

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

936 WRIT PETITION NO. 9401 OF 2016

DHONDIRAM KHANDUJI HENDRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Kulkarni Mukund R.
AGP for Respondent 1 : Mrs.R.P. Gour
Advocate for Respondents 2 to 5 : Mr.B.A. Shinde

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**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.**
DATED : February 24, 2017.

ORDER :

The petition is filed for setting aside the communication made by respondent/employer dated 20.4.2015 by which sanction of extraordinary leave for the period of three years is refused. Though the permission is sought only for completing course of B.Sc. (Agri.), indirectly it means that he wants to take extraordinary leave because duty time of present petitioner is 10.00 a.m. to 5.00 p.m. which is the same time for course of B.Sc. (Agri.) as it is full time course. Thus, it is clear that if the permission for doing

that course is granted, he will be seeking leave.

2. The learned counsel for the petitioner submitted that he will be seeking extraordinary leave as the leave will not be in his credit as he joined in service on 9.9.2014. The learned counsel for petitioner drew the attention of this Court to the Rules with regard to the grant of extraordinary leave and he submitted that extraordinary leave even for five years can be granted.

3. Taking of such leave is not a right of anybody. The needs of the department need to be considered first. If some concession can be given, at the time of granting such concession, the department needs to consider the necessity of the presence of the employee for discharging the duties. In any case, the extraordinary leave rules cannot be made applicable to the person like petitioner and the authority needs to consider the

Rules made for study leave. Rule 80 made under the Maharashtra Civil Service (Leave) Rules 1981 show that there are few pre-conditions like completion of five years of the service for getting such leave. Rule 63 (f) of the same Rules show that for getting extraordinary leave for study purpose, the employee must have put in atleast three years of service and in that case, he can get the leave, at the most of 24 months. Thus, under any circumstances, permission cannot be granted to him. This Court holds that it is not possible to interfere in the order made by the employer. The petition stands rejected.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

ssc/