
(2012) 03 SHI CK 0173
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 1766 of 2010-C

Shri Shankru

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 03-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0173

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Judgement

Justice Kurian Joseph, C.J.—The petitioner in this writ petition is aggrieved by the order Annexure P-3, whereby it has been informed to him that he was liable to be terminated from service as regular Beldar, on the ground that he did not possess the requisite educational qualification. The writ petitioner joined the service as a daily waged Beldar in the year 1996. No doubt he does not possess the minimum qualification of 5th standard. But taking into consideration his continuous service he was regularized in service w.e.f. 27.1.2010, as per Annexure P-1. While continuing as such, the petitioner was issued Annexure P-3 stating that he did not possess the requisite educational qualification and, therefore, his services as regular Beldar was being terminated. In several cases, as guided by the Apex Court, this Court has taken the view that having continued as a daily waged employee for several years and thereafter having been regularized, it would be unfair to insist for the educational qualification, particularly when there is no change in duty on regularization. No doubt for a regular Beldar employee the minimum educational qualification is 5th standard. But having had such a rich experience in like matters, we feel that it is a fit case where relaxation should be invoked with respect to the educational qualification of the petitioner.

2. There will be a direction to the respondents to invoke the relaxation clause with regard to the educational qualification in the case of the petitioner. In view of the above, the writ petition is disposed of. Pending application (s), if any, shall

also stand disposed of.