

Court No. - 34

Case :- WRIT - A No. - 17950 of 2023

Petitioner :- Jatin Chauhan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Akhilesh Kumar Singh, Lalit Kumar Pandey

Counsel for Respondent :- CSC

Hon'ble Ajit Kumar, J.

1. Learned Standing Counsel has obtained instructions in the matter and as per instructions, no extraordinary leave can be granted to an employee until completion of three years of continuous service. Besides above, the extraordinary leave is granted normally in the circumstances where an employee has remained absent and subsequently furnishes medical certificate of fitness coupled with the certificate for the period he has been under medical advice to have rest. It is submitted that the kind of leave petitioner is applying for would be in the nature of study leave.

3. Upon a pointed query being made, learned Advocate appearing for the petitioner very fairly states he is not pursuing any special course of study relating to scientific, technical or any special course of instruction. The petitioner is pursuing D.El.Ed. course which, according to him, is a technical course.

4. Besides above, I find that ordinarily leave is granted to a government servant who has worked not less than five years/three years of service.

5. In the circumstances, therefore, I leave it open for the respondents to consider as to whether the D.El.Ed. course would stand covered under Rule 146-A of the Subsidiary Rules read with Rule 84 of the Uttar Pradesh Fundamental Rules, and whether discretion can be exercised in granting leave to pursue the course as the petitioner has not completed five years/three years service.

6. Let the appropriate order be passed within 24 hours.

7. Registrar (Compliance) is to communicate this order immediately to the respondent No.3, Additional Director Grade-II, Department of Animal Husbandry, Moradabad Division, Moradabad.

8. With the aforesaid directions, this petition stands disposed of.

Order Date :- 28.10.2023

P Kesari