

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14715 of 2014
Date of Decision: 23.01.2018

Rajbir Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Zorawar Singh, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. When the petitioner applied for 'No Objection' for study leave he concealed the fact that he had applied for a regular 3 years' LLB course.
2. Unwittingly and upon a wrong impression created by the petitioner, the department granted No Objection Certificate to the petitioner to pursue his studies but with the rider that he would take only leave on the days of examination. It was upon this, that he applied for regular study leave to pursue 3 years regular law degree of LL.B in a college in Rajasthan.
3. Leave was refused against which the petitioner has approached this Court by way of the present petition.
4. The impugned rejection order dated July 07, 2014 is at Annex P-8.
5. The subject of study leave is governed by the provisions of Rule 8.126 read with Appendix 20, Punjab Civil Services Rules, Volume-I, Part-II. Study leave cannot be claimed as a matter of right and I find nothing

per se illegal or perverse in the rejection order.

6. The petitioner works on the Clerical staff of the Labour Department, Haryana.

7. The spirit of Rule 8.126 of Punjab Civil Service Rules as applicable to Haryana is that such leave is admissible to grant to enhance the scientific, technical or similar knowledge of the officers who are posted in the State services relating to general administration and where such knowledge may be properly utilized by the concerned officer for the functioning of the State Government. Clause 2(i) of Appendix 20 of Rule 3 of CSR Volume-1, Part-II clearly states that study leave may be granted if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to the sphere of duties of Government employees. Clause 5 (ii) further states that study leave shall not ordinarily be granted to a Government employee who does not hold a gazetted post under the Government.

8. If the petitioner is keen to acquire the LL.B degree qualification for his personal benefit and gain then he can always chase his dream by resigning from the post to pursue his full time studies in a Law College in Rajasthan. But he cannot claim study leave as a fundamental or civil right outside the purview of rules and at the cost of the employer State.

9. There is also no challenge to the conditional order at Annex P-5 dated October 31, 2013.

10. Accordingly, I find no merit in this petition and order the same

to be dismissed.

(RAJIV NARAIN RAINA)
JUDGE

23.01.2018
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>