

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 2578 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not following F.R.84 and debiting study leave against leave account of the petitioner and denying the salary during study period, while allowing him to prosecute further studies through Memo dated 16.11.2006, as illegal and arbitrary.

Heard Sri K. Venkateswarlu, learned counsel for the petitioner, and Sri N. Srirama Murthy, learned standing counsel for the respondent university.

It has been contended by the petitioner that she was appointed as Agricultural Extension Officer in the respondent university and later on promoted as Agricultural Officer. While she was working as such, she submitted an application to the respondent university seeking permission to prosecute M.Sc. (Agriculture) course. The respondent university vide proceedings dated 16.11.2006 permitted her to prosecute M.Sc. (Agriculture) course, but however, without any financial commitment on the university. Challenging the same, she filed the present writ petition.

Learned counsel for the petitioner has contended that as per F.R.84, the petitioner is entitled for salary and other benefits for the period she has applied for study leave and to that effect, she had submitted a representation to the respondent university on 23.11.2006, but so far, the university has not passed any orders on the said representation.

On the other hand, learned standing counsel for the respondent university has contended that the fundamental rules do not have any

application in respect of the university employees and only on the condition that no financial commitment would be extended to the petitioner, she was permitted to pursue her M.Sc.(Agriculture) course. He has further contended that no illegality or irregularity has been committed by the university in denying salary during the study leave period and there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side and perused the record, this Court is of the view that ends of justice would be met, if the writ petition is disposed of with a direction to the respondent university to dispose of the representation of the petitioner.

Accordingly, the writ petition is disposed of directing the respondent university to dispose of the representation of the petitioner dated 23.11.2006 and pass appropriate orders thereon, in accordance with law, within four (4) weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd October, 2018
cbs

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Writ Petition No. 2578 of 2007
(disposed of)

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