

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13373 of 2023**

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(Dr.) Rajesh Kumar S/o Sri Narendra Kumar, Resident of X-12, Ashiana Nagar, Phase-1, P.S.-Rajiv Nagar, District-Patna. At present Lecturer (contractual appointment), D.N.S. Regional Institute of Co-operative Management, Shastri Nagar, Patna-800023, under the aegis of National Council for Co-operative Training, New Delhi.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Cooperation, Government of India, New Delhi.
2. The Additional Secretary, Ministry of Cooperation, Govt. of India, cum-President, Executive Council, National Council for Co-operative Training (N.C.C.T), 3-Siri Institutional Area, August Kranti Marg, New Delhi-16.
3. The Secretary, National Council for Co-operative Training (N.C.C.T), 3-Siri Institutional Area, August Kranti Marg, New Delhi-16.
4. The Joint Director (Personnel) National Council for Co-operative Training (N.C.C.T), 3-Siri Institutional Area, August Kranti Marg, New Delhi-16.
5. The Director, D.N.S. Regional Institute of Co-operative Management, Shastri Nagar, Patna-800023.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Lalit Kishore, Sr. Advocate Mr. Arbind Kumar Singh, Advocate Mr. Ayush Kumar, Advocate Mr. Kanishk Shankar, Advocate Mr. Chandan Kumar, Advocate
For the U.O.I.	:	Dr. K.N. Singh, A.S.G. Mr. A.B. Mathur, C.G.C. Mr. Amarjeet, J.C. to ASG Mr. Prakritita Sharma, J.C. to A.S.G. Mr. Kanishk Kaustubh, Advocate Mr. Ranjeet Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL JUDGMENT**

**Date : 02-12-2024**

Heard Mr. Lalit Kishore, learned Senior Counsel  
assisted by Mr. Arbind Kumar Singh, Mr. Ayush Kumar, Mr.  
Kanishk Shankar and Mr. Chandan Kumar, learned counsels  
appearing on behalf of the petitioner and Mr. K.N. Singh,



learned Additional Solicitor General assisted by Mr. A.B. Mathur, learned C.G.C., Mr. Amarjeet, learned J.C. to learned A.S.G., Ms. Prakritita Sharma, learned J.C. to learned A.S.G. and Mr. Kanishk Kaustubh, learned counsel for the respondents.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which are reproduced hereinafter:

*"i. For issuance of writ in the nature of mandamus or any other appropriate writ/ order/ direction directing Respondents authorities to regularise the service of petitioner after setting aside the order dated 10.08.2023 issued by the Respondent no. 3, whereby and where under the Respondent no. 3 denied the regularisation of petitioner ignoring the judgment passed by Hon'ble Supreme Court in Narendra Kumar Tiwary and others Vrs. State of Jharkhand and others reported in 2018 (8) Supreme Court cases page-238 merely on the ground that there is a Lack of specific provision in the recruitment Rules permitting regularisation or contractual employee.*

*ii. For issuance of a writ of Mandamus or any other appropriate writ/ order/ direction directing the Respondents authority to regularised the service of the petitioner on the post of Lecturer or as per his entitlement in accordance with law pursuant to law laid down by Hon'ble Supreme Court in Narendra Kumar Tiwary case Supra considering the judgment passed in Secretary State of Karnataka vrs. Uma Devi reported in 2006(4) SCC page -1, where by specific direction has been given in that contest to the Union of India, the take steps to regularise as one time measure, who have worked for ten years or more in on duly sanctioned post and since the petitioner is*



*continuously discharging his duty since his appointment on sanctioned vacant post pursuant to office order issued by Respondent no. 5 vide letter no. 2(xxviii)Estt/78/ dated 03.11.2001 and thus the case of petitioner is fully covered under the afore said judgment of Hon'ble Apex Court.*

*iii. For issuance of an appropriate writ / order / direction commanding Respondent authorities to fix and make payment of difference amount of arrear as well as current salary at the rate of salary fixed for the post of Lecturer working in regular pay scale as the petitioner having requisite qualification is performing similar work on a duly vacant sanctioned post on consolidated salary since his appointment by competent authority by applying all criteria of employment, and the same being in blatant disregard and violation of articles 14, 16&21 of the Constitution of India.*

*iv. Any other relief that the petitioner may be found to be entitled to in the facts and circumstances of the present case."*

**BRIEF FACTS:-**

3. The brief facts of the case are that the petitioner applied for his appointment as lecturer in D.N.S. Regional Institute of Co-operative Management. The appointment of the petitioner was after due process of selection i.e., there was proper scrutiny of his application and after holding of the interview, he was declared selected on 03.11.2001 (Annexure-1 to the writ petition). The petitioner had joined his service on 06.11.2001 (Annexure-2 to the writ petition). Thereafter, the respondent no. 5 sought *ex-post-facto* approval from respondent



no. 3 regarding appointment of petitioner and others (Annexure-3 to the writ petition). The contract of the petitioner was extended from time to time and is continuing till date for which, extension was approved on dated 14.02.2022, (Annexure-5 to the writ petition). The petitioner having become entitled for absorption, filed several representations from time to time before the respondent no. 3 and other competent authorities for a sympathetic consideration for regularization of his services and to fix his monthly salary as per his entitlement in accordance with the law having rendered more than 22 years of continuous service. No action was taken by the respondents to regularize his services, the petitioner had filed CWJC No. 8197 of 2023.

4. The said writ petition was disposed of with a direction to the authorities concerned to consider the case of the petitioner for regularization of his services (Annexure-10 to the writ petition dated 13.06.2023). The petitioner in compliance of the order, filed his representation dated 26.06.2023 (Annexure-11 to the writ petition) before the respondent no. 3, who has passed an order refusing to regularize the services of the petitioner vide order dated 10.08.2023 (Annexure-12 to the writ petition). Petitioner being aggrieved and having no alternative



has filed the present writ petition against the said order.

**Submission on behalf of the parties: -**

5. Mr. Lalit Kishore, learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner is aggrieved by the order dated 10.08.2023 passed in compliance of the order dated 13.06.2023 passed in C.W.J.C. No. 8197 of 2023, by the Secretary, National Council for Co-operative Training (N.C.C.T.), by which the respondent no. 3 has denied the regularization of the services of the petitioner on the post of lecturer in N.C.C.T./ R.I.C.M., Patna in most illegal manner against the mandate of law. Learned senior counsel further submitted that the petitioner has been subjected to hostile discrimination by the respondent authorities, who have not considered the direction passed by this Court in CWJC No. 8197 of 2023 in its true spirit in respect of the petitioner. The respondent no. 3, who was required to call for the service particulars of the petitioner from the office of respondent no. 5 (The Director, D.N.S. Regional Institute of Co-operative Management, Shastri Nagar, Patna), under whose jurisdiction, the petitioner is continuously discharging his duty has failed completely to abide by the guidelines and the direction of the Apex Court passed in the case of *Secretary State of Karnataka*



*vs. Uma Devi (3)* reported in *(2006) 4 SCC 1* and subsequently in the case of *Narendra Kumar Tiwary & Ors. vs. State of Jharkhand & Ors.* reported in *(2018) 8 SCC 238*, in spite of the fact that the petitioner is fit to be considered for regularization of his services on account of having fulfilled following conditions mentioned herein below:-

i) The appointment of petitioner has been made despite on contract basis, but on duly sanctioned vacant post through proper channel undergoing the process of open selection.

ii) The petitioner had been appointed at his early age but now has lapsed the age of appointment and he is near to the age of superannuation from service. The petitioner fulfills all the requisite qualification and experience as such is fit to be considered to be regularized having continuously worked against the duly vacant sanctioned post of Lecturer for about 22 years. The apathy and indifference on part of the concerned respondent authorities are against the law laid down by the Apex Court.

iii) The action of the respondent authorities is in blatant disregard to the law laid down by the Apex Court and mandate of articles 14, 16 & 21 of the Constitution of India.



6. Learned Senior Counsel further submitted that the authorities, on several occasions, have issued certificate of good performance in favour of petitioner. Moreover, the petitioner in capacity of a representative of Institute had attended several business orientation and business development programmes at different Institutes which includes Banker's Institute of Rural Development, Lucknow.

7. Learned Senior Counsel further submitted that the Apex Court in case of *Uma Devi(3) (Supra)* has directed that "the Regularization Rules must be given a pragmatic interpretation" and further held that " they have completed 10 years of service on the date of promulgation of the Regularization Rules, ought to be given the benefit of service rendered by them. If they have completed 10 years of service they should be regularized unless there is some valid objection to their regularization like misconduct etc." It is the case of the petitioner that the respondents in complete ignorance of the law laid down in *Uma Devi(3) (Supra)* and *N.K. Tiwari (Supra)* has rejected the representation of the petitioner and seeks that the order dated 10.08.2023 is fit to be set aside.

8. *Per contra*, Dr. K.N. Singh, learned Additional Solicitor General appearing on behalf of the Union of India



informs that in absence of any rules for regularization, the case of the petitioner was rejected. The petitioner was well aware of the provisions of the “*Service Recruitment and Promotion Rules*”, according to which, the regularization of the contractual employment was not possible. He further submitted that despite no specific provision is contained in the said rules, the petitioner was given periodic extension of his contractual employment and the consolidated amount of salary to the petitioner has also been increased at regular intervals. Learned senior counsel further submitted that in absence of any valid rules for consideration of the case of the petitioner for regularization of his service his representation has been rejected. Learned senior counsel, in support, has referred to paragraph no. 10 of the counter affidavit filed on behalf of respondent no. 5, to contend that there are valid reason not to regularize the services of the petitioner.

**Analysis and Conclusion:-**

9. Heard the Parties.

10. From perusal and pleadings made in the writ petition and the counter affidavit filed on behalf of the respondent no. 5 it appears that the respondents are satisfied by the performance of the petitioner. Question arises that in the even of the fact the contract was periodically extended, whether



the same confers right to the petitioner for regularization of service, who has put in his services continuously for more than two decade having duly recognized by the respondents?

11. The petitioner had earlier filed CWJC No. 8197 of 2023 and in compliance of the order dated 13.06.2023, had submitted a representation dated 26-06-2023 before the Respondent No.-2 & 3 for considering his case for regularization as per the law laid down by the Apex Court in case of *Uma Devi(3) (Supra)* and *Narendra Kumar Tiwari (Supra)*.

12. The petitioner was duly acknowledged for his good performance, however the representation of the petitioner has been rejected on the sole ground that in view of the 'Service Recruitment and Promotion Rules', it is not possible to accept his request for pragmatic interpretation in view of bona-fide doubt on the applicability of the referred judgment of the Apex Court.

13. The objection raised by the respondent to the effect that in absence of any rule for regularization, the case of the petitioner has been rejected, cannot be said to be well founded. Law regarding regularization is no more *res integra*. The Apex Court in paragraph no. 53 in case of *Uma Devi(3)*



*(Supra)*, *inter alia*, has held as follows:

*"53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071] , R.N. Nanjundappa [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 : 1980 SCC (L&S) 4 : (1979) 3 SCR 937] 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 aboveresferred 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."*

14. In *Sheo Narain Nagar & Ors. v. State of Uttar Pradesh & Anr.*, reported in *(2018) 13 SCC 432*, after having



analysed whether appointments were illegal or an irregular one on due consideration of the facts of the case and the decision in ***Uma Devi (3) (supra)*** the Apex Court was pleased to hold as hereunder:-

*“8. Coming to the facts of the instant case, there was a direction issued way back in the year 1999, to consider the regularisation of the appellants. However, regularisation was not done. The respondents chose to give minimum of the pay scale, which was available to the regular employees, way back in the year 2000 and by passing an order, the appellants were also conferred temporary status in the year 2006, with retrospective effect on 2-10-2002. As the respondents have themselves chosen to confer a temporary status to the employees, as such there was requirement at work and posts were also available at the particular point of time when order was passed. Thus, the submission raised by the learned counsel for the respondent that posts were not available, is belied by their own action. Obviously, the order was passed considering the long period of services rendered by the appellants, which were taken on exploitative terms.*

*9. The High Court dismissed the writ application relying on the decision in *Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753]*. But the appellants were employed basically in the year 1993; they had rendered service for three years, when they were offered the service on contract basis; it was not the case of back door entry; and there were no Rules in place for offering such kind of appointment. Thus, the appointment could not be said to be*



*illegal and in contravention of Rules, as there were no such Rules available at the relevant point of time, when their temporary status was conferred w.e.f. 2-10-2002. The appellants were required to be appointed on regular basis as a one-time measure, as laid down in para 53 of Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] . Since the appellants had completed 10 years of service and temporary status had been given by the respondents with retrospective effect from 2-10-2002, we direct that the services of the appellants be regularised from the said date i.e. 2-10-2002, consequential benefits and the arrears of pay also to be paid to the appellants within a period of three months from today.” (emphasis supplied)*

15. I further find it apt to observe here that, the reliance on procedural formalities cannot be used to perpetually deny the substantive rights that have been accrued to the petitioner over a considerable period through his continuous service. The petitioner is advancing towards the age of his superannuation and the respondents have been taking work on sanctioned post from the petitioner on contract basis continuously for more than 23 years and not to regularise the service of the petitioner is against the law laid down by the Apex Court.

16. The Hon'ble Supreme Court before the law



relating to regularization has crystalised in the case of *Uma Devi (3) (Supra)*. Earlier also, the Apex Court in case of *Delhi Development Horticulture Employees' Union Vs. Delhi Administration, Delhi & Ors.*, reported in *(1992) 4 SCC 99; AIR 1992 SC 789*, held that, it would not be proper to issue blanket directions for wholesome regularisation in respect of all daily rated persons working even one year, but relief for regularization must be *moulded* in each case, having regard to the facts and circumstances of the case.

17. The principle to be adopted in the matter of public employment have been formulated by the Apex Court in the case of *M.P. State Coop. Bank Ltd. vs. Nanuram Yadav* reported in *(2007) 8 SCC 264*. In paragraph no. 24 of the aforesaid judgment, the Apex Court has held, *inter alia*, as follows:

*“24) It is clear that in the matter of public appointments, the following principles are to be followed:*

*1) The appointments made without following the appropriate procedure under the Rules/Government Circulars and without advertisement or inviting applications from the open market would amount to breach of Arts. 14 & 16 of the Constitution of India.*

*2) Regularisation cannot be a mode of appointment.*

*3) 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 regularization.*

*4) Those who come by back door should go through that door.*

*5) No regularization is permissible in exercise of the statutory power conferred under Art. 162 of the Constitution of India if the appointments have been made in contravention of the statutory Rules.*

*6) The Court should not exercise its jurisdiction on misplaced sympathy.*

*7) If the mischief played so widespread and all pervasive, affecting the result, so as to make it difficult to pick out the persons who have been unlawfully benefited or wrongfully deprived of their selection, it will neither be possible nor necessary to issue individual show-cause notice to each selectee. The only way out would be to cancel the whole selection.*

*8) When the entire selection is stinking, conceived in fraud and delivered in deceit, individual innocence has no place and the entire selection has to be set aside.”*

18. Further, in the case of State of *M.P. & Ors. vs. Lalit Kumar Verma & Ors.* reported *in (2007) 1 SCC 575*, the Hon’ble Supreme Court has observed as to which appointment can be considered to be irregular appointment and which can be considered to be illegal and opined, *inter alia*, as under:

*“12.The question which, thus, arises for consideration, would be : Is there any distinction between 'irregular appointment' and 'illegal appointment'? The distinction between the two terms is apparent.*



*In the event the appointment is made in total disregard of the constitutional scheme as also the recruitment rules framed by the employer, which is State within the meaning of Article 12 of the Constitution of India, the recruitment would be an illegal one; whereas there may be cases where, although, substantial compliance of the constitutional scheme as also the rules have been made, the appointment may be irregular in the sense that some provisions of some rules might not have been strictly adhered to.”*

19. In the present case, the respondents have not found that the appointment of the petitioner was found illegal appointment from the inception. The petitioner would fall within the category of irregular appointment looking to long service rendered by the petitioner and his continuation, who was initially selected after following the appointment process, the petitioner appointment being in conformity with Articles 14 and 16 of the Constitution of India, I find that the mandatory compliance of the constitutional requirement has been fulfilled in the case of the petitioner required for a public employment, which mandate the authorities to exercise statutory power conferred under Article 162 of the Constitution of India to regularize the petitioner, whose appointment, though contractual in nature, cannot be held to be illegal in any manner.

20. At the same time, in the instant case, the



respondents also have not made any objection with respect to eligibility of the petitioner to be appointed as Lecturer, which disqualifies him for his absorption. The initial entry of the petitioner on the post of Lecturer was made after having satisfied as per the government rules. The petitioner has fulfilled all the requisite criteria. I can say that the respondents have purposely not referred in the impugned order any of the provision or rules which debar the petitioner from being regularized. The denial of regularization of the petitioner, who is performing equal work is to deny equal pay to the petitioner as other lecturers are getting, in spite of the fact, that the petitioner has completed 22 years of his service has become more experience in course of time.

21. The Apex Court in case of ***State of Haryana and Ors. Vs. Piara Singh and Ors.*** reported in ***(1992) 4 SCC 118*** has held that *those eligible and qualified and continuing in service satisfactorily for a long period have right to be considered for regularization.* Long continuing in service gives rise to a presumption about the need for a regular post. In such cases, government should consider eligibility of regularization having regard to the particular circumstances with a positive approach and empathy for the concerned person.



22. The Apex Court recently in case of *Vinod Kumar & Ors. Etc. Versus Union Of India & Ors., in, Civil Appeal Nos. 5153-5154 Of 2024 (Arising Out Of SLP(C) Nos.22241-42 Of 2016)*, also reiterated the law laid down by the Apex Court in *Uma Devi(3) (Supra)* by making following observations:

*“4. The appellants have approached this Court arguing that the High Court erred in its judgment by failing to recognize the substantive nature of their duties, which align with regular employment rather than the temporary or scheme-based roles they were originally appointed for. Furthermore, their promotion by a regularly constituted Departmental Promotional Committee, the selection process they underwent, and the continuous nature of their service for over a quarter of a century underscored their argument for regularization and that the High Court has incorrectly applied the principles from the case of Uma Devi (supra) to their situation.*

*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 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 judgement 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. 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 appointments) as explained in S.V. Narayanappa [(1967) 1 SCR 128 : AIR 1967 SC 1071], R.N. Nanjundappam [(1972) 1 SCC 409 : (1972) 2 SCR 799] and B.N. Nagarajan [(1979) 4 SCC 507 :*



*1980 SCC (L&S) 4 : (1979) 3 SCR 937] 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 subjudice, 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.”*

*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 recognize 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.

9. Accordingly, the appeals are allowed. The judgment of the High Court is set aside, and the appellants are entitled to be considered for regularization in their respective posts. The respondents are directed to complete the process of regularization within 3 months from the date of service of this judgment.

*(Emphasis supplied)*

23. This Court finds that the petitioner has able to make out a case of discrimination considering the observation made in paragraph no. 8 of the impugned order dated 10.08.2023 passed by respondent no. 3, that his case was simply not considered and others were selected as lecturer at the relevant point of time due to intervention of the Hon'ble Supreme Court and, at the same time, even admitting the said fact, the respondent no. 3 has not been able to understand that the law laid down by the Apex Court in cases of other lecturers, who have been selected, is equally applicable to the case of the petitioner and having not given equal treatment to the petitioner is against the mandate of Articles 14 and 16 of the Constitution of India. I find that the specific direction of the Apex Court in case of *Uma Devi(3) (Supra)* has been violated. I find that the order dated 10.08.2023 requires interference of this Court as the same is found to be iniquitous, non application of mind and



vested with personal interest of the respondents no. 2 and 3, who have discriminated the petitioner by not regularizing him. The order dated 10.08.2023 passed by respondent no. 3 cannot be sustained in the eye of law and, as such, the same is hereby set-aside and quashed.

24. In normal course, I would have remanded the matter back to the respondent no. 3 to consider afresh in accordance with law, however, considering the fact that any further delay will only cause injustice to the petitioner. The petitioner, on oath, has declared his age 59 years on the date of registration of the present writ petition i.e. on 15.09.2023, I have no alternative than to direct the respondent no. 3 to take steps to give equal treatment to the petitioner in the facts and circumstances of the case that other persons, who have been selected following the law laid down by the Apex Court, the petitioner also deserves to be regularized on the post of lecturer from the date of his eligibility or at least from the date other lecturers have been appointed by obtaining expeditious approval, in view of the admitted fact that the petitioner has completed more than two decade of service. The petitioner also becomes entitle for consequential benefits and the arrears of pay and the same is required to be paid to the petitioner within a



period of three months from the date of communication of this order.

25. With aforesaid observation(s)/direction(s), the present writ petition is disposed of.

26. There shall be no order as to cost.

**(Purnendu Singh, J)**

Niraj/-

<b>AFR/NAFR</b>	A.F.R.
<b>CAV DATE</b>	N/A
<b>Uploading Date</b>	09.12.2024
<b>Transmission Date</b>	N/A

