



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

**LPA-2690-2025 (O&M)
Date of Decision: 11.12.2025**

RAGHBIR SINGH **... APPELLANT**
VS.
STATE OF HARYANA AND OTHERS **.. RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Ms. Jai Shree Kaushik, Advocate for
Mr. Ajay Chaudhary, Advocate,
for the appellant.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

ASHWANI KUMAR MISHRA, J. (ORAL)

The appellant's claim for regularization has been rejected by the learned Single Judge on the ground that he does not fulfil the requisite qualification prescribed in the Punjab State (Class-IV) Service Rules, 1963.

It is undisputed that the appellant has been appointed as a Sweeper in the year 1990 on part-time basis. He is working continuously since then. The period of working undergone by the appellant is nearly 35 years. The only ground on which he has been non-suited is that he does not possess the requisite qualification.

Our attention has been invited to Rule 5 of the Rules of 1963 which is reproduced herein below:-

“5. No person shall be recruited to the Service by direct appointment unless he—

(a) produces certificates of character from two responsible persons, not being his relatives, who are well acquainted with him in private life;

(b) is not less than 16 years and not more than 35 years of age on the date of appointment;

(c) has not more than one wife living and in the case of a woman, is not married to a person already having a living wife:

Provided that the Government may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this clause; and

(d) possesses the requisite knowledge of the regional languages and of English as may be prescribed by the Government from time to time:

Provided that the appointing authority may, if it is of the opinion that the candidate is otherwise fit to discharge his duties satisfactorily, relax any of the qualification prescribed under this clause.”

Though Rule 5(d) specifies that the requisite knowledge of regional languages and English, as prescribed by the Government from time to time, is necessary but such clause is qualified by a proviso which vests jurisdiction in the appointing authority to relax the qualification if it is of the opinion that candidate is fit to discharge his duties satisfactorily. When the rule is examined in the facts of the present case, it cannot be said that someone who has been working as Sweeper for the last 35 years, is not fit to discharge his duties satisfactorily. The authorities while rejecting the claim of the appellant had not adverted to this aspect of the matter. Learned Single Judge while dismissing the petition has also not dealt with this aspect.

In that view of the matter, we are of the view that the appointing authority be directed to reconsider the claim of the appellant for regularization in light of the observations made hereinabove. Such fresh consideration would be made within a period of three months from the date of presentation of a copy of this order.

In order to facilitate such fresh consideration of the case, the orders impugned, insofar as it relates to the present appellant, are hereby set aside.

The appeal stands disposed of in the aforesaid terms.

Pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

11.12.2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No