RAJASTHAN HIGH COURT

REPORTABLE

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 891/2026
CNR: RJHC010553512026 | URN: SAW / 1752U / 2026

Rajasthan High Court
सत्यमेव जयते
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1. State Of Rajasthan, Through- The Principal Secretary, Department Of Animal Husbandry, Govt. Of Rajasthan, State Secretariat, Jaipur, Rajasthan.
2. The Director, Department Of Animal Husbandry, Jaipur, Rajasthan.

----Appellants

Versus

1. Dr. Ramakant Soni S/o Shri Chotmal Soni, Aged About 32 Years, R/o Sahi Kripa Society, Near Sarla Birla Kalyan Mandap, New Colony, Kutchaman City, District- Nagaur, Rajasthan. (Presently Veterinary Officer At Veterinary Hospital Aakoda, Deedwana, District- Nagaur, Rajasthan).
2. Dr. Surendra Kumar S/o Shri Jagdish Prasad, Aged About 31 Years, Village-Dilki-Jatan Tehsil-Nohar, District - Hanumangarh, Rajasthan. (Presently Veterinary Officer At Govt. Veterinary Hospital Utradabas Bhadra District- Hanumangarh).
3. Dr. Shahdab Ahmed Khan S/o Shri Iqbal Ahmed Khan, Aged About 37 Years, R/o 23/195, Shastri Nagar, Mohammidia Colony, Bhilwara, Rajasthan. (Presently Veterinary Officer At Govt. Veterinary Hospital Danthal, District- Bhilwara).
4. The Rajasthan Public Service Commission, Ajmer, Through Its Secretary.

----Respondents

For Appellant(s)	:	Mr. Ravindra Jala for Mr. S. S. Ladrecha
For Respondent(s)	:	Mr. S. P. Sharma

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA
Judgment

03/11/2026

1. Heard learned counsel for the parties.

2. The present Special Appeal arises out of a judgment rendered by learned Single Bench dated 28.11.2025 passed in

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SB Civil Writ Petition No.4217/2020, whereby the writ petition filed by the petitioners-respondents was allowed directing the appellants to regularize their services on the post of Veterinary Officer.

3. Briefly noted facts relevant for deciding the present appeal are that the petitioners-respondents, who were holding the requisite qualifications for the post of Veterinary Officer, applied for appointment on such post in pursuance of the recruitment advertisement dated 14.03.2013, whereby, 500 posts under Rule 26 of Rules of 1963 were advertised. In pursuance of the selection process held by the appellants, the petitioners-respondents were appointed on the post of Veterinary Officer in the year 2013. The appellants, after three years, abruptly terminated the services of petitioners-respondents. The petitioners-respondents challenged the termination order before this Court by filing writ petition and those writ petitions were ultimately allowed by this Court. The petitioners-respondents, in these circumstances, continued to serve the Department on the post of Veterinary Officer. The petitioners-respondents in the year 2020 approached the appellant-Department for regularizing their services but after being denied the same, the petitioners-respondents approached this Court by way of filing the writ petition. Learned Single Bench, after hearing learned counsel for the parties, allowed the writ petition vide order dated 28.11.2025 directing the appellants to regularize the services of the petitioners-respondents on the post of Veterinary Officer. Hence, the present appeal has been filed.

4. The learned Additional Advocate General vehemently submits before this Court that the learned Single Bench was not right in

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allowing the writ petition as the petitioners-respondents were appointed only on urgent temporary basis under Rule 26 and since they were not regularly selected and appointed on the post of Veterinary Officer, therefore, their services are not entitled to be regularized.

5. Learned counsel for the appellants further submits that in view of the judgment rendered by the Hon'ble Supreme Court in case of ***State of Karnataka vs. Uma Devi*** reported in ***(2006) 4 SCC 1,*** the services of persons, who had been irregularly appointed, could be regularized only upon due consideration of their respective cases in the light of the principles laid down therein. He further submits that the said exercise was envisaged as a one time measure for regularization of such persons. However, the cases of those persons who were continuing in service pursuant to interim orders passed by Courts or Tribunals were specifically excluded from consideration for the purpose of regularization.

6. Learned counsel submits that since the petitioners-respondents were working in view of the interim orders and Judgment passed by this Court, therefore, it cannot be deemed that they have completed more than 10 years of uninterrupted service. He therefore, prays that the Special Appeal may be allowed and the writ petition filed by the petitioners-respondents may be dismissed and the impugned order dated 28.11.2025 passed by the learned Single Bench may be quashed and set aside.

7. *Per contra*, the learned counsel for the petitioners-respondents vehemently opposed the submissions made by the

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learned counsel for the appellants and submits that the order passed by the learned Single Bench is perfectly in conformity with the number of Judgments passed by the Hon'ble Supreme Court including the judgment passed in case of ***Jaggo vs. Union of India*** *reported in* ***2024 SCC OnLine SC 3826***, wherein the Hon'ble Supreme Court has considered the Judgment rendered in the case of ***Uma Devi*** *(*Supra*)*.

8. Learned counsel for the respondents further submits that the appointment of the petitioners-respondents cannot be termed as illegal. He further submits that even if it is considered to be irregular, the same was done as per the mandate of Rule 26 of the Rule of 1963. Learned counsel further submits that the nature and validity of such appointments have been considered by the Hon'ble Supreme Court in the case of ***Jaggo vs. Union Of India*** *(*Supra*)**,*** particularly in the context of termination orders being issued against such employees from time to time. It is further contended that in view of the Judgment and order passed by this Court, the petitioners-respondents have rendered more than 10 years of uninterrupted service. Learned counsel further submits that a co-ordinate Bench of this Court in the case of ***Mohd. Sadiq vs. State of Rajasthan*** decided on 16.03.2026 had an occasion to consider the similar situation and in that Judgment also, the co-ordinate Bench has taken note of the Judgment of Hon'ble Supreme Court in the case of *Jaggo vs. Union of India & Ors. (supra)* and has allowed the Special appeal by giving the direction to the respondent-State to regularize the services of the appellant after completing 10 years from the date of his initial appointment

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with all consequential benefits. Learned counsel therefore, prays that the appeal may be dismissed.

9. We have considered the submissions made before this Court and have gone through the relevant record of the case. The undisputed fact disclosed in the writ petition is that the petitioners-respondents were appointed on the post of Veterinary Officer in pursuance of the selection process undertaken in the year 2013. The petitioners-respondents have served the Department for more than 10 years and on one occasion their services were terminated. Then, they approached this Court by way of filing writ petitions and the same were allowed and by the force of the order passed by this Court, the petitioners-respondents are continuously serving the appellant-Department since 2013. The petitioners-respondents made a representation to the appellant-State for regularization of their services and since they were not granted the same, therefore, they approached this court by way of filing a writ petition before the learned Single Bench and the learned Single Bench of this Court allowed the writ petition vide order dated 28.11.2025 by giving a direction to the appellant-Department to regularize services of the petitioners-respondents after completion of 10 years by computing the period of 10 years from the date of joining the service initially with all consequential benefits.

10. The only ground which has been canvassed before this Court by learned counsel for the appellants is that the petitioners-respondents have not served the appellant-Department uninterruptedly and their services were terminated and therefore, as per the Judgment rendered by the Hon'ble Supreme Court in

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the case of *Uma Devi* (supra), the benefit of regularization can not be granted to these petitioners-respondents.

11. The argument is noted to be rejected only on the ground that the Hon'ble Supreme Court in the case of ***Jaggo vs. Union of India & Ors***. decided on 20.12.2024 reported in ***2024 SCC OnLine SC 3826*** has held as under:-

> *"12. Despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily and continuous basis over extensive periods, ranging from over a decade to nearly two decades. Their engagement was not sporadic or temporary in nature; instead, it was recurrent, regular, and akin to the responsibilities typically associated with sanctioned posts. Moreover, the respondents did not engage any other personnel for these tasks during the appellants' tenure, underscoring the indispensable nature of their work.*
> *xxxxx*
> *16. The appellants' consistent performance over their long tenures further solidifies their claim for regularization. At no point during their engagement did the respondents raise any issues regarding their competence or performance. On the contrary, their services were extended repeatedly over the years, and their remuneration, though minimal, was incrementally increased which was an implicit acknowledgment of their satisfactory performance. The respondents' belated plea of alleged unsatisfactory service appears to be an after thought and lacks credibility.*
> *xxxxx*
> *20. It is well established that the decision in Uma Devi(supra)does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time, transform what was initially ad-hoc or temporary into a scenario demanding fair regularization. In a recent judgement of this Court in Vinod Kumar and Ors. Etc. Vs. Union of India & Ors., it was held that held that procedural formalities cannot be used to deny regularization of service to an employee whose appointment was termed "temporary" but has performed the same duties as performed by the regular employee over a considerable period in*

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the capacity of the regular employee. The relevant paras of this judgement have been reproduced below:

> *"6. The application of the judgment in Uma Devi(supra) 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 the case of Uma Devi(supra).*
>
> *7. The judgment in the case Uma Devi(supra) 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"*

21. The High Court placed undue emphasis on the initial label ofthe appellants' engagements and the outsourcing decision takenafter their dismissal. Courts must look beyond the surface labels and consider the realities of employment: continuous, long-term service, indispensable duties, and absence of any mala fide or illegalities in their appointments. In that light, refusing regularization simply because their original terms did not explicitly state so, or because an outsourcing policy was belatedly introduced, would be contrary to principles of fairness and equity.

xxxx.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long- term obligations owed to employees. These practices manifest in several ways:

- ***Misuse of "Temporary" Labels****: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as "temporary"or "contractual,"even when their roles mirror those of regular employees. Such mis classification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.*
- ***Arbitrary Termination****: Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.*
- ***Lack of Career Progression****: Temporary employees often find themselves excluded from opportunities for skill*

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development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

*• **Using Outsourcing as a Shield**: Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.*

*• **Denial of Basic Rights and Benefits**: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.*

26. While the judgment in Uma Devi(supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi(supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades."

12. The Hon'ble Supreme Court, in the aforesaid case, considered the cases of employees whose services had been terminated by the appellant-Department on certain occasions, thereby depriving them of the benefits of regularization that had otherwise accrued to them. The Hon'ble Supreme Court held that such orders of termination would not, by themselves, dis-entitle an employee from consideration for regularization, provided that the employee otherwise satisfies the requirements laid down in the judgment rendered in *State of Karnataka v. Uma Devi (supra)*.

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The Hon'ble Supreme Court, in ***Vinod Kumar & Ors. v. Union of India & Ors***., reported in ***(2024) 9 SCC 327***, has also elaborated upon and explained the scope and ambit of paragraph 53 of the judgment rendered in ***State of Karnataka v. Uma Devi*** (supra). While interpreting the principles laid down in paragraph 53 of the said judgment, the Hon'ble Supreme Court, in *Vinod Kumar* (supra) has observed as under:-

> *"5. "……..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."*
>
> *xxxxx*
>
> *7. "The judgement in the case Uma Devi (supra) also distinguished between "irregular" and "illegal" appointment sunder scoring 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. Paragraph 53 of the Uma Devi (supra) case is reproduced hereunder:*
>
> > *"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointment) as explained in S.V. Narayanappa [(1966) SCC Online SC 23,R.N. Nanjundappa (1972) 1 SCC 409 and B.N. Nagarajan[(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 regularization 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*

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> *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."*

13. Similar view has also been reiterated by the Hon'ble Supreme Court in ***Dharam Singh & Ors. v. State of U.P. & Ors***., reported in ***2025 SCC OnLine SC 1735***; ***Prem Singh v. State of U.P***., reported in ***(2019) 10 SCC 516***; and ***Bhola Nath v. The State of Jharkhand & Ors***., reported in ***2026 INSC 99***. This Court is of the view that abrupt termination of the services of an employee by the respondent-Department is nothing, but a mechanism adopted by the Department to deprive employees from the fruits of regularization of their services. It is also noted that despite the availability of work of a perennial nature in the Department, appointments/engagements are made periodically to escape from giving the appointments on a regular basis. In the considered opinion of this Court, the practice adopted by the Government is nothing but an attempt to deprive employees from getting the regular service and, consequently, regular emoluments for the work done by them. Therefore, in view of the judgments rendered by the Hon'ble Supreme Court, we are of the view that the petitioners-respondents are entitled to have their services regularized and that no error has been committed by the learned Single Bench in allowing their writ petitions.

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14. The Appeal, therefore, being devoid of force, is hereby dismissed.

15. All pending applications, if any, also stand dismissed.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

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