



HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 1035 of 2024

10 August, 2026

Jagdish Prasad

--Petitioner

Versus

State Of Uttarakhand

2: Director

3: Additional Director

4: Chief Education Officer

5: Committee Of Management Inter College Khirkhet

--Respondents

Presence:-

Ms. Divya Tiwari, learned counsel (through V.C) and Mr. Vinod Tiwari, learned counsel for the petitioner.

Mr. Maneesh Bisht, learned Brief Holder for the State/respondent nos. 1 to 4.

Mr. Anil Kumar Joshi, learned counsel for respondent no.5.

Hon'ble Pankaj Purohit, J. (Oral)

By means of this writ petition, the petitioner has challenged the orders dated 21.02.2024 and 10.04.2024 passed by respondent no.4 (Annexure No. 1 and 2 to the writ petition), whereby the petitioner was denied the half salary during study leave.

2. Heard learned counsel for the parties.

3. The petitioner is presently posted as Assistant Teacher, L.T. Grade (English) with respondent no.5. The petitioner was enrolled for Ph.D. in the year 2023 in subject Economics. He had applied for NOC for the purpose of pursuing the Ph.D. Course and to grant him the study leave w.e.f. 18.02.2024 to 20.06.2024, vide application dated 30.11.2023, from the respondent-department, which is annexed as Annexure No.4 to the writ petition. But vide impugned order, the said application was not allowed, rather the matter was



relegated to the respondent no.5 with a direction that no salary shall be paid to the petitioner, however, the leave was sanctioned, therefore, the petitioner before this Court.

4. The State has filed its counter affidavit. In the counter affidavit, it has been stated that Rule 84 of the Fundamental Rules enshrined under Financial Hand-Book Volume 2 (Parts 2 to 4), leave can be sanctioned to the government servants for study of scientific, technical or similar problems and as per point 8 of the Sub Rule 146(A) of the said Rule, no course of study will be recognized as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the Government and therefore the matter was reverted back to the back in origin.

5. The rejoinder affidavit has also been filed by the petitioner and in the rejoinder affidavit, a reference has also been made to the order passed by this Court in WPSS No. 411 of 2024, *Shobha Budhlakoti vs. State of Uttarakhand and others*, wherein, a similar objection has been taken by the respondent-State while rejecting the prayer for grant of study leave. It is submitted by the learned counsel for the petitioner that the matter of the petitioner is similar and therefore the same is covered by the judgment rendered by this Court in the aforesaid writ petition.

6. Rule 84 of the U.P. Fundamental Rules is quoted hereunder:-

“84. Leave may be granted to Government Servants, on such terms as the Governor may by rule or order prescribe, to enable them to study scientific, technical or similar problems



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or to undergo special courses of instruction. Such leave is not debited against the leave account.”

7. From perusal of the aforesaid Rule 84, it is reflected that if the rule is construed in its letter and spirit, the leave can be sanctioned for higher studies. The Rule cannot be restricted only to the scientific, technical and similar problems to undergo special courses of instruction. The Rule 84 should be construed liberally and to give meaning to it. In Economics subject and like, no scientific and technical study can be pursued but Ph.D. would certainly be a higher study in the subject. Since the petitioner has already been registered in Ph.D. course and the NOC has already been granted by the respondent-department, such leave cannot be denied to him. It is admitted to the respondent-State that Rule 84 is applicable to teachers of Non-Government aided institutions.

8. In this view of the matter, writ petition is allowed. The orders dated 21.02.2024 and 10.04.2024 passed by respondent no.4 (Annexure No. 1 and 2 to the writ petition), to the extent it deny half pay during Study Leave are hereby quashed. A mandamus is issued commanding the respondents to grant study leave to the petitioner w.e.f. 18.02.2024 to 20.06.2024 forthwith alongwith half pay, arrears thereof and all consequential benefits.

(Pankaj Purohit, J.)

10.08.2026

Nahid