

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 237 of 2015

Date of Decision: May 23, 2017

Balwan Singh and another

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioners.

Dr. Sushil Gautam, DAG, Haryana

P.B. Bajanthri, J. (Oral)

1. Petitioners No.1 and 2 are stated to have been appointed as Water Carrier in the Police Department on *ad hoc* basis since 12.01.1992 and 03.01.1994 respectively. Their services have not been regularized. On the other hand, similarly situated persons who are qualified with 5th standard, their services have been regularized. Reasons for non-regularization of petitioners is that petitioners do not fulfill minimum educational qualification of 5th standard. Supreme Court in the case of ***Bhagwat Prasad vs. Delhi State Mineral Development Corporation***, reported in **(1990) 1 SCC 361**, has held that having regard to the length of service, employer cannot insist for educational qualification.

2. In the light of Supreme Court's decision, concerned respondent is hereby directed to consider petitioners' name for regularization, within a period of three months from the date of receipt of this order. Further, if

petitioners are entitled for regularization of service and other benefits, same shall be released in accordance with law.

3. With the above observations, instant writ petition stands disposed of.

May 23, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No