



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 21500/2024

Kuldeep Parasar S/o Shri Ram Niwas Parasar, Aged About 43 Years, R/o Near Bansiwale Mandir, Nagaur (Rajasthan) For And On Behalf Of Home Gaurd Samanvay Sammittee, Jaipur (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Secretary, Department Of Home, Secretariat, Jaipur-302005 (Rajasthan).
2. Director General And Commandant General Of Home Guard, Plot No. 4/1/10-11 Sector-4, Vidhyadhar Nagar, Jaipur-302039 (Rajasthan)
3. Director General Of Police, Police Headquarter, Lal Kothi, Jaipur-302015 (Rajasthan).
4. Secretary, Department Of Personnel, Secretariat, Jaipur-302005 (Rajasthan).

.... Respondents

For Petitioner(s) : Mr. M.S. Godara.  
For Respondent(s) : Mr. N.S. Rajpurohit, AAG with Mr. Sanwar Lal.

**HON'BLE MR. JUSTICE ARUN MONGA**  
**Order (Oral)**

**27/03/2025**

1. The Home Guards serving in the State of Rajasthan, through this class action petition, are before this Court, inter alia, with the grievance that though they are termed as 'volunteers', but the said label is a mere façade. In reality, their continuous, uninterrupted service spanning between 5 to 20 years (on non-rotational basis without the 3 monthly break) makes it amply evident that they are volunteers no more but de facto conscripts. Their status, they contend, must be recognized in accordance with



the ground realities of their enduring the regular service being rendered by them.

2. With 52,453 posts of Group-C and D now slated to be filled in Rajasthan, the Home Guards seek preferential consideration in the recruitment process. Through judicial intervention they seek a writ in the nature of mandamus commanding the respondents to create a special category for them in the recruitment process.

### CASE SET UP IN THE PETITION

3. Petitioner is the Member/Secretary of Home Guard Samanvay Samiti, has filed this petition, *inter alia*, for directions to the respondents to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards while filling the 52,453 posts of Group-C and D notified or to be notified vide Annexure-4; to frame Rule, policy or guidelines for betterment /regularization/upgradation of the Home Guards by giving them quota/reservation/relaxation against the regular Group-C and D posts notified from time to time by the State Government by making the provisions in respective Rules.

4. The Home Guards in the State are governed by the Rajasthan Home Guards Act, 1963 and the Rajasthan Home Guards Rules of 1962. (To be noted here that these Rules had been framed under the Rajasthan Home Guards Ordinance, 1962 which Ordinance was repealed by the 1963 Act *ibid*). Under Rule 17 thereof, the Home Guards are performing various kinds of duties which are more than what is regularly performed by Group-D/MTS/Group-C & D employees i.e. to help maintaining the law



and order to meet out the civil emergencies in abnormal calamities, to provide the nucleus of auxiliary rescue, communication and ambulance services to operate the transport, communication, electricity, water and other essential services viz. to assist social welfare scheme, to perform other duties which are assigned by the Director General or by the Government in changed circumstances.

5. It is pleaded that the honorarium paid to the Home Guards is grossly inadequate. Not only that, they are subjected to perform duties for 12 hours in a day, which is more than the duty tenure of 10 AM to 5 PM with two days weekly holiday for fully employed Government servants. There is no holiday or vacation for the Home Guards. Various other States have made provisions for betterment of the Home Guards by providing them reservation, relaxation in age limit, bonus marks to compete with candidates from open market and get selected. In Rajasthan, there are no such provisions.

6. Earlier, the petitioner had also filed Writ Petition No.3095/2020 before this Court seeking equal pay for equal work. It was allowed to the extent that the petitioner was directed to be paid wages at the minimum pay scale applicable to the post of Constable. However, the effect and operation thereof has been stayed by Division Bench order dated 25.10.2024 in an intra-court appeal SAW No. 234/2024.

DEFENCE SET UP IN REPLY TO OPPOSE THE PETITION

7. Preliminary objections, seeking dismissal of the petition, inter alia, are as under :



(i) This Court has already passed an order dated 27.01.2025 in *SBCWP No. 11085/2022 Hari Shankar Acharya & Ors. Vs. State & Ors.* directing the State Government to constitute a Committee for the redressal of grievances of the petitioner- Home Guards in that case in regard to their regular duty, pay and other claims. The State Government has already complied with that order and constituted a Committee. If the petitioner in present case has any grievance, he can approach the said Committee and no separate direction is needed in the instant case.

(ii) The State of Rajasthan has issued various administrative orders to improve the service conditions of Home Guards, whose role has long been recognized as purely voluntary and in support for law enforcement and other governmental activities. Their engagement, however, is fundamentally different from regular government employment, as it does not establish a permanent employment relationship or entitlement to the same service rules or benefits on parity with regular employees. The determination of reservation policies and recruitment norms falls exclusively within the State's prerogative, aligning decisions with socio-economic, administrative, and legislative considerations. The provision of reservations or bonus marks in recruitment is rooted in Constitutional and legislative frameworks intended to redress historical



injustices and uplift marginalized communities through carefully evaluated socio-economic assessments. Extending such measures to Home Guards, who serve voluntarily without facing systematic disadvantages, would undermine the purpose of these policies and disrupt principles of fairness and meritocracy in public employment. The claim that Home Guards have suffered injustice due to the absence of reservations or bonus marks is unfounded, as the voluntary nature of their service and corresponding honorarium are clearly communicated at the time of enrollment, and welfare measures like periodic increases in honorarium have been implemented. Granting them such benefits in regular recruitment would not only lack legal and factual basis but also set a precarious precedent contrary to Constitutional principles, societal needs, and administrative priorities.

#### DEFENCE ON MERITS

8. On merits, it is pleaded by respondents in their reply that no Group-C or Group-D vacancies for recruitment have been announced by the Home Guard department. The service of the Home Guards is voluntary and cannot be compared with the regular Government employees' or nature of their service. The honorarium given to the Home Guard volunteers has been revised from time to time. At present, the honorarium given to them is as under:



- (a) A Home Guard is generally deployed for eight hours a day.
- (b) For eight hours' duty, they are given honorarium of Rs. 877/- per day. If deployed as a class-IV employee, the honorarium given is Rs. 747/- per day.
- (c) Uniform allowance of Rs. 75/- maximum per month.
- (d) Cycle allowance of Rs. 20/- per day, if they are deployed beyond 8 kms from their place of residence.

8.1. The honorarium provided to the Home Guards is sufficient. It is averred that on 11.08.2023, the State Government amended Rule 8 of the Rajasthan Home Guards Rule, 1962 extending the renewal period of the Home Guards upto 15 years. Prior thereto, on 01.06.2021 the State Government even extended the age limit of members of the Home Guard from 55 to 58 years. Form time to time, the honorarium of the Home Guards is also raised. The orders/decisions related to the States of Madhya Pradesh, Uttar Pradesh, Uttrakhand referred to and relied up by the petitioner cannot be applied in the State of Rajasthan as the facts and circumstances and the Rule position are different and, there is no parity.

#### DISCUSSION AND ANALYSIS

9. In light of the aforementioned rival stands, I shall now proceed to address the same by recording my reasons and discussion in the subsequent part hereinafter.

10. At the outset, it may be noted that there is an absence of clarity in the petition with respect to the specific details pertaining to the exact nature of services (whether group C or D?) rendered



by the Home Guards, as also the uninterrupted length of service rendered by those on whose behalf the petition has been filed (though it is claimed that many of them have been in continuous service without any break for as long as 10 to 20 years). Having realized the folly, subsequent to the filing of the petition, the petitioner has placed on record an additional affidavit dated 19.01.2025, along with certain illustrative documents, to show that some of the Home Guards are/have been working continuously for several years without any break. The relevant paragraphs of the affidavits dated 19.01.2025 are reproduced here in below:-

**“Additional Affidavit dated 19.01.2025:**

*2. That for perusal of this Hon'ble High Court it is relevant to submit that some of the members of the Home Guards Union are discharging the duties since more than 20 years and many are discharging the duties since more than 10 years at par with Group-C employees on the post of Group-C/ cadre in different departments. Rather it can be said that no department is left out of the State Government in which the Home Guards are not performing the duties at par with Group-C employees. For perusal of this Hon'ble Court some of the orders are being placed on record by which services of Home Guards are utilized against Group-C post.*

*3. That Jail department utilizing the services of the Home Guards on the post of Prahari as per letter dated 30.05.2024, Grah Raksha Department on the post of Arkashi i.e. Constable vide letter dated 10.08.2023, Home department on the post of Constable as per letter dated 16.04.2024, Anti Corruption department on the post of driver as per letter dated 04.11.2024 the police department utilizing the services of the home guards as Constable for maintaining night gast and traffic management vide letter dated 27.12. 2024, Home Guard department is utilizing the duties of home guards on the post of driver vide letter dated 31.12.2024 and further department of Forest is also utilizing the services of home guards on the post of driver as per letter dated 05.04.2024 and earlier on one occasions one home guard was appointed directly on the post of Police Constable vide order dated 25.03.1992 That in view of above it is evident that almost in all the department the home guards are discharging the duties of Constable, Prahari, Driver which falls under the category of Group-C post. The copies of these orders dated 30.05.2024, 10.08.2023, 16.04.2024, 04.11.2024, 27.12.2024, 31.12.2024, 05.04.2024 & 25.03.1992 are annexed herewith collectively as ANNEXURE-6 for perusal of this Hon'ble High Court.*







4. That apart from Group-C posts it is respectfully submitted that on the Group-D posts the services of the home guards are utilized by almost every department with the special approval of Finance from the personnel Department. For perusal of this Hon'ble Court letters dated 30.12.2023, 02.02.2024, 13.02.2024 & 29.04.2024 are collectively annexed herewith and marked as ANNEXURE-7.

5. That in view of the above it is evident that the services of the home guards are utilized almost by every department against the vacant posts of Group-D as well as some post of the Group-C like Prahari, Forest Guard, Constable etcetc but neither they are paid at par with employees of same post nor they are given any benefits or relaxation or other privilege as applicable to the regular employees like annual grade increment, regular pay scale, regularization, leave encashment and different kind of leave, as such the act of the respondents not taking care or not treating the home guards equally with the employees of post of which they are discharging the duties is amounting to treating equal unequally.

6. The Home guards are being deprived from all those benefits which are applicable to the regular employees merely on the account that their services. are considered volunteer services but initially this might be falling within the category of volunteer service when these duties were performed by the regular employees in addition to their regular duties but now-a-days looking into the major problem of the unemployment educated youth is engaged to discharge the duties of home guards with no limitation of working hours and with no limitation of kind of duties as provided under Rules 17 of Rules of 1962.

7. That the unemployed youth like home guards has no option other than to serve under the respondents as home guards/volunteer but the State Government being the model employer failed to consider the case/issue of the home guard regarding regularizing their services or extending the benefit is applicable regular employees but in today scenario it is very difficult for the home guards to survive with small amount which is paid to them. Thus, the government is required to act as a model employer and extend the benefit in any kind like granting them reservation in the selection of Group-D posts in direct recruitment, providing the certain kind of weightage /bonus to compete in the selection or to make the payment minimum of the cadre or post with the pay scale which is being received by the regular employee.

Though in the additional affidavit, as above, it is stated that the members of the Home Guards Union are discharging the duties since more than 20 years and many are discharging the duties since more than 10 years at par with Group-C employees on the post of Group-C/ cadre in different departments, but no specific details have been given once again.





11. Having perused the aforesaid additional affidavit filed by the petitioner, this Court, vide an order dated 07.03.2025, directed the respondents to furnish their response thereto by providing the original dates of deployment of some of the Home Guards mentioned therein. Accordingly, the following order was passed :-

**Order dated 07.03.2025**

*“Arguments have been heard in part in continuation of the earlier proceedings of this Court.*

*Learned counsel for the petitioner has drawn my attention to the additional affidavit dated 19.01.2025 filed by the petitioner and in particular Annex.6 appended therewith, which reflects that vide various orders passed from time to time, the services of the Home-Guards, which are being utilized on the Class IV Posts of either peons and/or other alternative posts, are being extended on year to year basis. However, it is not clear that as to when were the originally deployed as Class-IV Employees in the various departments.*

*Learned counsel for the petitioner seeks time to ascertain their original dates of deployment as Class-IV Employee.*

*May do so.*

*Likewise, learned counsel appearing for the respondents to also seek instructions from the respondents and file an additional affidavit of the competent authority by giving details of the Home-Guards who have been mentioned in Annex.6 in the various departments by giving their specific dates of original deployment, which subsequently led to passing of the extension orders from time to time.*

*Post it on 11.03.2025.”*

12. Apropos, an affidavit dated 18.03.2025, affirmed by the Deputy Commandant, was filed wherein it is deposed that out of 42 persons deployed vide order dated 13.08.2018 as Home Guards, 12 persons are continuously deployed and that out of 53 Home Guards who were deployed for the period 01.09.2018 to 30.09.2018, 27 volunteers were still deployed. The relevant extract thereof is reproduced as under :-

**Additional Affidavit dated 18.03.2025:-**

2. That the Hon'ble Court has issued notices vide order dated 17.01.2025 and directed the counsel for the answering respondents to place on record the relevant documents as well as to file reply.





The answering respondents have submitted their reply and submitted relevant documents in pursuant to order dated 17.01.2025. Thereafter, the matter was heard on few occasions and in continuous of hearing, the Hon'ble court has directed the answering respondents to seek instructions from the Department and file Additional Affidavit of the Competent Authority by giving details of the Home Guards who are mentioned in Annexure-6. It was directed by the Hon'ble Court vide order dated 07.03.2025 to give specific details of original deployment of the persons mentioned in Annexure-6. In compliance of order dated 07.03.2025, the answering respondents respectfully submit that the persons mentioned in Annexure-6 and persons alike are initially deployed on 30.08.2018 in Office of Commandant Home Guard Training Centre Nagaur. The true and correct copy of the order dated 30.08.2018 is submitted herewith and marked as Annexure-AA/1. Out of total 42 persons deployed vide order dated 13<sup>th</sup> August, 2018 only 12 persons are continuously deployed. The details of deployed 12 persons areas follows :-

Order 2025	Old Belt No.	New Belt No.
	48	542
	671	564
	116	436
	419	427
	409	472
		164
		179

3. Similarly the Home Guards are also deployed in Rajasthan High Court at Principal Seat Jodhpur on requisition made by Learned Registrar General. The deployment was made vide order dated 31.08.2018 and 53 Home Guards were deployed for 01.09.2018 to 30.09.2018. Out of these 53 volunteers 27 were still deployed.

Order 2018	Belt No.
	1,2,7,42,208, 229,254,305,310, 411,459,469
	547, 615, 669, 717, 721, 779, 797, 819, 859, 863, 886, 1068, 1082, 1227, 1406

The true and correct copy of the order dated 31.08.2018 is submitted herewith and marked as Annexure-AA/2.

However, other Home Guards deployed on rotational basis were given work in other offices. The fact pertinent to submit before the Hon'ble Court is that the Home Guards are usually deployed on rotational basis and there are only exceptions that the particular Home Guards deployed against the Class-IV Employees continuous for long period or at one place so the claim raised by the petitioner to grant the bonus marks for the deployment of the petitioner and persons alike the petitioners is prayer made for limited group of persons which could not be granted in this peculiar facts and circumstances, where the Home Guards deployed as Class IV employees are continued on rotational basis and even there is no



legal obligation upon the answering respondents to continuous any specific Home Guard in any specific office or for a long continuous period. Similarly, it is also a fact that the Home Guards are enrolled with the answering respondents as volunteers are not given continuous duty on a particular post in a particular office so the continuous working as a Class IV employees in the State and Central Offices and in Rajasthan High Court do not give any right to claim bonus marks for continuous service as the volunteers deployed as Home Guards are generally not continuously for long period so claim bonus marks is not sustainable. Therefore, the very basic foundation of the writ petition is bereft of merits and same is liable to be depreciated consequently, it is respectfully prayed that the writ petition filed by the petitioner may kindly be dismissed.

4. With due respect, it is respectfully submitted that as per Judicial Precedent settled by the Hon'ble Apex Court. The claim made by the petitioner is no more res integra and it is settle that the services of the Home Guard is a volunteer services which the volunteer render as public service as volunteer so volunteers cannot claim any right moreover, legal right to get any specific benefit out of volunteer services. The claim made by the petitioner is against the very basic concept of the Home Guards volunteers therefore, the prayer petitioner is liable to be depreciated and consequence thereof the writ petition is liable to be dismissed.

5. With due respect it is worthwhile to submit here that the petitioner is allegedly representing the Home Guards by allegedly mentioning to be member of any Association, but the Association as mentioned by the petitioner is not recognized Association as per the answering respondent Department. The petitioner also failed to submit any such authorization. There is availability of alternate remedy, if any grievance arose to the petitioner against the answering respondent's i.e. Home Guards Department. The Home Guard Department has constituted grievances redressal Committee for issues related to the Home Guard volunteers and further more for the welfare of Home Guard volunteers. The Welfare fund Committee, grievances redressal committee convenes time to time meetings to resolve the problems related to home guard volunteers. There are nominated volunteers for each District who represents home guards at State Level commandant conference so the filling of writ petition by the petitioner is in over reaching the process of grievance redressal mechanism provided by the Home Guard Department. Therefore also the instant writ petition has no merits and is liable to be dismissed."

13. Having seen the affidavits, it so transpires that there are two sets of home guards i.e. those whose duties are rotated and the others who are though, so to speak, render voluntary service, but actually they are on non-rotational duty ever since their deployment and continue to work uninterruptedly. Qua the grievance of being arbitrarily being rotated on duty, a coordinate



bench of this court is already seized of the matter, as already noted vide SBCWP No.11085 of 2022. I shall, therefore, confine myself to the latter i.e. ones who are in continuous deployment, without any break, for years together on non-rotational duty.

14. In the context of those deployed without any break for a continuous period of 5 years or a decade or even more, as the case may be, reference may be had to Supreme court judgment in *State of West Bengal v. Pantha Chatterjee*<sup>1</sup> where in a similar matter concerning a group of part-time Border Wing Home Guards (BWHGs) who approached the Calcutta High Court claiming that despite performing duties identical to those of the permanent BWHGs and Border Security Force (BSF) personnel, they were subjected to discrimination in terms of service conditions, pay, and benefits. These part-time Home Guards, originally engaged under a voluntary scheme, argued that their long years of continuous deployment effectively removed the voluntary nature of their service. The High Court, after careful consideration of the facts and the relevant government orders, found favor with the BWHGs, concluding that the part-time guards were indeed functioning under a relationship of master and servant with the State of West Bengal. It was held that although the scheme initially envisaged short-term voluntary service with rotation every three months, in practice, the same individuals had been employed continuously for more than a decade without any rotation, contrary to the intended design of the scheme.

<sup>1</sup> (2003) 6 SCC 469



14.1. The Calcutta High Court also noted that the nature of duties performed by the part-time and permanent BWHGs was identical, that they were subjected to the same risks and working conditions, and that there was no substantial basis to differentiate between them. As a result, it held that the principle of "equal pay for equal work," a constitutional mandate recognized under Articles 14 and 16 of the Constitution of India, was fully applicable. Accordingly, the High Court directed that the part-time BWHGs be granted the same pay scales, benefits, and service conditions as those extended to their permanent counterparts. This included arrears of salary, fixation of pay, eligibility for provident fund, gratuity, retirement benefits, allowances, and leave.

14.2. When the State of West Bengal challenged this decision before the Supreme Court, it was reiterated that the BWHGs were part of a voluntary organization and were engaged under the West Bengal Home Guards Act. Thus, their deployment did not create regular service entitlements. However, the Supreme Court rejected this argument, holding that once the voluntary character of the engagement had been lost due to years of continuous service without break, the petitioners were entitled to full employment benefits. The Supreme Court held that the circumstances under which the Home Guards worked made it impossible for them to resume any prior vocation, and to treat them as mere volunteers would be both arbitrary and unjust. Moreover, the Court stressed that despite the original scheme





framed by the Central Government, it had failed to monitor its implementation effectively, and thus could not escape its ultimate responsibility for the financial burden associated with regularizing the service of the petitioners.

14.3. The Supreme Court agreed with Calcutta High Court that the deployment of BWHGs was no longer casual or voluntary in nature but had become a de facto permanent employment situation, and as such, they could not be treated differently from full-time BWHGs. The Court reiterated the principle that equal work under similar conditions mandates equal pay and service benefits.

14.4. While reaffirming its opinion, the Supreme Court in turn also referred to several earlier rulings where similar principles had been laid down, including the recognition of "equal pay for equal work" as a constitutional right and the rejection of attempts to treat long-serving employees as casual workers merely based on initial contractual terms. Decisions like *Jaipal v. State of Haryana*<sup>2</sup>, *Dhirendra Chamoli v. State of Uttar Pradesh*<sup>3</sup>, and *Daily Rated Casual Labour v. Union of India*<sup>4</sup>. It was thus held that the substance of the work performed, rather than the label attached to the employment of the home guards determined their rights.

15. Likewise, in another subsequent Supreme Court judgment i.e. *Union of India v. Parul Debnath*<sup>5</sup> (once again arising out of Calcutta High Court) where the case involved Home Guards in the

<sup>2</sup> (1988) 3 SCC 354

<sup>3</sup> (1986) 1 SCC 637

<sup>4</sup> (1988) 1 SCC 122

<sup>5</sup> (2009) 14 SCC 173





Andaman & Nicobar Islands who sought regularization of their services and equal pay for equal work, having served for 12 to 23 years under the A&N Islands. The Home guards filed applications before the Central Administrative Tribunal (CAT), Calcutta Bench, claiming regularization and pay parity with regular employees.

15.1. The CAT directed the Union of India to frame a scheme for regularization within six months, considering local conditions. The Union challenged this before the Calcutta High Court, which upheld the CAT's order, relying on the Supreme Court's decision in *State of West Bengal v. Pantha Chatterjee*, supra. Union of India then a scheme and reserved only 20% of vacancies for Home Guards, to be absorbed in phases. Aggrieved, the home guards challenged the said scheme. The Single Judge of the High Court upheld the scheme but the Division Bench quashed it, finding it non-compliant with the ratio enunciated in *Pantha Chatterjee*, ibid, and gave slew of directions in tune therewith.

15.2. The Union then appealed to the Supreme Court. The Supreme Court, in its judgment, upheld the Division Bench's decision. It ruled that all eligible Home Guards, not just 20%, should be absorbed uniformly at once, not in phases. Their regularization or absorption did not constitute new appointments. Thus it was not to be treated as any reservation.

16. Reverting to the case in hand, in the course of hearing on 25.03.2025, the petitioner's learned counsel brought to the notice of the Court a Union of India circular dated 04.07.2024, which, being relevant, is reproduced hereinbelow:-



**“04.07.2024**

To,

The Chief Secretary/Administrator  
All States/UTs

*Sub.: Preference to Civil Defence and Home Guards Volunteers in recruitment to Government Services regarding.*

Sir,

DoPT Office Memorandum No.14034/5/82-Estt(D) dated 5.11.1983 had issued instructions regarding weightage / preference to Home Guards and Civil defence Volunteers in recruitment to Government Services.

2. This Ministry vide Letter No.VI-31011/1/81-DGCD(HG) dated 17 January, 1984 and 06 February, 2023 (Copy enclosed) had also forwarded the above referred letter to all State Government with the request to consider issuing similar instructions in the matter.

3. In view of above mentioned facts, all States/UTs are requested to consider giving weightage/preference to Home Guards and Civil Defence Volunteers in recruitment to Government services and amend the Recruitment Rules of Group 'C' & 'D' Posts accordingly.

Encl. : As above.

Yours faithfully,

sd/-

(Vivek Srivastava, IPS)

DG-FS,CD&HG”

Vide an order dated 25.03.2025 passed by this court, which

reads as under, respondents were directed to take a call on it :-

**“Order**

**25.03.2025**

My attention has been drawn to a Circular dated 04.07.2024 by learned counsel for the petitioner, which has been issued by U.O.I. addressed to all the States & UTs, requesting all States/UTs to consider giving weightage / preference to Home Guards and Civil Defence Volunteers in recruitment to Government services and amend the Recruitment Rules of Group 'C' & 'D' Posts accordingly, copy thereof is taken no record as Annexure-A.

On a Court query posed to learned counsel for the respondents, he seeks time to get instructions qua the administrative decision taken, if any, to consider the Circular *ibid*.

In case, no decision has been taken, it is expected of the respondents to give due consideration to the said Circular, qua which as well, learned counsel for the respondents shall seek instructions.

Matter has since been heard at length on the preceding hearings from time to time, therefore, issue Rule nisi. Petition is admitted and given the urgency in light of the timeline prescribed in the notification dated 11.12.2024 (Annexure-4), be listed for final hearing on 27.03.2025.

Pleadings are already complete.

To be shown as part heard in the supplementary cause list.”



17. Circular dated 04.07.2024 is addressed by the Ministry of Home Affairs, Union of India to the Chief Secretaries/Administrators of all States/Union Territories requesting them to consider giving weightage/preference to Home Guards and Civil Defence Volunteers in recruitment to Government services and amend the Recruitment Rules of Group-C and D posts, respectively. Order dated 25.03.2025 passed by this bench shows that on Court's query learned counsel for the respondents had sought time to get instruction qua the administrative decision taken, if any, to consider the circular bid and the Court had also observed that in case no decision had been taken, it was expected of the respondents to give due consideration to the said circular, qua which as well, learned counsel for the respondents shall seek instructions.

18. Subsequently, a letter dated 27.03.2025 from the Directorate of Home Guards, Rajasthan was placed on record, showing that contemplated action by State Government on Government of India circular letter dated 04.07.2024 is underway. The translated version of the letter dated 27.03.2025 in English is as follows:

*Directorate, Home Guards Rajasthan, Jaipur*  
*Phone: 0141-2612591, Fax: 0141-2612592.*  
*E-mail [gbrlegal.hghq.rj@RAJASTHAN.GOV.IN](mailto:gbrlegal.hghq.rj@RAJASTHAN.GOV.IN)*  
*Website: <http://rajasthanhomeguards.gov.in/>*

*S.No.-HMHq/legal/7(262)2024/*

*Date -27.03.2025*

*Shri Ravi Vyas,*  
*Officer in Charge (Commandant)*  
*Home Guard Training Center,*  
*Nagaur.*

*Subject: Regarding S.B. Civil Writ Petition No. 21500/2024 Shri*  
*Kuldeep Parasar Versus State of Rajasthan.*



Reference:- Your letter dated 26.03.2025

Sir,

Under the subject cited above and by the referenced letter, the Government Advocate Shri Sanwar Lal appointed in the mentioned case pending in the Rajasthan High Court Jodhpur has written to inform what action has been taken at the level of the State Government in reference to the letter dated 04.07.2024 of the Ministry of Home Affairs, Government of India.

It is noteworthy that action regarding the aforementioned letter of the Ministry of Home Affairs, Government of India, is under consideration/in process at the State Government level. Therefore, as directed, it is requested to kindly inform Shri Sanwar Lal, Government Advocate, Rajasthan High Court, Jodhpur, in this regard.

Please accord top priority to this letter.

Yours sincerely,

(Dharam Singh Bankawat)  
Deputy Commandant

19. It is thus, in the above backdrop, that the Home guards in the State of Rajasthan, working on non rotational basis for years altogether without any break every three months, are challenging the very foundation of their designation as "volunteers." They pose a pertinent question: are they truly volunteers, or have they become mere conscripts, masked under a label that no longer reflects the reality of their service? They seek fair pay and other benefits, improved working conditions, and opportunities for regularization/absorption into regular government posts, given their indispensable continuous length of service.

19.1. The essence of volunteerism lies in the voluntary offering of time and effort without any long-term obligation. Yet, this definition is being defied qua the non-rotational Home Guards in every conceivable way. Many home guards have served for decades without respite. This extraordinary longevity and



continuity of service transform their role from one of voluntary participation into a *de facto* employment relationship with the State. Under the Rajasthan Home Guards Act of 1963 and the Rajasthan Home Guards Rules of 1962, they are entrusted with a wide array of duties—maintaining law and order, managing civil emergencies, providing rescue services, operating essential infrastructure/offices on Group-C and D posts, assisting in office work, social welfare schemes, and fulfilling any additional tasks assigned by the Director General or the government. These responsibilities are not peripheral; they form the backbone of State's public welfare and emergency response system. If the State relies so heavily on their labor, why does it fail to provide them with the security and dignity afforded to regular employees? Their service is not a choice exercised freely in short bursts; it is a sustained commitment that the State has come to depend upon, yet refuses to adequately compensate. The assertion that home guards are no longer volunteers but conscripts, compelled to serve under exploitative conditions, thus rings true.

19.2. The working conditions endured by Rajasthan's home guards further illuminates the aforesaid position. While regular government employees enjoy a standard workday from 10 AM to 5 PM, with two days off per week, home guards are subjected to 10-12 hour shifts with no holidays or vacations. Such disparities highlight a troubling reality: the State is exploiting the home guards as a cost-effective labor force, reaping the benefits of their dedication without offering commensurate protections or remuneration or security of job or post retiral benefits. For



individuals who dedicate their lives to serving the public—often at great personal sacrifice—this treatment is not only unfair but also unsustainable.

20. The prayer in the petition doesn't, therefore, seem extravagant; rather it is a reasonable measure to honor years of service. Age relaxation is particularly critical, as many home guards may now have exceeded the standard age limits for government jobs due to their prolonged tenure. Granting them this concession would level the playing field, allowing them to compete based on their experience rather than being penalized for their dedication. Similarly, bonus points or weightage would reward their expertise, giving them a fair shot at securing regular employment. Reserving posts for home guards or in the alternative absorbing them on regular basis would further offer a pathway to stability and social security.

20.1. Beyond the aforesaid immediate remedy in the current selection process pursuant to the advertisement dated 03.08.2013, the petitioners also urge the State to frame rules, policies, or guidelines for the betterment of home guards viz. regularization/absorption i.e. converting their positions into permanent government jobs with proper salaries, health insurance, pensions, and other benefits. Other States in India have already set examples by providing reservations, age relaxations, or bonus marks for home guards in competitive exams.

21. At this stage, it would be apposite to notice the relief claimed in *SBCWP No. 11085/2022 : Hari Shankar Acharya & Ors. Vs.*





State of Rajasthan & Ors. and a detailed order dated 27.01.2025 passed in that case by the learned Co-ordinate Bench.

22. The prayer in the SBCWP No. 11085/2022 is as under:

*“A. By an appropriate writ, order and direction in the nature thereof the respondents may be directed to stop the rotation system and provide full year employment to the petitioners.*

*B. By an appropriate writ, order and direction the respondents may kindly be restrained from unnecessarily advertising and appointing more members/Home Guards and to first take full year employment from existing members.*

*C. By an appropriate writ, order and direction the respondents may kindly be directed to adhere with the directions of the State Human Rights Commission in constituting a high level Committee to take note of the recommendations/directions of Human Rights Commission and to take appropriate steps for regulating the working of Home guards particularly in respect of providing full year employment.*

*D. Any other appropriate writ, order and direction which this Hon'ble Court may deem just and proper in the fact and circumstances of the case may kindly be passed in favour of the petitioners.*

*E. Writ petition filed by the petitioners may kindly be allowed with costs.”*

23. Entertaining the above petition, a co-ordinate bench of this Court presided over by my learned brother, Farjand Ali, J., vide his order dated 27.01.2025, while making certain observations, directed as under :

*“6. The primary concern revolves around the livelihood of home guards. In a country grappling with rising inflation, these individuals are paid a bare minimum, insufficient to ensure their survival. Upon reviewing the relevant legislation, it is evident that the post of home guards was created to ensure the protection, safety, and security of the nation. Furthermore, to encourage individuals to volunteer in maintaining law and order at the grassroots level, their remuneration must be sufficient to sustain a basic standard of living.*

*7. This Court is cognizant of the infringement of fundamental rights, particularly Article 21 of the Constitution of India, which guarantees the right to life—a life with dignity. The Court has expressed concern in this regard. It believes that if the Home Department undertakes necessary efforts, home guards could be*



*effectively deployed alongside police constables. In the opinion of this Court, deploying two home guards in place of one permanent police constable would result in significant savings for the State. This implies that the cost of two home guards would be less than that of one permanent constable and also the police constables can be deployed to locations where their services are more urgently required.*

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*11. In light of the aforementioned discussion, the Chief Secretary of the State of Rajasthan is hereby directed to constitute an expert committee to examine the matter comprehensively and address all aspects, issues, and suggestions articulated by this Court in the subsequent paragraphs. The committee shall also take into consideration the deployment of all registered home guards or an increase in their numbers, as deemed necessary and shall make a report of the same. Needful shall be done within a period of 30 days after receiving a copy of this order.*

*12. The committee is directed to deliberate upon, inter alia, the following issues and suggestions:-*

*(a) Planning and Feasibility: The Committee shall explore and evaluate the feasibility of providing 100% employment or deployment to the increased number of home guards.*

*(b) Study of the Uttar Pradesh Model: The Committee shall study the deployment model adopted by the State of Uttar Pradesh for home guards and assess its implementation in Rajasthan. For this purpose, the Committee may seek assistance from senior officials of the Home and Home Guard Departments of Uttar Pradesh.*

*(c) Digital Deployment System: Since deployment in Uttar Pradesh is managed through online computer programs, the Committee shall coordinate with the National Informatics Centre (NIC) to develop and implement a similar program for the State of Rajasthan.*

*(d) Permanent Financial Approval: The Committee shall ensure that permanent financial approvals are granted for the deployment and employment of home guards.*

*(e) Police Station Allocation: A fixed number of home guards should be allocated to each police station to assist with night patrolling, maintaining law and order, and tasks such as serving Court summons. Consequently, additional home guards must be sanctioned for each police station. The Committee shall recommend a fixed ratio of police personnel to home guards for every police station.*

*(f) Traffic Management: A designated number of home guards should be deployed alongside police personnel to assist with traffic management.*

*(g) Guard Duties at Public Places: Home guards should be utilized for guard duties at hospitals, banks, railway stations, bus stands, malls, and similar public places, alongside police officers. This would allow more trained police personnel to be available at police stations, thereby alleviating the workload arising from staff shortages.*



*(h) District-Level Sanctioning: Posts for home guards should be sanctioned in every district to ensure uniform deployment and availability.*

*(i) System for Regular Deployment: Without prejudice to the above suggestions, the Committee shall devise a system ensuring that all registered home guards willing to serve are given deployment for a fixed number of days every month. This would facilitate year-round employment for home guards.*

*(j) Financial Cooperation: The Finance Department shall extend its cooperation and grant necessary sanctions in alignment with the intent expressed by this Court in the instant order.*

*13. Nothing would preclude the respondent to get register fresh volunteer/aspirants. The restraint imposed by this Court on previous occasion vide order dated 16.10.2024 is withdrawn for the present.*

*14. The Chief Secretary or the Expert Committee is further directed to appoint a Coordinator to assist this Court, should the need arise. The aforementioned Committee, through its appointed Coordinator, shall submit a comprehensive report to this Court on or before 1.04.2025. The report shall be furnished through Shri B.L. Bhati, Additional Advocate General (AAG), and Shri Deepak Chandak, Assistant Additional Advocate General (AAAG), who usually appears on behalf of the Home Department of the State of Rajasthan.”*

24. Pursuant to this Court’s aforesaid order, an Expert Committee has been constituted vide an office order dated 12.02.2025 issued by the Home Department of Rajasthan Government as under :

- (i) Mahanideshak Evam Mahasamadeshta, Grah Raksha (Director General and Commandant-General, Home Guards) Chairman.
- (ii) Mahanirikshak, Grah Raksha (Inspector General, Home Guards), Member
- (iii) Shasan Up-Sachiv Grah (Aa. Pr.) [Deputy Secretary to Government, Home Guards], Member
- (iv) Vitteeya Salahakar, Grah Raksha (Financial Adviser, Home Guards ) Member



(v) Senior Staff Officer-II, Grah Raksha (Home Guards),  
Member Secretary

25. It is understood that the report of Expert Committee, which was required to be submitted on or before 01.04.2022, has not yet been submitted in the Court.

26. Taking into consideration the relief claimed in SBCWP NO. 11085/2022 vis-à-vis that claimed in the instant petition, it is obvious that the claim in the present petition qua rotational Home Guards is either covered by and included in or otherwise is more or less the same or substantially the same as the relief claimed in SBCWP NO. 11085/2022 except the peculiar claim in present petition specifically to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards while filling up 52,453 posts of class IV (Group D) employees notified vide Annexure-4. In the premise, for reasons of judicial discipline and propriety, therefore, it would not be appropriate for this Bench simultaneously to go into merits of the claim in present petition and express any opinion about the same.

27. In this view of the matter, it would be appropriate, if the aforesaid Expert Committee is asked to take into consideration the claim in the instant petition qua the non-rotational Home Guards (including the specific claim relating to filling up 52,453 posts of Class-IV/Group-D employees notified vide Annexure-4) by preparing and submitting another report to the State Government. The proposed report be submitted at-least one month prior to date of written examination to be conducted as part of the selection



process (proposed date of written examinations are 18.09.2025 to 21.09.2025 as per advertisement).

28. I may like to add here that as regards the specific claim herein to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards while filling up 52,453 posts of Class-IV/Group-D notified vide Annexure-4, it appears the same cannot even otherwise be adjudicated by this Court without necessarily verifying the individual case of each Home Guard so as to provide age relaxation/bonus/other kind of weightage or by reserving certain number of posts for the Home Guards in the recruitment to the posts under the Government. The same is accordingly best left open to the expertise of the committee, *ibid*.

Conclusion:

29. To conclude, the non-rotational Home Guards working on Group-C and D posts, have been trapped and masked under the false label of "volunteers." In reality, they are workers exploited for years without proper recognition or rights. Some have served continuously for up to 20 years, a span that shatters any illusion of voluntary service, deemingly making them employees, not disposable volunteers.

30. Even the State's dependence on these home guards is total. They maintain law and order, work in offices on Group-C and D posts, manage disasters, assist with welfare schemes, and fulfill countless critical duties — all while enduring 12-hour shifts without a single guaranteed holiday, a stark harsh reality that even regular government staff are spared. Their so-called





honorarium is a pittance in exchange for a lifetime of service. Calling them "volunteers" merely hides their systemic exploitation, allowing the State to profit from their labor without providing the rights, protections, or security they deserve.

31. It is rather disheartening that Home Guards are treated worse than casual laborers. Other states have recognized and uplifted their home guards; Rajasthan's continued neglect is indefensible. Immediate reforms are a matter of policy to be framed by the State and are a legal imperative. Until State ends this charade, these home guards will remain not volunteers but mere victims!

32. Advertisement (Annexure-4) shows that 19.04.2025 is the last date for submission of applications for recruitment to 52,453 posts of Class-IV/Group-D, thereby notified. Very short time is now left for that. Given the urgency involved, it is left to the wisdom and administrative discretion of the respondents to examine the feasibility of taking such interim measures as they consider fair and reasonable, in exercise of their discretion and address the claim of Home Guards qua the filling up 52,453 posts of Class-IV/Group-D.

33. As a result of aforesaid discussion, the writ petition is disposed as under:

- a) It is directed that the respondents shall forthwith take appropriate steps requiring them to place the matter before the Expert Committee (constituted pursuant to the order dated 27.01.2025 passed by the co-ordinate bench) which





shall frame an appropriate scheme to be approved by the competent authority of the State for framing a policy.

b) It is further directed that the committee shall also take into consideration the claim in the instant petition while preparing and submitting it's scheme/report qua age relaxation/bonus/ other kind of weightage or by reserving certain number of posts for the Home Guards while filling-up 52,453 posts of Class-IV (Group-D) employees notified vide Annexure-4.

34. Pending applications, if any, shall also stand disposed of.

35. Before parting, it is deemed appropriate that in light of Supreme Court judgments (cited *ibid*) and discussion contained here in above, certain guidelines are culled out/framed for the benefit of the Expert Committee, which shall be borne in mind while taking a whole some decision on the claim of the home guards, particularly the ones working continuously on non-rotational basis uninterruptedly, without any break, for long years. Same are as below :-

#### GUIDELINES :

##### **1. Continuous Deployment Changes Nature of Employment:**

If the Home Guards initially engaged on a voluntary are deployed continuously over an extended period (years), their status ought to be regularized. Authorities cannot continue to treat them as volunteers once the nature of engagement becomes permanent through practice. Home Guards who have served continuously for extended periods (10 to 20 years in this case) performing duties of a regular nature must either be absorbed into the regular establishment or be accorded the benefit of bonus marks with age relaxation





depending upon length of service rendered by them. The regularization in such cases does not constitute new appointments thus negating the need for fresh selection or reservation policy.

2. **Equal Pay for Equal Work Must Be Ensured:**

Home Guards performing the same duties as their regular counter-parts in Group-C and D service and performing duty under similar conditions must be provided equal pay and benefits, irrespective of their initial designation as part-time, temporary, or voluntary workers.

3. **Duty of Government to Monitor Implementation of Scheme as envisaged :**

When Home Guard scheme is/was framed as voluntary, it is/was the responsibility of the concerned government to ensure its proper implementation in the manner envisaged. Failure to monitor or making it non voluntary cannot be used later as defense to deny the rights of home guards.

4. **Technical Defenses Cannot Defeat Substantive Rights:**

Governments must not use procedural or technical defenses (like the initial voluntary nature of employment) to deny legitimate benefits to Home Guards whose factual conditions of work establish regular employment relationships.

5. **Recognition of Fundamental Rights in Service Matters:**

Constitutional protections under Articles 14 and 16 (Equality and Equal Opportunity) apply fully to the Home Guards also. Any discrimination between similarly situated employees is thus unconstitutional, even in non-regular or voluntary scheme-based appointments.

6. **Accountability of Deployment Authorities:**

Operational authorities exercising control over deployed Home guards must also bear responsibility for the consequences of continuous deployment, including recognizing resulting employment rights. Long-term, continuous service under the control of state is effectively to be treated as permanent employment.



36. Aforesaid guidelines would go a long way to ensure fairness, equality, and in tune with what the Supreme Court has mandated in *State of West Bengal v. Pantha Chatterjee* followed by *Union of India v. Parul Debnath* so as to carry out one time regularization of long-serving Home Guards on parity with long serving contractual employees who are accorded the similar benefit of absorption/ regularization.

37. Disposed of with above observations.

**(ARUN MONGA),J**

180-Rmathur/-

Whether fit for reporting :      Yes      /      No.