

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 13.02.2017

RSA No.685 of 1991

Indu Grover

...Appellant

Vs.

Haryana Agriculture University, Hisar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K.Sharma, Advocate, for the appellant.

Mr. Saroj Malakar, Advocate, for the respondent.

RAJIV NARAIN RAINA, J. (ORAL)

The interpretation placed by the lower Appellate Court on the word 'may' in the moot Rule dealing with study leave is correct that it is directory and not mandatory in nature. The University cannot be compelled by mandamus to grant study leave to the appellant nor can the plaintiff claim it as a matter of right for pursuing higher studies in the United Kingdom. Grant of study leave entails full salary for the period of leave. The benefit requires prior sanction of the competent authority. It is a benefit tempered with the exigencies of service and is not for the asking. If the University is unwilling to do so and has passed an adverse order to this effect and impugned in the civil suit, which is Ex.P1 on the record, the Court cannot step in by setting aside that order and confer right to full salary for the period spent pursuing higher studies in the United Kingdom [M.Phil & Ph.D] in the 1980's. The suit was filed after completing studies abroad claiming salary for the period. I do not find anything wrong in the work of the lower Appellate Court in dismissing the suit.

If others have been granted study leave, the similar benefit was not claimed in the plaint, neither the issue was framed; as to whether the plaintiff would, de hors the Rules, still be entitled to parity of treatment. There is, therefore, no evidence on record, the burden of proof being on the plaintiff, as to how those cases were decided on facts to make a legal comparison. In the absence of full facts and material particulars nothing can be said. It is not possible to enter upon a theoretical discussion under Article 14 of the Constitution and apply equal opportunity principles without any coordinates. No substantial question of law arises in this appeal, which requires determination by this Court. Accordingly, the appeal is dismissed.

13.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>