



**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-26899-2025

Date of Decision: 06.11.2025

Nishi and Another

...Petitioners

Versus

Panjab University and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sarthak Gupta, Advocate
for the petitioners.

Mr. Subhash Ahuja, Advocate
for the respondent-University.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of Advertisement No.1/2025 dated 12.04.2025 whereby post of Assistant Professors have been advertised. They are further seeking direction to respondents to regularize them.

2. Respondent No.1-Panjab University issued advertisement No.9/2012 inviting applications for various posts of Assistant Professors on temporary basis for its constituent colleges. Petitioners appeared for interview and came to be selected. Petitioner No.1 was appointed as Assistant Professor (Commerce) and No.2 as Assistant Professor (Computer Science). They joined service in September' 2012. The respondent for the last 12 years is renewing contract of the petitioners.

The posts held by the petitioners are sanctioned posts and meant for direct recruitment. The respondent has issued impugned advertisement inviting applications for the posts of Assistant Professor. The advertised posts include posts of petitioners. They are claiming that respondent No.1 has advertised posts by unlawfully bypassing Punjab Public Service Commission. The respondent is bound to follow recruitment procedure for constituent colleges as per Punjab Government Rules.

3. Learned counsel representing the petitioners submits that petitioners were appointed against sanctioned post. They are working since 2012. Their appointment was made against an advertisement. They were subjected to interview. They are getting regular pay scale. There may be some irregularity in their appointment, however, there was no illegality in their appointment. They were concededly appointed on temporary basis, however, their tenure was regularly extended. Their remuneration was also increased. They deserve to be regularized. Their claim is squarely covered by judgments of Hon'ble Supreme Court in ***Jaggo Versus Union of India and Others, 2024 SCC Online SC 3826, Shripal and Another Versus Nagar Nigam, Ghaziabad 2025 (4) SLR 467, State of Karnataka and Others Versus Umadevi and Others, 2006 AIR SC 1806 and State of Karnataka and Others Versus M.L. Kesari and Others, 2010 AIR SC 2587*** as well as judgment passed by Orissa High Court in ***Sushant Kumar and Others Versus Central University of Odisha, Koraput and Others, 2025 (2) ILR Cuttack 1256.***

4. *Per contra*, learned counsel for the respondents submits that petitioners were appointed on temporary basis. Their initial appointment was for one academic session. As there were no regular appointments,

tenure of petitioners was extended from time to time. In view of order of Supreme Court in *Hargurpratap Singh Versus State of Punjab and Others, 2007 (13) SCC 292* as well as order dated 02.08.2017 passed by this Court in *CWP No.2625 of 2017 titled as Monika Prabhakar Versus Panjab University and Others*, the petitioners were not substituted by another set of temporary employees. The respondent extended their tenure and every extension was for an academic session. They accepted terms and conditions of the contract, thus, cannot claim regularization. Act of respondent amounts to approbation and reprobation of contract executed between the parties. Stand of respondent is covered by judgments of Supreme Court in *State of Rajasthan versus Daya Lal, 2011 (2) SCC 429*, Bombay High Court in *Sudhir and Others Versus The State of Maharashtra and Others, 2025(2) BCR 754*, *Mohd. Shafi Pandow Versus State of Jammu & Kashmir and Others, 2001(10) SCC 447*, *Dhananjay Malik and Others Versus State of Uttaranchal and Others, 2008 AIR (SC) 1913*, *P. Chitharanja Menon and Others Versus A. Balakrishnan and Others, 1977 AIR (SC) 1720*, *Umadevi (supra)*.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The conceded position emerging from the record is that petitioners are holding post of Assistant Professors since September' 2012. They were appointed against an advertisement. They were subjected to interview and selected against sanctioned post lying vacant. They are working since 2012 without any interruption. There is no stay in their favour. The respondent has not framed any policy regarding regularization of its employees. The petitioners are possessing

qualifications prescribed by University Grants Commission (UGC). They are not involved in any criminal activity or misconduct. No departmental inquiry is pending against them. There was no illegality in their appointment.

7. Different High Courts as well as Hon'ble Supreme Court prior to 2006 in many cases directed States/Union of India to regularize part time/work charged/adhoc/contractual/daily wage employees. The foundation of all the judgments was length of service. In 2006, a Constitution Bench in *Uma Devi (supra)*, adverted to the question of regularization of temporary/part time/adhoc/daily wage employees. The Apex Court deprecated practice of employing temporary/part time or contractual employees though it held that in exigency, State can make appointment on contract basis. The Court held that regularization of contractual or part time employees would amount to legalisation of backdoor entrants. The regularization of part time employees is violative of Articles 14, 16 & 309 of the Constitution of India. The employees who are working on daily wage cannot claim discrimination on the ground that they have been paid less than regularly recruited employees. The High Court should not ordinarily issue directions for absorption, regularization or continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. The High Court is not justified in issuing interim orders in such cases. There is no fundamental or vested right in those who have been employed on daily wages or temporary or contract basis to claim that they have a right to be absorbed in service. Merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be

entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant Rules. Merely because an employee had continued under cover of an order of the Court, he would not be entitled to any right to be absorbed or made permanent in the service. It would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it will be creating another mode of public appointment which is not permissible. If the contractual employment is declared void on the ground that the parties were not having equal bargaining power, it too would not enable the Court to grant any relief to that employee. The claim acquired by him in the post on which he is temporarily employed or the interest in that post cannot be considered to be of such a magnitude so as to enable the giving up of the procedure established for making regular appointments to available posts in the services of the State.

8. A two Judge Bench of Apex Court in ***Union of India v. Ilmo Devi, (2021) 20 SCC 290*** considered question of regularization of part time employees of Union of India. The Apex Court while setting aside judgment of this Court has held that High Court in exercise of its writ jurisdiction cannot ask State to regularize part time employees. The Court has further held that part time employees cannot claim pay parity with regular employees. The Court has noticed judgment of this Court in Para 3.4 and returned findings in Para 16-19 which are reproduced as below:

“3.4. By the impugned common judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144], the High Court has disposed of the aforesaid writ petitions with the following directions : (Ilmo Devi case [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] , SCC OnLine P&H paras 22-23)

“22. We, thus, direct the petitioner authorities to revisit the whole issue in its right perspective and complete the exercise to reformulate their policy and take a decision to sanction the posts in phased manner within a specified time schedule. Let such a decision be taken within a period of six months from the date of receiving a certified copy of this order.

23. Till the exercise as directed above, is undertaken, the respondents shall continue in service with their current status but those of them who have completed 20 years as part-time daily wagers, shall be granted “minimum” basic pay of Group “D” post(s) w.e.f. 1-4-2015 and/or the date of completion of 20 years contractual service, whichever is later.”

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16. Thus, as per the law laid down by this Court in the aforesaid decisions part-time employees are not entitled to seek regularisation as they are not working against any sanctioned post and there cannot be any permanent continuance of part-time temporary employees as held. Part-time temporary employees in a Government run institution cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work.

17. Applying the law laid down by this Court in the aforesaid decisions, the directions issued by the High Court in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144], more particularly, directions in paras 22 and 23 are

unsustainable and beyond the power of the judicial review of the High Court in exercise of the power under Article 226 of the Constitution. Even otherwise, it is required to be noted that in the present case, the Union of India/Department subsequently came out with a regularisation policy dated 30-6-2014, which is absolutely in consonance with the law laid down by this Court in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1], which does not apply to the part-time workers who do not work on the sanctioned post. As per the settled preposition of law, the regularisation can be only as per the regularisation policy declared by the State/Government and nobody can claim the regularisation as a matter of right dehors the regularisation policy. Therefore, in absence of any sanctioned post and considering the fact that the respondents were serving as a contingent paid part-time Safai Karamcharies, even otherwise, they were not entitled for the benefit of regularisation under the regularisation policy dated 30-6-2014.

18. *Though, we are of the opinion that even the direction contained in para 23 for granting minimum basic pay of Group 'D' posts from a particular date to those, who have completed 20 years of part-time daily wage service also is unsustainable as the part-time wagers, who are working for four to five hours a day and cannot claim the parity with other Group 'D' posts. However, in view of the order passed by this Court dated 22-7-2016 [Union of India v. Ilmo Devi, 2016 SCC OnLine SC 1933] while issuing notice in the present appeals, we are not quashing and setting aside the directions contained in para 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] so far as the respondents' employees are concerned.*

19. *In view of the above and for the reasons stated above, both the appeals succeed. The impugned judgment and order [Union of India v. Ilmo Devi, 2015*

SCC OnLine P&H 5144] passed by the High Court and, more particularly, the directions contained in paras 22 and 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] are hereby quashed and set aside. However, it is observed that quashing and setting aside the directions issued in terms of para 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] shall not affect the case of the respondents and they shall be entitled to the reliefs as per para 23 of the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] passed by the High Court.”

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

10. In ***State of Karnataka Vs. M.L. Kesari, (2010) 9 SCC 247***, the Supreme Court noticed misuse by the State and its agencies, non-compliance of order of the Apex Court and denying benefits to the employees. The Court noticed that the object as such was two folds.

Firstly, those persons who had put in more than 10 years of services were to be considered for regularization in view of the long service. Secondly, it was to ensure that departments do not perpetuate the practice of employing persons on daily wage, adhoc or casual basis. It was held that persons who had worked for more than 10 years on 10.04.2006 were entitled for regularization and necessary directions were issued in the said case and those not entitled because of lack of educational qualifications were to be regularized on a lower post.

11. Supreme Court recently in *Jaggo (supra)*, noticing judgment of Constitutional Bench in *Uma Devi (supra)* has held that no employee can be kept temporary for an indefinite period. An employee has right to be considered for regularization. The relevant extracts of the judgment read as:

“10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants’ long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.

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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 afterthought and lacks credibility.

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19. It is evident from the foregoing that the appellants' roles were not only essential but also indistinguishable from those of regular employees. Their sustained contributions over extended periods, coupled with absence of any adverse record, warrant equitable treatment and regularization of their services. Denial of this benefit, followed by their arbitrary termination, amounts to manifest injustice and must be rectified.

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 judgment of this Court in Vinod Kumar and others v. Union of India and others (2024) 1 SCR 1230, it was 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 the capacity of the regular employee. The relevant paras of this judgment 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...”

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22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an

even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

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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 labelled as “temporary” or “contractual,” even when their roles mirror those of regular employees. Such misclassification 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 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 **“Union of India Vs. K. Velajagan And Ors.”**, 2025 SCC OnLine SC 837 decided on 04.02.2025 has observed that decision in **Uma Devi (supra)** cannot be used as a shield to justify exploitative engagements persisting for years without the employer undertaking legitimate recruitment process to deny relief of regularization.

13. The respondent has heavily placed reliance on **State of Rajasthan and others v. Daya Lal and others, (SC) 2011 (2) SCC 429**. Extracts of the judgments pointed out by learned counsel read as:

“8. We may at the outset refer to the following well settled principles relating to regularisation and parity in pay, relevant in the context of these appeals :

(i) High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularization, 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 issue a direction for regularisation of services of an employee which would be violative of constitutional scheme. While something that is irregular for want of compliance with one of the elements in the

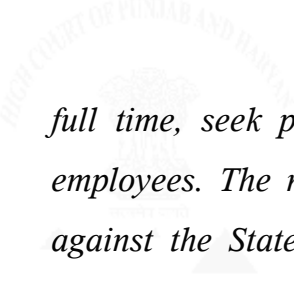
process of selection which does not go to the root of the process, can be regularized, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularized.

(ii) Mere continuation of service by an 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 regularization, 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.

(v) 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.

(See : Secretary, State of Karnataka v. Uma Devi, 2006(2) S.C.T. 462 : 2006(4) SCC 1, M. Raja v. CEERI Educational Society, Pilani, 2006(4) S.C.T. 777 : 2006(12) SCC 636, S.C. Chandra v. State of Jharkhand, 2007(4) S.C.T. 76 : 2007(8) SCC 279, Kurukshetra Central Co-operative Bank Ltd v. Mehar Chand, 2007 (15) SCC 680, and Official Liquidator v. Dayanand, 2008(10) SCC 1.”

14. Odisha High Court in ***Sushant Kumar v. Central University of Odisha, Koraput, (Orissa), 2025(2) ILR Cuttack 1256*** noticing aforecited judgments of Supreme Court has held:

“2.20. It is contended that in view of the continuance of the petitioners for more than 7 years in each of the cases and their continuance as against sanctioned regular post, in view of the decisions as cited (supra), petitioners are eligible and entitled to get the benefit of absorption in their posts in the respective departments. It is accordingly contended that appropriate direction be issued to the University to absorb the petitioners against regular post in different departments in which petitioners are so continuing in terms of the order of engagement issued under Annexure-1 series.

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7. Having heard learned counsel for the parties, considering the submissions made and after going through the materials available in the record, this Court finds that pursuant to the notifications issued by the University at different point of time vide Annexure-E series to the counter affidavit so filed by the University, petitioners were all engaged as Guest Faculty/Junior Consultant/Lecturer on Contract vide different orders issued under Annexure-1 series starting from 15.07.2015

to 05.06.2018.

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7.4. All the petitioners were engaged on temporary basis as Lecturer on Contract pursuant to the selection process initiated by the University vide Annexure-E series to the counter affidavit. Taking into account the fact that the petitioners were all engaged as Lecturer on contract against sanctioned regular post in terms of the selection process initiated under Annexure-E series and petitioners since possess the required qualification to hold the post of Asst. Professor on regular basis, placing reliance on the decisions so cited (supra), this Court is of the view that petitioners are eligible and entitled to get the benefit of absorption in their respective posts in which they are engaged vide orders issued under Annexure-1 series.

7.5. Therefore, this Court while disposing the Writ Petition, directs the University to take steps for absorption of the petitioners in their respective posts. This Court directs the University to issue appropriate order in that regard within a period of 2 (two) months from the date of receipt of this order. Till such order of absorption is issued, petitioners save and except petitioner No.6 be allowed to continue as Lecturer on Contract in their respective departments.”

15. Reading of afore-cited judgments leads to the conclusion that Courts have rejected plea of regularization because claimants were not recruited in accordance with procedure as contemplated by Article 14 and 16 of the Constitution of India. The Courts formed opinion that executive has made appointment of these employees without following procedure prescribed for regular appointment. On account of contractual/daily/ad hoc appointment, meritorious candidates do not participate and mediocre come forward. The executive in violation of procedure ensures backdoor entry of favourite and less meritorious candidates. The regularization of

these backdoor entrants would encourage executive and jettison of rule of law as well as mandate of Articles 14 and 16 of the Constitution. Unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee. The High Courts acting under Article 226 of the Constitution should not ordinarily issue directions for absorption, regularization, or permanent continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. It would not be appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it will be creating another mode of public appointment which is not permissible. A total embargo on such casual or temporary employment is not possible, given the exigencies of administration and if imposed, would only mean that some people who at least get employment temporarily, contractually or casually, would not be getting even that employment when securing of such employment brings at least some succour to them.

16. The States/U.T. have made hay from the findings of the Constitution Bench. They have started making appointment on contract/ad-hoc/temporary/part time basis in every department including education which is a character and nation building department. Many teachers appointed on contract basis are getting miniscule salary even in comparison to regularly appointed peons. The exchequer is siphoned off for subsidies instead of appointing regular employees and paying regular pay scale. The Supreme Court, in case of exigencies, had permitted to make appointment on contract basis and did not permit States and its

agencies to make it a routine practice. The Court had emphasized to make appointments in public employment after following procedure prescribed for regular recruitment and in accordance with mandate of Articles 14 and 16 of the Constitution of India. Intention and imprimatur of the court was to inhibit and discourage backdoor entry. The Court did not permit to make contractual recruitment for infinity and pay minimum of pay scale. The State being a model employer neither can exploit its citizen nor take advantage of mass unemployment. It is expected to make recruitment in accordance with prescribed procedure and on permanent basis. It cannot keep hanging sword of termination.

17. The claim of the petitioners needs to be examined in the light of aforesaid judgments. The petitioners are not backdoor entrants. Their appointment was made after following procedure. There was advertisement. The petitioners filed applications. They were subjected to interview. In the advertisements, maximum age as well as qualification was prescribed. No candidate was selected who was not possessing UGC prescribed qualifications. The appointments were made against sanctioned posts. They are uninterruptedly working with University since 2012.

18. The case of petitioners is squarely covered by recent judgment of Hon'ble Supreme Court in ***Jaggo (supra)***. In view of said judgment, reliance placed by respondents upon other judgments of Supreme Court is misplaced. It is apt to notice that during the course of hearing, despite being repeatedly asked, learned counsel for the respondent could not point out any judgment where regularization was denied in spite of appointment after following due procedure and against

sanctioned posts. All the cited judgment advert to the part time/adhoc or contractual employees who were backdoor entrants. Facts of the instant case are entirely different. The petitioners are not backdoor entrants and they were appointed against sanctioned posts. The respondent in the teeth of judgment of Supreme Court in *Uma Devi (supra)* in 2006 made contractual appointments in 2012. Judgments cited by respondents criticize irregular and backdoor entry. By placing reliance upon *Uma Devi (supra)* and similar judgments, the respondents have raised self-contradictory stand. On one hand, the respondent did not make regular appointments in the teeth of Supreme Court judgments and on the other hand despite following due appointment procedure has kept the petitioners contractual for more than 12 years.

19. As per judgment of this Court as well as Supreme Court, adhoc, temporary, part time, daily wage or contractual workers cannot be regularize if their appointment was not made as per procedure prescribed for regular appointments. The petitioners were appointed after following due procedure. They are fully qualified. They are working with the University since 2012 and that too without any protection of this Court or any other Court. They were selected against sanctioned posts. Few sanctioned posts may be filled up through impugned advertisement even if petitioners are regularized.

20. In the wake of above discussion and findings, this Court is of the considered opinion that the instant petition deserves to be ***allowed***.

21. The respondents are hereby directed to regularize the petitioners within six weeks from today. If no order of regularization is passed within 6 weeks from today, they shall be deemed to be

regularized. They would be entitled to seniority and regular pay from the expiry of aforesaid period.

22. The respondent would be free to fill other posts against impugned advertisement. During the course of hearing, it was revealed that there are other teachers who are working for more than 10 years as contractual. The respondent, to avoid litigation, may consider claim of other teachers in the light of instant judgment.

(JAGMOHAN BANSAL)
JUDGE

06.11.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No