



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 486 of 2024

Date of Decision :05.03.2026

Shri Gopal Kumar,
S/o Shri. Murari Ram,
Permanent resident of Rankakhurd,
Ward No. 7, P.O. Rankaraj,
Garhwa District, Jharkhand.

...Petitioner(s)

-Versus-

1. Union of India
Represented by the Secretary to the Govt. of
India, Ministry of Home Affairs, New Delhi.
2. The Director General, Border Security Force,
BSF HQ, New Delhi.
3. The Inspector General, BSF Frontier HQ,
Meghalaya, Shillong.

...Respondent(s)

Coram:

Hon'ble Mr. Justice H.S. Thangkhiew, Judge.

Appearance:

For the Petitioner(s)	:	Mr. S. Dey, Adv. Ms. S. Marpna, Adv.
For the Respondent(s)	:	Dr. N. Mozika, DSGI with Ms. M. Myrchiang, Adv.



i)	Whether approved for reporting in Law journals etc:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER

1. The petitioner who is currently posted as Head Constable (Fitter) being aggrieved with the rejection of his application for Study Leave to pursue a Diploma in Civil Engineering by the respondents, is before this Court by the instant writ petition for quashing of the rejection letter dated 28.11.2024, and for directions to grant NOC for Study Leave to enable him to pursue the Diploma in Civil Engineering.

2. The other surrounding facts are that the petitioner having joined service in 2015, being desirous of being promoted to the next post of SI (Civil) upon due completion of tenure of service, was intending to pursue a Diploma in Civil Engineering, as for being eligible to the promotional post, a Diploma in Civil Engineering was required. The petitioner had then applied for admission in Sai Nath University at Ranchi and had secured an offer for admission for the said 2(two) year Diploma Course in Civil Engineering (Lateral Entry) from the concerned University whereafter, he submitted his application for grant of permission from the respondents on 31.07.2024. The petitioner's application was then returned for want of



certain conditions that were required to be fulfilled which the petitioner after compliance, were re-submitted. Thereafter, after certain other clarifications and documents as required had been submitted, the respondents favourably recommended the petitioner's application and forwarded the same for further process. However, on 10.10.2024, it was communicated that the petitioner's case was not covered under the applicable Service Rules and this also resulted in the cancellation of his admission secured at Sai Nath University, as he was required to obtain the NOC by 15.10.2024. However, it appears as brought on record by affidavit, the petitioner has again secured admission to pursue the Diploma in Civil Engineering at Babu Dinesh Singh University, Jharkhand for the Academic Session, 2026-27. The only issue therefore, is to examine the rejection of the application by the respondents, as to whether the same is arbitrary and unreasonable, or whether the same was as per, and in accordance with the prevalent Service Rules, in this case, the CCS (Leave) Rules, 1972.

3. Mr. S. Dey, learned counsel for the petitioner has submitted that the respondents while rejecting the application for Study Leave, have misinterpreted Rule-50 of the CCS (Leave) Rules, 1972, overlooked Rules 50 (1) & (2) and have also failed to appreciate that the proviso to Rule-50, may not be applicable as the petitioner is not a Technical or a Specialist person. It is contended by the learned counsel that the petitioner's course is covered



under the said Rules, inasmuch as, the same is a Special Course of study consisting of Higher Studies in a Professional or Technical subject, having a direct and close connection with his sphere of duty, directly connected with his work, and is capable of widening his mind in a manner likely to improve his abilities to equip him better to collaborate with those employed in other Branches. It is further submitted that under Rule-51, the maximum amount of Study Leave which may be granted to a government servant is ordinarily 12(twelve) months at any one time and 24 months during his entire service, and the petitioner's Diploma Course being of 24(twenty-four) months, and he having not availed of any Study Leave till date, no impediment exists for grant of the leave as sought for.

4. The learned counsel further contended that though the respondents have taken a stand that there is no direct and close connection of a Diploma in Civil Engineering with his sphere of duty, this assertion has been nullified by an Inter-Office note dated 12.03.2025, issued by the Engineering Branch. He submits that by this note, it has been clarified that the post of Head Constable (Fitter) is a technical post and that in the Engineering set up, holder of a Diploma in Civil Engineering is eligible for promotion to the rank of Sub-Inspector (Works) upon completion of 10 years of regular service in the grade. The clarification, it is asserted, establishes beyond doubt that a Diploma in Civil Engineering, has a direct and close



connection with the sphere of duties of a Head Constable (Fitter), thereby bringing the case of the petitioner squarely within the ambit of Rule-50 (1) of the CCS (Leave) Rules, 1972. It is further submitted that grave prejudice has been caused by the delay, inasmuch as, the petitioner has already missed the opportunity to pursue the course for the Session 2024-26, and in the event the NOC is not granted apart from the violation of his fundamental and legal rights, he shall be put to irreparable loss as his career prospects will be seriously jeopardized.

5. In support of his submissions, the learned counsel for the petitioner has relied upon the following judgments: -

- (i) ***D. Boopalan vrs. Madras Metropolitan Water Supply and Sewage Board & Ors. (2007) SCC 569.***
- (ii) ***Dr. Rohit Kumar vrs. Secretary, Office of Lt. Governor of Delhi & Ors. (2021) 8 SCC, paras 19 & 22.***
- (iii) ***Union of India & Ors. vrs. S.K.Saigal & Ors. (2007) 14 SCC 556.***
- (iv) ***State of Mysore vrs. C.R.Seshadri AIR 1974 SC 460.***
- (v) ***Maneka Gandhi vrs. Union of India (1978) 1 SCC 248.***
- (vi) ***State of Punjab & Ors. vrs. Dr. Rajeev Sarwal (1999) 9 SCC 240, para 5.***

6. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents in reply, has first set out the relevant provisions of the CCS (Leave) Rules, 1972 and has submitted that Rule-7



clearly provides that leave cannot be granted as a matter of right and when the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it. Rule-50 he submits, provides that Study Leave may be granted for undergoing a Special Course of study in a Professional or Technical subject, having a direct and close connection with its sphere of duty and Rule-51, provides that a government servant can be granted Study Leave for 12 months at a time and 24 months in all, during his entire service subject to the satisfaction of the competent authority.

7. The petitioner it is submitted is a Fitter and his charter of duties is repairing works of Border fencing, OP towers, changing of MS Plates, Angle Iron for fencing and to do work of drilling in angle iron, MS Plates and Border fencing, which in the view of the competent authority in the BSF is that his sphere of duties, has no direct and close connection with a Diploma in Civil Engineering. The learned DSGI has then impressed upon the point that Study Leave cannot be claimed as a matter of right, and can be refused for exigencies in public service and that further, when such exigencies require, leave of any kind may be refused or revoked by the authority competent to grant it, apart from the fact that Study Leave is a paid leave which has huge financial implications on the government exchequer. As such he submits, the petitioner by obtaining admission to study for a



Diploma in Civil Engineering, has acquired no enforceable right in law. It is been further argued that Rule-51, provides for Study Leave to be granted only for 12(twelve) months and the petitioner is seeking 24(twenty-four) months, which is not permissible under the Rules. With regard to the Inter-office note dated 12.03.2025, relied upon by the petitioner, it has been submitted that the said memo cannot be treated as a decision of the competent authority, and the same refers to only to those persons who are already in possession of a Diploma, being considered for promotion to the next higher rank.

8. In support of his submissions, reliance has been placed on the following judgments: -

- (i) ***State of Punjab vs. Dr. Sanjay Kumar Bansak, (2009) 15 SCC 168, para 2.***
- (ii) ***Chaman Kumar vs. University of Delhi, 2012 SCC Online Del 4734.***

9. Heard learned counsel for the parties. From the submissions and materials presented by both sides, as observed earlier, the interpretation of the Rules placed against the facts of the case, is the only issue that needs consideration by this Court. For the sake of convenience, relevant parts of Rule-7, Rule-50, Rule-51 of the CCS (Leave) Rules, 1972 are reproduced hereinbelow: -



“Rule 7-

- (1) Leave cannot be granted as a matter of right.***
(2) When the exigencies of public service so requires, leave of any kind may be refused or revoked by the authority competent to grant it....

Rule 50 –

(1)....Study Leave may be granted to a government servant with due regard to the exigencies of public service to enable him to undergo a special course of study consisting of higher studies or specialized training in a professional or technical subject having a direct a close connection with the sphere of his duty.

(3) (i) It is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest.

Rule 51 –

Ordinarily a government servant can be granted study leave for 12 months at a time and 24 months in all (inclusive of similar kind of leave for study or training granted under any other rules) during his entire service subject to the satisfaction of the competent authority.”

10. It is seen that as per Rule-7, though Study Leave cannot be granted as a matter of right and can be refused for exigencies in public service, this consideration is inextricably linked to Rule-50, which provides that Study Leave may be granted to a government servant with due regard to the exigencies of public service. These two Rules read in conjunction, in the considered view of this Court clearly requires the competent authority when considering such requests, to examine the totality of the circumstances, such as eligibility, and as to whether the same, apart from having a direct or close



connection with the sphere of duties, also be of definite advantage from the point of view of public interest. The respondents while considering and rejecting the request, in the considered view of this Court have not examined the case of the petitioner in a correct perspective, inasmuch as, a plain reading of Rule 7, firstly, though leave cannot be granted as a matter of right, the same has to be weighed against the circumstances or exigencies that are existent. Secondly, in so far as Rule 50 is concerned, this Court cannot ignore the fact that the Inter-Office note dated 12-03-2025, though the same has been refuted to not be authoritative or binding, by the respondents, it has however, categorically commented that HC (Fitter) is a technical post and that diploma in Civil Engineering has a close connection with the sphere of duties of HC (Fitter). In the view of this Court, Rule 51 also cannot be held to be a hindrance as far as the period of leave is concerned, as it allows for 24 months of study leave that can be availed.

11. In this view of the matter, taking into account the entire facts as they pertain, this Court deems it fit to direct the respondents to re-examine the request of the petitioner for grant of study leave in the backdrop of the Rules, the exigency and especially the fact that apart from the impugned grounds of rejection, the writ petitioner is eligible in all other respects. The entire exercise shall be completed within four weeks from the date of the order by way of a reasoned speaking order. As the matter has been remanded



back for reconsideration, the authorities placed by respective counsels are not discussed or elaborated upon.

12. In view of the discussions and observations made hereinabove, the writ petition is accordingly closed and disposed of.

JUDGE

Meghalaya
05.03.2026
"V. Lyndem- PS"