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2025:PHHC:097637



**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

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**CWP-4064-2025**

**Date of Decision: 31.07.2025**

Vijay Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Mufed Khan, Advocate  
for the petitioner.

Mr. Abhimanyu Antil, DAG, Haryana.

Mr. Ankur Lal, Advocate  
for respondent No.5.

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**HARSH BUNGER J. (ORAL)**

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of *Certiorari*, for setting aside the order dated 04.12.2019 (Annexure P-3) passed by the learned Assistant Collector Ist Grade-cum-Sub Divisional Officer, Hathin, whereby respondent No.5 (Jagbir) was appointed as the new Chowkidar in the place of retired Chowkidar Sh. Chandi of Village Mandkola, Tehsil Hathin, District Palwal.

1.1. A further prayer has been made for setting aside the order dated 12.12.2024 (Annexure P-7) passed by the learned Commissioner, Faridabad Division, Faridabad, whereby an appeal filed by the petitioner against the

order dated 04.12.2019 (Annexure P-3) has been dismissed.

2. Briefly, on account of retirement of Sh. Chandi, previous Chowkidar of Village Mandkola; the proceedings were initiated for filling up the vacancy, wherein, four applications (including the one submitted by the petitioner-Vijay Kumar and another by respondent No.5-Jagbir) were received.

2.1. Learned Collector vide order dated 04.12.2019 (Annexure P-3), appointed respondent No.5 (Jagbir) as a Chowkidar of Village Mandkola.

2.2. Feeling aggrieved against the order dated 04.12.2019 (Annexure P-3), the petitioner preferred an appeal, which was dismissed vide order dated 12.12.2024 (Annexure P-7) passed by the learned Commissioner, Faridabad Division, Faridabad.

3. In the aforementioned circumstances, petitioner has filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioner submits that appointment of Chowkidar is governed by Haryana Chowkidara (Watchman) Rules, 2013 (in short '2013 Rules'). It is submitted that Rule 3 of 2013 Rules provide for eligibility criteria as under:-

***“Eligibility Criteria for appointment***

***3. While considering the first appointment of the Village Watchman, the eligibility criteria shall be as follows:-***

- (a) he should not be less than 21 years and not more than 45 years of age.*
- (b) he should have passed at least the 8<sup>th</sup> class from a Government School or Government Recognized School.*
- (c) he should be physically fit and possess a good moral character.”*

4.1. Learned counsel for petitioner, while referring to Haryana Government Notification dated 13.09.2018 (Annexure P-5), submits that vide aforesaid Notification, Rule 3 of 2013 Rules, came to be amended to the effect that Clause (b) thereof has been substituted, which reads as under :-

*“(b) he should have passed at least the 10<sup>th</sup> class with Hindi/Sanskrit as one subject from a Government School or Government Recognized School.”*

4.2. It is further provided in the said Notification that this new educational qualification would be applicable from the date of Notification.

4.3. Learned counsel for the petitioner contends that in the Recommendation dated 06.11.2019 (Annexure P-2), it has been clearly recorded that respondent No.5 is 10<sup>th</sup> fail and, therefore, he does not have the requisite qualification for being appointed as a Chowkidar of Village Mandkola, Tehsil Hathin, District Palwal. It is further submitted that the petitioner fulfills the eligibility criteria as the petitioner has done his matriculation as per the Certificate dated 08.06.2012 (Annexure P-1), therefore, he may be appointed as Chowkidar.

5. On the other hand, learned counsel for respondent No.5 has failed to dispute the aforesaid contention raised on behalf of learned counsel for the petitioner and has conceded that the respondent No.5 is 10<sup>th</sup> fail.

6. Keeping in view the aforesaid stand taken by learned counsel for respondent No.5 that respondent No.5 is 10<sup>th</sup> fail and in terms of the Rule 3 (b) of The Haryana Chowkidara (Watchman) Rules, 2013, the minimum qualification for appointment as Chowkidar being 10<sup>th</sup> class pass and respondent No.5 not holding such qualification, therefore, he is not entitled to be appointed as Chowkidar.

7. In view of the above, the present writ petition is allowed and the

impugned order dated 04.12.2019 (Annexure P-3) passed by the learned Assistant Collector Ist Grade-cum-Sub Divisional Officer, Hathin and also the order dated 12.12.2024 (Annexure P-7) passed by the learned Commissioner, Faridabad Division, Faridabad, are set aside and as a consequence thereof, the petitioner is appointed as Chowkidar of Village Mandkola, Tehsil Hathin, District Palwal.

8. All pending application(s), if any, shall also stand closed.

**31.07.2025**

*Pd*

**(HARSH BUNGER)**

**JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No