

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 326 of 2019

Smt. Santoshi Sahu W/o Shri Kaushal Sahu Aged About 34 Years R/o Shrishti Colony, Q. No. 47, Kamla College Road, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Police Station Rakhi, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Health Services (Cg), Directorate, Health Services, Indrawati Bhawan, Iii Floor, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chief Health And Medical Officer Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri Rahul Tamaskar, Advocate.
For State	:	Shri Jitendra Pali, Dy. AG

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/01/2019

1. The dispute in the present writ petition revolves around the Study leave which the petitioner has sought for. The claim of the petitioner is that the petitioner after being appointed as a Multipurpose Health Worker(Female) in the year 2008 were discharging the duties continuously without any sort of displeasure to the authorities. In the year 2014/2015 the petitioner has sought for a NOC from the department seeking permission to pursue BSC,Nursing Course. The said course was a four year course. The Department, vide Annexure (P-3) dated 24/09/2015 issued and granted NOC to the petitioner. Pursuant to the NOC the petitioner had applied for grant of Study leave for a period of 1460 days i.e. for four years from 11/11/2015 to 11/11/2019. The department initially granted two years of Study Leave thereafter also the petitioner continued to pursue her study and also applied for the grant of further extension of two years enabling her to complete the course. The claim of the petitioner was processed by the Block Medical Officer,

Chhuria District Rajnandgaon and forwarded to the Chief Medical Officer, Rajnandgaon on 22/03/2016. It appears that the CMHO has not taken any further decision on the recommendation/order which the Block Medical Officer, Chhuria had sent. It is the further contention of the petitioner that even from 11/11/2017 the petitioner was being paid salary until July, 2018 and thereafter the salary to the petitioner has also been stopped, as such the petitioner now finds it difficult to firstly sustain herself and secondly to pursue her course further. The course as of now is of only 11 months duration left for its completion.

2. Given the facts as stated by the counsel for the petitioner and which is reflected from the petition, this Court is of the opinion that ends of justice would meet if the writ petition stands disposed off with direction to respondents No. 2 & 3 to take a decision in the case of petitioner at the earliest.

3. While taking the decision the authorities would also keep in mind the fact the petitioner was already granted two years of Study Leave by the department. It is not expected from the respondents that they would give study leave to the employee only for undertaking half of the course. If permission once granted it has to be for the entire course or else it ought to have been specifically intimated to the petitioner in this regard at the beginning of the course.

4. Accordingly, let the decision be taken at the earliest by the respondents No. 2 & 3 preferably within a period of 60 days from the date of receipt of copy of this order. It would be the responsibility of the petitioner to apprise to the respondents No. 2 & 3 so far as the order passed by this Court is concerned.

5. Accordingly, the writ petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE