

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO.898 OF 2017

Salim Karim Shaikh & another.

Petitioners.

Versus

The State of Maharashtra and others

Respondents.

Mr. V.B. Dhage, Advocate for the petitioners.

Mr. S.G. Karlekar, A.G.P. for State/respondent Nos.1 to 3.

CORAM : **S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **21st June, 2018.**

PER COURT :-

. The present petition is filed seeking the directions against the respondents to sanction the paid study leave to the petitioners for upcoming academic year.

2. Mr. Dhage, learned Counsel for the petitioners submits that the petitioners are serving with the respondent-Nursing College as a Tutor. The petitioners have filed applications with the respondents for grant of study leave for doing M.Sc. Nursing Course, the same is not being sanctioned by the respondents. Learned

Counsel submits that on 07.06.2014 the Government has passed resolution for doing post graduation on paid study leave for improving educational skill of the employees. Though the applications are given on 09.06.2015, the same are not yet sanctioned.

3. Mr. Karlekar, learned Additional Government Pleader submits that as per the provisions of Maharashtra Civil Services (Leave) Rules, 1981, a government employee in his whole service tenure is entitled for study leave of 24 months and the petitioners had already enjoyed the same for completing Post Certificate -B.Sc Nursing Course. As such, they are not entitled for further leave. Learned A.G.P. further submits that as per the circular dated 07.06.2014, more particularly Clause-2, the paid study leave is not admissible for taking admission in a private Nursing Institution.

4. Mr. Dhage, learned Counsel for the petitioners submits that the petitioners would prosecute the Post Graduation studies i.e. M.Sc. Nursing in a Government Institute.

5. From the contentions of the petitioners, it appears that when the petitioners had done Post Certificate B.Sc. Nursing, the petitioners were on deputation and not on paid study leave. The service book shows that while the petitioners were doing Post Certificate B.Sc. Nursing Course, the petitioners were on deputation

at that place and were not on earned study leave. In view of that, it cannot be said that the petitioners were earlier on paid study leave.

6. The petitioners have submitted that the petitioners are going to take admission in the Government Nursing College for doing their Post Graduation. In view of that, Clause-2, as referred by the respondents in Circular dated 07.06.2014, would also not apply.

7. In view of the above, in case there is no other impediment, then respondent No.2 shall consider the applications of the petitioners for grant of paid study leave expeditiously, preferably within one month.

8. The Writ Petition is accordingly allowed.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/