

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10096/2011

Gajendra Singh

-----Petitioner

Versus

State Forest Dep And Ors

-----Respondent

For Petitioner(s)	:	Mr. Vijay Dutt Sharma
For Respondent(s)	:	Mr. Aditya Singh, Dy.G.C

HON'BLE MR. JUSTICE ANAND SHARMA

Order

28/01/2026

1. By way of filing this writ petition, the petitioner is claiming regularization on the post of Laboratory Assistant and submits that although, he was appointed on 12.03.1981 and after rendering services of almost 37 years, on attaining the age of superannuation, has also retired yet, despite rendering services for more than 37 years, his services were not regularized, which has caused him grave prejudice in the manner that neither his pay was fixed in regular pay scale nor was he granted any benefits of selection grade etc. Consequently, after retirement, he is getting minimum pension permissible for the Government servant.

2. Learned counsel for the respondents objected to the claim raised by the petitioner mainly on two grounds; First, the petitioner was not having a requisite qualification of higher secondary in Science stream and second, as per Rule 6(4) of Rajasthan Forest Subordinate Service Rules, 1963, for the purpose of regularization, an incumbent must have completed six months' services as on 01.04.1981. He submits that the petitioner does

not fulfill the criteria for the reason that as on 01.04.1981, his services were only of hardly 18 days.

3. Thereupon, learned counsel for the petitioner has clarified by indicating order dated 16.02.1990 that Mr. Dharamdutt Tyagi whose education qualification was secondary from Arts stream, Bhoop Singh Yadav, High School from Arts stream, Jagdeesh Prasad from Arts stream and so many others have also been granted benefit of regularization despite, they were not possessing any qualification from Science stream. He submits that assuming for a moment that, the petitioner did not complete six months' service as on 01.04.1981, even then, in compliance of judgment of Hon'ble Supreme Court in the case of **State of Karnataka Vs. Uma Devi & Ors. reported in 2006 (4) SCC 1**, the State Government had issued notification dated 08.07.2009 for the purpose of regularizing the services of those employees who were initially appointed on ad hoc / irregular basis yet he had completed more than 10 years of services. Still, the petitioner was not considered for regularization.

4. Learned counsel also relies upon the judgment of Hon'ble Supreme Court in the case of **Jaggo Vs. Union of India (2024) SCC OnLine SC 3826, Shripal & Anr. Vs. Nagar Nigam Ghaziabad, (2025) SCC OnLine 221 & Dharam Singh & Ors. Vs. State of U.P. & Anr., Civil Appeal No.8558/2018, decided on 19.08.2025**), in support of his contention that hyper-technical objections should not be raised in order to deny benefit of regularization to the employees who have rendered their services for decades to the Department.

6. Learned counsel for the respondents prays for time to seek instructions in this regard and to file an additional affidavit for clarifying the points raised by learned counsel for the petitioner.
7. Time prayed for learned counsel for the respondents is allowed.
8. List this matter on 17th February, 2026.
9. It is made clear that no further adjournment shall be granted.

(ANAND SHARMA),J