Acharya", had been created. Further, the appointment process for Sahayak Acharya under the 2023 advertisement is ongoing and has not yet been completed. Moreover, according to the affidavit, *para-teachers* are actively being appointed in both their reserved 50 per cent category (Para Category) and the open category (Non-Para Category):

a. **Class I-V:** 1,667 para teachers have been appointed in the Para Category, and 2,047 para teachers have successfully secured appointments in the Non-Para Category.

b. **Class VI-VIII:** 1,637 para teachers have been appointed in the Para Category, and 1,950 para teachers have secured appointments in the Non-Para Category.

c. **Total Impact:** In total, 7,301 para teachers have been successfully appointed (3,304 within the reserved Para Category, and 3,997 who competed and won seats in the Non-Para Category).

Hence, the current system is already working as intended, evidenced by the thousands of *para-teachers* who have successfully secured permanent Sahayak Acharya positions through the ongoing statutory recruitment process.

13. The State of Jharkhand asserts that the employment of *para-teachers* in SSA could, at best, be a temporary arrangement. The Union of India has stated that it is for the respective State Governments to make policy decisions regarding *para-teachers'* services. The policy, now implemented for recruitment or regularisation, conforms to the constitutional mandate under Articles 14, 16 and 309 of the Constitution of India. In furtherance of the policy decision of the State, a slew of statutory frameworks is put in place, which includes the following:

- Community Teacher Service Condition Rules, 2008
- Jharkhand Primary School Recruitment Rules, 2012
- Jharkhand Regularisation of Rules, 2015
- Jharkhand Assistant Teacher Service Conditions Rules, 2021
- Jharkhand Elementary School Sahayak Acharya Cadre (Appointment, Promotion and Service Conditions) Rules, 2022

The prayer for the regularisation of *para-teachers* as Assistant Teachers or *Sahayak Acharyas* does not conform to the constitutional mandate. Any direction for blanket regularisation would be contrary to this Court's binding precedents. The subsequent line of decisions in which this Court issued directions for regularisation are case-specific and are distinguishable on one or more key parameters.

14. The Counsel appearing on both sides invited our attention to the often relied-on citations in support of or against regularisation. It is convenient to set out,

chronologically, the overview of the precedents relied on by the Appellants and the Respondents in the following table.

JUDGMENT	CIRCUMSTANCES ADVERTED TO	RATIO/PRINCIPLES LAID DOWN
STATE OF KARNATAKA V. UMADEVI (III)[2]	**1.** In Civil Appeals Nos. 3595-612 of 1999, respondents were temporarily engaged on a daily-wage basis in the Karnataka Commercial Taxes Department in 198586, in direct violation of orders prohibiting such appointments. **2.** In Civil Appeals Nos. 1861-2063 of 2001, associations of casual/dailyrated workers challenged a government order cancelling appointments made after 01.07.1984, seeking regularisation for all such workers. **3.** The matter was referred to a Constitution Bench of the Supreme Court to resolve conflicting opinions from smaller benches regarding the regularisation of ad hoc, daily-wage, and temporary employees.	**1. Constitutional Scheme of Article 14, 16 and 309:** Bypassing regular recruitment processes (including advertisements, competitive selection, and adherence to reservation policies) violates Articles 14 and 16, as it grants permanence to backdoor entrants and deprives qualified citizens of equal opportunity. Further, Article 309 mandates that recruitment and service conditions be governed by statutory rules. **2.** Regularisation is not a mode of recruitment. It can only cure minor procedural defects in an appointment, not fundamental illegalities. **3.** Courts cannot issue writs of mandamus (under Article 226) or use their extraordinary powers to do complete justice (under Article 142) to direct the State to absorb temporary employees, as doing so would force the State to violate its own statutory rules. **4.** A person cannot claim a "legitimate expectation" of being made permanent if their initial entry into the service was temporary, casual, and completely outside the established legal procedure. **5.** While temporary employees do not have a right to permanence, they

[2] (2006) 4 SCC 1

		may have a right to equitable remuneration for work actually performed **6.** The Para 53 Exception: Carved a "one-time measure" to regularise *irregularly* (not illegally) appointed qualified employees working against sanctioned vacant posts for 10 plus years without courts' intervention by the executive.
STATE OF PUNJAB & ORS. V. JAGJIT SINGH & ORS.[3]	**1.** Various temporary employees working in the State of Punjab as Pump Operators, Fitters, Helpers, Drivers, Plumbers, and Chowkidars claimed pay parity with regular employees. They were engaged on a temporary basis but were randomly deputed to discharge the same duties and responsibilities as regular employees holding corresponding sanctioned posts. **2.** This Court examined whether temporarily engaged employees (daily-wagers, adhoc, contractual, etc.) are entitled to the minimum of the regular pay scale under the principle of "equal pay for equal work".	**1.** Temporary employees are entitled to draw wages at the minimum pay scale (lowest grade) of regular employees for identical duties, but without additional allowances. **2.** In Paragraph 42 of the judgment, the Court delineated the parameters for claiming equal pay for equal work: A. The burden of proof lies on the employee. B. Parity applies across different government departments. C. Merely holding a post with the same nomenclature or designation does not automatically trigger the principle if the actual powers, duties, and responsibilities are dissimilar. D. Differences in reliability, confidentiality, or degree of responsibility legally justify the creation of different pay scales E. Mere identical nomenclature/designation is insufficient; actual duties must be qualitatively

[3] (2017) 1 SCC 148

		equivalent in sensitivity, quality, and volume. F. Differences in educational qualifications, service hierarchy, or management/geography legally justify different pay scales. **3**. The court clarified the application of *Umadevi (supra)* noting that the High Court had illegally mixed up the principles of *regularisation* (which requires long service) with *pay parity*. Classifying temporary employees performing the same work into different wage brackets purely on the basis of their length of service was held to be arbitrary and violative of Articles 14 and 16.
VINOD KUMAR & ORS. V. UNION OF INDIA & ORS.[4]	**1.** Appellants were initially appointed in 1991 to excadre Accounts Clerks posts under a temporary/schemebased engagement. They worked continuously for over 25 years, underwent written tests and viva voce, and received promotions overseen by a Departmental Promotional Committee. **2.** The issue was whether their continuous, long-term service and the substantive nature of their duties entitled them to regularisation. The High Court and the CAT previously rejected their claims on the basis of their initial "temporary" status.	**1.** Prohibition for regularisation set out in *Umadevi (supra)* did not fit squarely with the facts of the appellants therein. The appellants were not back door entries. Their appointments and promotions were based on specific vacancy notifications, circulars, written tests, interviews, and DPC oversight. Therefore, their appointments were protected under the exception for "irregular" but not "illegal" employment **2.** Evolution of Employment: The essence of employment and its associated rights cannot be perpetually determined by the initial terms of appointment, especially when the actual course of

[4] (2024) 9 SCC 327

		employment has evolved significantly over time. **3.** Employers cannot use initial procedural formalities to perpetually deny substantive rights accrued over decades especially when respondents kept the appellants in their roles for over 25 years without ever reaffirming the temporary nature of their roles or specifying the duration of such engagement. Hence, the court directed regularisation within 3 months.
JAGGO V. UNION OF INDIA & ORS.[5]	Appellants were engaged by the Central Water Commission on part-time, ad-hoc terms for essential housekeeping roles (Safaiwali and Khallasi) over decades. They sought regularisation due to their long, continuous service. The High Court and the Tribunal relied on *Umadevi* to reject the appellants' claims, holding that they were parttime and not appointed against sanctioned posts.	**1.** *Umadevi* is meant to prevent backdoor entries, not to weaponise the law against and penalise employees fulfilling necessary State functions. Continuous, unblemished service in regularly required tasks transforms an ad hoc arrangement into one warranting humane regularisation . **2.** It is unjust to strictly enforce formal educational prerequisites for manual roles (such as cleaning, sweeping, and gardening) that do not demand them. Long-standing satisfactory performance is sufficient proof of ability. **3.** Long and uninterrupted service, especially for periods extending beyond ten to twenty years, cannot be disregarded simply because the initial appointments were labelled as parttime or contractual. Reinstatement and regularisation were

[5] (2024) SCC OnLine SC 3826

		ordered with continuity of service.
SHRIPAL AND ANR. V. NAGAR NIGAM, GHAZIABAD[6]	The Appellant Workmen engaged as Gardeners (*Malis*) in the Horticulture Department of the Respondent Employer, Ghaziabad Nagar Nigam, since the year 1998. No formal appointment letters were ever issued to them, and they were denied minimum wages, weekly offs, national holidays, and other statutory benefits. After raising an industrial dispute in 2004 for regularisation, the employer delayed salaries and orally terminated them in mid-July 2005 without notice or compensation.	**1.** An employer cannot retroactively impose educational or procedural criteria to deny regularization if such requirements were never applied to the workmen initially or to similarly situated past employees. **2.** Unfair Labour Practice: Requiring workers to perform exact perennial municipal tasks (planting, pruning) as regular employees without equal pay or status constitutes an unfair labour practice. **3.** *Umadevi* cannot be used as a shield to justify exploitative engagements that persist for years without the employer undertaking legitimate recruitment, especially when there is an acknowledged shortage of staff. A general "ban on fresh recruitment" cannot deny protections to workmen in de facto regular roles.
BHOLA NATH V. THE STATE OF JHARKHAND & ORS.[7]	**1.** Appellants were appointed in 2012 as Junior Engineers against 22 regular sanctioned posts. The advertisement stipulated the appointments were contractual and the state had no liability to regularise. Extensions were granted till 2023, after which they were terminated. **2.** The High Court (Single Judge and Division Bench) dismissed the petition, holding the State was not obligated to grant	**1.** State as Model Employer: The State has a heightened obligation to act as a fair model employer and cannot exploit vulnerable candidates; abruptly terminating a decade of service is manifestly arbitrary. **2.** Applying the "lion and lamb" analogy, it held the unemployed appellants had no real choice but to accept one-sided terms. The clause barring regularisation was

[6] (2025) INSC 144
[7] (2026) INSC 99

	regularisation due to the contractual terms.	unconscionable and legally unenforceable. **3.** While *Umadevi* bars legitimate expectation for contractual workers, it does *not* apply if the contractual engagement was made after a lawful selection procedure. **4.** Prohibition on Perpetual "Adhocism": The State cannot perpetually use contractual labels to outsource work and evade regular employment obligations.
UP JUNIOR HIGH SCHOOL COUNCIL INSTRUCTOR WELFARE ASSOCIATION V. STATE OF UP & ORS.[8]	**1.** Part-time contractual instructors appointed under the Sarva Shiksha Abhiyan (now the Samagra Shiksha Scheme) in UP were kept on a stagnant pay of ₹7,000/month for over a decade and prohibited from taking other employment. **2.** The State refused to pay a revised honorarium of ₹17,000, arguing the Central Government failed to release its 60 per cent share.	**1.** Keeping teachers on stagnant, meagre pay while prohibiting other employment amounts to "economic coercion" and "forced labour". Paying a meagre amount defeats the Right to Education mandate . **2.** Under the RTE Act, the State has the primary onerous duty to pay the teachers; if the Centre defaults on its share, the State must pay first and recover the balance later. **3.** Under Rule 20(3) of RTE Rules, scheme teachers with requisite NCTE qualifications working full-time must be paid "at par" with regular teachers; discrimination is invalid.

15. We limit our reference to the above citations, and exclude the other citations relied on by the Appellants as well as Respondents, namely: *Govt. of A.P. v. K. Brahmanandam*[9]*; State of UP v. Anand Kumar Yadav*[10]; *Narendra Kumar Tiwari v. State of Jharkhand*[11]; *Sheo Narayan Nagar & Ors. v. State of UP*[12] *& Anr*; *State of Bihar v. Bihar Secondary Teachers Struggle Committee, Munger & Ors*[13]; *Municipal*

[8] (2026) INSC 117
[9] (2008) 5 SCC 241
[10] (2018) 13 SCC 560
[11] (2018) 8 SCC 238
[12] (2018) 13 SCC 432
[13] (2019) 18 SCC 301

Council, Ratlam v. Vardhichand[14]; *State of Punjab v. Joginder Singh*[15]; *Zabar Singh v. State of Haryana*[16]; *M. Raja v. CEERI Educational Society Pilani*;[17] *S.C. Chandra v. State of Jharkhand*[18]; *Kurukshetra Central Coop. Bank Ltd. v. Mehar Chand & Anr*[19]; *Chandra Mohan Negi v. State of Himachal Pradesh & Ors.*[20]; *Dharam Singh v. State of UP*[21]; *Shah Samir Bharatbhai v. State of Gujarat*[22]; *Abhishek Sharma and Ors. v. The State of Jammu and Kashmir & Ors.*[23], since the said citations are premised on similar principles as the above tabulated citations. We also note that no decision to our notice has been brought where illegal appointments were regularised by an order under Articles 226 or 142 of the Constitution of India. In the above paragraphs, we have set out the State of Jharkhand's introduction of statutory rules. We note the constitutional commitment of the Union of India and the State of Jharkhand under the RTE Act. In furtherance of the obligations fastened on the State/Union, schemes such as SSA and Samagra Shiksha are implemented as centrally sponsored schemes with proportionate contributions from the State governments. The affidavit of the Union of India states that the policy of framing rules for the teachers working under the schemes sanctioned by the Union rests with the State government. The statement in the affidavit filed before the High Court and this Court read thus:

Before the High Court: Counter Affidavit of Kripa Nand Jha, Director Primary Education, sworn on 03.12.2016 *"Para 22: That it is stated that the sources of the appointment for filling up the teacher posts in the government schools is a policy issue and the State Government is the competent authority to decide the policy in this regard.*

Para 23: That it is stated that the state government has framed the Teacher Recruitment Rules keeping in mind the NCTE regulations and this Rule has been upheld by the Hon'ble Jharkhand High Court in WPS No. 7508/2013. It is further stated that the state government is not bound to follow the policy framed by the other state governments.

Para 24: That it is stated that in terms of Article 309 of the Constitution of India, the state is empowered to frame recruitment rules and lay down the policy for such recruitment."

Before this Court: Counter Affidavit of Pradeep Kumar Under Secretary in Department of School Education & Literacy, Ministry of Education, sworn on 09.12.2024

*"**14**. Since the recruitment and other service matters of these teachers are under the domain of State Govts./UTs, the salary and pay fixation for these teachers is done by respective States and UTs and the role of Central Govt. is only restricted to provisioning of funds to meet the salary requirements for these teachers as per the norms of the Samagra Shiksha."*

16. The *para-teachers* contend that their initial appointment as *parateachers* is pursuant to the extant procedure applicable to the appointment of *para-teachers* under the SSA. Therefore, the entry into the scheme is legal, and the procedure to which the *para-teachers* were subjected is substantially the same as that under the 2012 Rules. It is apposite to note that the State's stance is that *para-teachers* were initially engaged as education volunteers (Sahyogi Shikshak) on a fixed honorarium under community school schemes. These centres were later subsumed into the centrally sponsored

[14] AIR (1980) SC 1622
[15] AIR (1963) SC 913
[16] (1972) 2 SCC 215
[17] (2006) 12 SCC 636
[18] (2007) 8 SCC 279
[19] (2007) 15 SCC 680
[20] (2020) 5 SCC 732
[21] 2025 SCC OnLine SC 1735
[22] 2025 SCC OnLine SC 1788
[23] SLP (Civil) No. 4881 of 2023

SSA. *Parateachers* were engaged by local School Management Committees and the Village Education Committee, but not by district authorities. Their honorarium is paid from SSA funds provided by the Government of India and the Government of Jharkhand in a 60:40 ratio. Following the Girinath Singh Committee's recommendation, the State amended its recruitment rules in 2009 to provide a 50 per cent reservation for eligible *para-teachers* in direct appointments to regular teacher posts. Furthermore, para-teachers have been granted an upper age limit relaxation of up to 50 years. Under Article 309 of the Constitution of India, the framing of recruitment policies and the identification of sources of appointment are strictly matters of State policy.

17. The High Court, on the mode of appointment of Appellants, held that the posts occupied by them were not sanctioned posts under the State of Jharkhand's establishment but were posts sanctioned under the SSA scheme, a Centrally Sponsored Scheme funded jointly by the Union and the State. Accordingly, it is an admitted case that the Appellants are not appointed against sanctioned posts; rather, they are contractual engagees under a scheme. Once an appointee is appointed under a scheme, there is no question of considering them to be appointed against sanctioned posts.

18. In the instant case, the principal question for consideration is not whether the initial entry into service can be termed irregular or illegal, but whether the Courts under Articles 226 and 142 of the Constitution of India can issue a mandamus to regularise the services of *para-teachers* as Assistant Teachers or Sahayak Acharya contrary to the statutory scheme. Policy is ultimately about the people, what they want and what is best for them. Every policy question involves assumptions about human nature, in particular about the choices that government may make and the consequences of their choices for themselves and for society. The State of Jharkhand, in furtherance of its policies of recruitment of Assistant Teachers/Sahayak Acharyas has framed statutory rules. The gist of the statutory rules that enable consideration of para teachers is reproduced hereunder:

JHARKHAND PRIMARY SCHOOL TEACHER RECRUITMENT RULES, 2012

FEATURE	REGULAR ROUTE (NON-PARA TEACHER)	SSA ROUTE (PARA TEACHER)
MODE OF APPOINTMENT (RULES 9, 14)	Direct appointment against 50 per cent of marked vacancies.	Direct appointment against 50 per cent of marked vacancies.
METHOD OF SELECTION	Selection based on a district-level merit list calculated from academic marks (Matric, Inter, Graduation, Teacher Training)	Same as the regular route; selection based on district-level merit list.
FEATURE	**REGULAR ROUTE (NON-PARA TEACHER)**	**SSA ROUTE (PARA TEACHER)**
(RULE 21)	and Teacher Eligibility Test (TET) marks.	

NECESSARY QUALIFICATIONS (RULES 4 & 11)	Must be a citizen of India; possess required academic and preacademic qualifications (Inter/Graduation + Teacher Training); and pass the JTET.	Must meet the same academic/pre-academic and JTET qualifications as regular teachers.
SSA CRITERIA (RULE 14)	N/A	Must have worked continuously for at least two years under Sarva Shiksha Abhiyan.

JHARKHAND ELEMENTARY SCHOOL SAHAYAK ACHARYA RULES, 2022

FEATURE	REGULAR ROUTE (NON-PARA TEACHER)	SSA ROUTE (PARA TEACHER/CONTRACTUAL)
MODE OF APPOINTMENT (RULES 6 & 8)	Direct recruitment against vacancies identified for the Sahayak Acharya cadre.	50 per cent of vacancies are reserved horizontally for contractual employees under central/state sponsored educational schemes.
METHOD OF SELECTION (RULE 8)	Competitive examination conducted by the Jharkhand State Staff Selection Commission (JSSC) or selected agency.	Same competitive examination as the regular route, applied to the reserved 50 per cent quota.
NECESSARY QUALIFICATIONS (RULE 3)	Citizen of India; minimum age 21; academic/pre-academic qualifications (Inter/Graduation + Training); and passing JTET for relevant classes.	Same academic and JTET requirements as the regular route.
FEATURE	**REGULAR ROUTE (NON-PARA TEACHER)**	**SSA ROUTE (PARA TEACHER/CONTRACTUAL)**
ADDITIONAL SSA CRITERIA (RULE 6)	N/A	Must have completed a minimum of two years of continuous service on the date of advertisement publication and be currently working.
SALARY/SCALE (RULE 5)	Inter Trained: Pay Level-4 (25,500 + allowances). Graduate Trained: Pay Level-5 (28,200 + allowances).	Same as the regular route for the respective levels (Level-4 for Inter Trained; Level-5 for Graduate Trained).

19. The prayer for regularisation is a prayer for direct absorption from a scheme post of *para-teachers* to a State cadre post of Assistant Teacher/Sahayak Acharya. This would change the character of the appointment. A scheme post under the SSA is jointly funded by the Union of India and the State of Jharkhand, is governed by the SSA guidelines, and continues until the scheme ceases to exist. A cadre post under the State of Jharkhand is governed by Article 309 of the Constitution of India, which creates public employment, and the State must follow a constitutionally aligned recruitment process. The direct leap from one to the other, bypassing the statutory rules, would create a new mode of recruitment not sanctioned by law. This is prohibited by *Umadevi (supra)* and the line of precedents.[24] In an attempt to cure the purported irregularity in appointment, if *para-teachers* are regularised under Articles 226 or 142, it would change the source of appointment altogether.

20. On the issue of equal pay for equal work, we note that it is not an automatic entitlement, but rather, the claimant must demonstrate that their duties, responsibilities, qualifications, accountability and conditions of service are qualitatively identical to those of regular employees.[25] *Parateachers*, though they perform similar classroom functions, are not assigned the full range of responsibilities of an Assistant Teacher. Further, the *UP Junior High School case (supra)* directed pay parity under Rule 20(3) of the RTE Rules for scheme teachers who are prohibited from other employment. In the instant case, the teachers claim pay parity with Assistant Teachers, which is inherently distinct from a revision of the honorarium.

20.1 In this regard, this Court in *Union of India & Ors. v. Ilmo Devi & Anr.*,[26] referred to the principles relating to regularisation and parity in pay and concluded that *"regularisation can be only as per the regularisation policy declared by the*

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[24] See also, *Official Liquidator v. Dayanand & Ors*, (2008) 10 SCC 1

[25] *State of Rajasthan v. Daya Lal* (2011) 2 SCC 429: *"(i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and Courts should not issu a direction for regularisation of services of an employee which would be violative of the constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularised, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularised.*

(ii) Mere continuation of service by a temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be "litigious employment". Even temporary, ad hoc or daily-wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.

(iii) Even where a scheme is formulated for regularisation with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not possible to others who were appointed subsequent to the cut-off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.

(iv) Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees.

Part-time temporary employees in Government-run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment, even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the State must arise under a contract or under a statute."

[26] (2021) 20 SCC 290

State/Government and nobody can claim regularisation as a matter of right dehors the regularisation policy."

21. In the Additional Affidavit filed by the State, it is brought on record that, in the recruitment of Assistant Teachers held in the year 2023, 1637 *parateachers* were appointed after successfully participating in the extant appointment process for Assistant Teachers. The ratio laid down in the above judgments notes that the direction for regularisation cannot be contrary to the statutory rules made by the competent authority. The *para-teachers*, assuming that they have been appointed under the scheme, make a prayer for regularisation, which takes them into the service of the State Government. For the said purpose, adherence to Statutory Rules must be insisted upon. In the extant case, the State, in furtherance of its policy, has framed rules and kept in perspective the principles laid down in *Umadevi (supra)*. We are of the view that the claim of *para-teachers* for regularisation does not rest on sound legal and constitutional principles. But, the statutory scheme made by the State has recognised a right of participation and consideration of the claims of *para-teachers*, subject to the respective statutory framework. This Court is conscious of a diabolical situation in the category of the then *para-teachers*, namely those who participated in the selection process, on being meritorious, are appointed by the State Government, and the *para-teachers* who could not be meritorious would be appointed through a mandamus for regularisation of their services as Assistant Teachers. In the circumstances of the case and having regard to the statutory rules in force, the prayer for a blanket direction for regularisation as an Assistant Teacher or Sahayak Acharya would be contrary to the binding precedent in *Umadevi (supra)*. The *para-teachers,* in fact, have a right to participation and consideration under the extant rules, but do not have a right to regularisation. The argument of *para-teachers* is that the State has hardly issued any notifications over the past ten to fifteen years, and the delay in issuing notifications for available vacancies would defeat the rights of *para-teachers*. The comparison of similarities of duties, etc., is to be subjected to the statutory framework and may not ripen into an absolute right for regularisation of the services as prayed for. The above discussion leads to the next point for consideration, whether the para teachers are entitled to a timely recruitment and selection process under the extant procedure.

21.1 *Umadevi (supra)* does two things: (i) it bars blanket regularisation by mandamus contrary to statutory rules; and (ii) in Para 53, it carves a onetime exception for irregularly appointed employees working against sanctioned posts for over 10 years, directing the executive to frame a regularisation scheme. The directions in the following paragraphs implement the ratio of *Umadevi (supra)* by directing the State to periodically implement its own statutory mechanism. We do not wish to create a right to regularisation, but rather to ensure that the State carries out its self-imposed statutory obligation by appointing *para-teachers* to regular posts.

22. An attempt has been made before us by *para-teachers* that in all aspects and respects, they are similar to Assistant Teachers. We take note of the State Government on the mode and manner in which *para-teachers* were initially employed. We also take note of the view taken by the High Court in the Impugned Judgment. We have the option of recording a finding either to support the *para-teachers* or to support the State's stance. However, the circumstances are such that if a finding is recorded against *para-teachers*, they may not receive what the State of Jharkhand, as part of

its policy, has agreed to provide. Therefore, while we agree with the High Court's view, we find it appropriate to mould the relief.

23. The complete answer to the enduring swing of judicial consideration between irregular and illegal appointments is resolved by *Umadevi (supra)*. It is noted that the distinction between illegal and irregular appointments determines the relief available to a party. In the case on hand, we find it unnecessary to determine whether the initial entry of the para-teachers into service under the SSA was irregular or illegal, and we expressly decline to do so for the following reason: the question has been rendered academic by the State's own legislative conduct. By setting aside 50 per cent of all marked vacancies for Assistant Teachers/Sahayak Acharyas exclusively for *parateachers* under both the 2012 Rules and the 2022 Rules, the State of Jharkhand has itself recognised *para-teachers* as a distinct and legitimate class, possessing a right to participation and consideration for regular cadre appointments. To ensure security of employment to the para-teachers and simultaneously give full effect to the statutory rules made under Article 309 of the Constitution of India, we find it appropriate to mould the relief by directing the State to activate, implement, and periodically honour the very statutory mechanism it has itself created.

24. We are of the view that the State cannot be heard, on the one hand, to successfully resist the prayer for regularisation of *para-teachers* as Assistant Teachers/Sahayak Acharyas, while, on the other hand, not give effect to its own statutory framework for regularisation of the services of *para-teachers*. The State of Jharkhand ought not to delay in issuing a notification exclusively for *para-teachers* for their appointment as Assistant Teachers/Sahayak Acharya. For policy and practical reasons, and given the financial implications for the exchequer, the State of Jharkhand must explore the option of notifying exclusively the 50 per cent of vacant posts marked as Assistant Teachers under the 2012 and 2022 Rules. The sense of security of employment is a *sine qua non* for enhancing efficiency in any service, and education is no different. The teacher-student bond is not temporary but spans the academic years. Expecting a *para-teacher,* without a guarantee of their employment, to guarantee a child's future and education is fallacious. The time has come for the executive to conduct periodic performance audits and eliminate *ad hocism* in public employment. The courts do not advise the executive, but the executive, by putting in place ad hoc mechanisms, would affect society's progress and the future of children. Therefore, the following directions are issued to the State of Jharkhand to issue a notification inviting applications exclusively from *para-teachers* for appointment to 50 per cent of the marked vacancies for both Assistant Teachers and Sahayak Acharyas. The filling-up exercise for 50 per cent of available/earmarked vacancies for *para teachers* is undertaken every academic year, and the right to be considered is extended to para teachers. For the above-mentioned purpose, the following schedules, (I) for this Academic Year and (II) for future Academic Years, are directed to be implemented by the State of Jharkhand.

I. Immediate Schedule for the Current Academic Year

Sl. No.	Description	Timeline
1.	Determination of the total vacancies of Assistant Teachers and Sahayak Acharyas across the State of Jharkhand. The 50 per cent of such vacancies earmarked exclusively for para-teachers shall be determined and notified simultaneously. *Note:* The district shall not be the unit for appointment. Vacancies shall be aggregated and notified at the State level.	Within 4 weeks from the date of this judgment
2.	Issue of advertisement/notification inviting applications exclusively from eligible *parateachers* for the earmarked 50 per cent of Assistant Teacher/Sahayak Acharya posts, in accordance with the Jharkhand Primary School Teacher Recruitment Rules, 2012 and the Jharkhand Elementary School Sahayak Acharya Cadre (Appointment, Promotion and Service Conditions) Rules, 2022.	Immediately within two weeks upon determination of vacancies under Sl. No. 1
3.	Receipt of applications from eligible parateachers.	As specified in the notification
4.	Preparation and publication of districtwise/State-level merit list based on academic marks (Matric, Inter, Graduation, Teacher Training) and TET/JTET marks, in accordance with the applicable Rules.	As per the extant Rules
5.	Completion of the entire recruitment process, including finalisation of merit lists, issue of appointment orders, and communication to the appointing authority.	Within 10 weeks from the date of the advertisement under Sl. No. 2

II. Annual Recurring Calendar

Sl. No.	Description	Date
1.	Determination of the total vacancies of Assistant Teachers and Sahayak Acharyas for the academic year. Vacancies to be calculated including: *(a)* Existing vacancies as on date; *(b)* Vacancies anticipated to arise during the year due to retirement, death, promotion, or otherwise.	On or before 31st March
2.	From the total vacancies so determined, 50 per cent shall be earmarked exclusively for parateachers (Para Category) under the 2012 Rules and 2022 Rules. The earmarked vacancies shall be notified simultaneously with the determination under Sl. No. 1.	On or before 31st March

3.	Issue of advertisement calling for limited recruitment exclusively from eligible parateachers for the 50 per cent earmarked posts of Assistant Teachers / Sahayak Acharyas. *Eligibility:* Para-teachers who meet the qualifications prescribed under the applicable Rules (JTET/TET-qualified, with minimum two years of continuous service under SSA/Samagra Shiksha as on the date of advertisement).	1st April
4.	Last date for receipt of applications.	As specified in the advertisement
5.	Preparation and publication of the merit list in accordance with the applicable Rules.	As per the extant Rules
6.	Completion of the selection process including finalisation of merit list, declaration of results, and communication to the appointing authority.	On or before 31st May
7.	Issue of appointment letters by the competent authority for all selected para-teachers.	Within 30 days of finalisation of merit list

25. Dr. Sarvepalli Radhakrishnan believed that the relationship between teachers and students is of a *sacred* character. He further stated that "*the kind of education that we provide for our youth is determined overwhelmingly by the kind of men and women we secure as teachers.*" It is in the light of this elevated ideal that the present case must be understood. With the *parateachers'* long-stated experience, the claim for regularisation is certainly a legitimate expectation. However, whether the *para-teachers* deserve a regular government post, is subsumed by the educational standards expected by the State from its teachers and the short-term and long-term goals that the State has set for itself in imparting education to its wards. The need of the hour is to strengthen education, particularly at the primary and secondary levels, rather than subsidising it with *ad hoc* measures. Providing education itself is not the objective, but providing comprehensive, high-quality education is. While the *para-teachers* desire that they be made Assistant Teachers, their desirability is tested by the Government to provide the best teachers in the field. In brief, the State examines the individual's desire to determine whether the individual deserves to hold the post. Whether this balance has been correctly struck within the framework of Articles 14, 16, and 309 of the Constitution of India is the central question we have answered in these Appeals.

26. The Civil Appeals are ordered as indicated above. Pending application(s), if any, stand disposed of accordingly.

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