

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19665 of 2019

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Suresh Kumar S/o Hriday Ray Vill.- Madhopur, P.s.- Jandaha, Distt.- vaishali,
present address resident of Mohalla pandey patii, P.s.- Buxar, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary SC/ST Welfare Department, Bihar, Patna
3. The Director SC/ST Welfare Department, Bihar, Patna
4. The District Welfare Officer Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Mahasweta Chatterjee, Advocate
For the Respondent/s	:	Mr.S. K. Mandal (Sc3)
		Mrs. Neelam Kumari, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-09-2019

Heard learned counsel for the petitioner and the
State.

2. The grievance of the petitioner in the present writ petition is non-consideration of his case for grant of salary for the period of study leave in terms of the provisions of the Bihar Service Code.

3. Mrs. Mahasweta Chatterjee, learned counsel appearing on behalf of the petitioner submits that Rules 180, 206, and 236 of the Bihar Service Code are not attracted in the case of the petitioner. She argued with reference to Annexure-7 that under the Rules 2 years leave with salary is admissible for the purpose of enhancing efficiency.



4. The scheme of granting leave with salary for enhancing efficiency is different from enhancing educational qualification. The petitioner was granted study leave at his request and it is not a case that the petitioner was sent for any kind of research work which may be treated as enhancing efficiency. Such scheme of enhancing efficiency is not attracted in the case of the petitioner.

5. Mrs. Chatterjee thereafter placed reliance on Rule 205 of the Bihar Service Code to contend that Rule 205 permits grant of study leave with half salary.

6. Since the petitioner was granted study leave, there is no justification not to decide entitlement of petitioner one way or the other with regard to benefit of salary whether full or half available to the petitioner. The writ petition is disposed of with a direction to the respondents to take appropriate decision with regard payment of salary for period of study leave granted by the respondents. If they decide that the petitioner is entitled to half salary leave, then they have to take appropriate decision and grant benefit of Rule 205 of the Bihar Service Code for grant of half salary for the period of study leave or if they admit that it is a leave granted under Rule 37 of the Service Rule, Annexure-7, then they have to consider the case of the petitioner for grant of full



salary which is admissible under Rule 37 of the Rules. Necessary decision in this regard must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order .

7. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
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