

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7425 of 2018

Jitendra Kumar Rohit S/o Late Parmeshwar Aged About 25 Years
Posted As Multi Purpose Health Worker, At Sub Health Centre
Sendur Sector Balrampur, District Balrampur Ramanujganj
Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through The Secretary, Department of Health Services, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh.
2. The Director Directorate of Health Services, New Raipur District Raipur Chhattisgarh.
3. The Joint Director, Health Services, Division Surguja, Ambikapur , District : Surguja (Ambikapur), Chhattisgarh
4. The Civil Surgeon Cum Chief Hospital Superintendent Balrampur, District Balrampur Ramanujganj Chhattisgarh
5. Block Medical Officer Community Health Centre Balrampur, District Balrampur Ramanujganj Chhattisgarh. --- **Respondents**

For the Petitioner : Mr. R. V. Rajwade, Advocate

For the State : Mr. Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-11-2019

1. The instant writ petition is filed for the following relief(s) :

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner.

10.2 That this Hon'ble Court may kindly be pleased to set-aside/quash the impugned order dated 24.09.2018 (Annexure P-1) and direct the respondents to grant the permission for study leave in B.A.M.S., curriculum, in the interest of justice.

10.3 That any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the cost of the petition may be

given.”

2. It is contended that the petitioner was initially selected as Multi Purpose Health Worker in the year 2013. He completed his probation on 31.07.2015 (Annexure P-3). Thereafter, he was selected to the course of B.A.M.S., in the year 2017. Pursuant thereto, the petitioner has applied for study leave for prosecuting the course B.A.M.S., and has paid all the fees. However, the study leave was not sanctioned. Hence this petition.
3. A perusal of the documents would show that as per Annexure P-3, the petitioner has sought for grant of permission to participate in the last counseling held on 27.10.2017 and further vide Annexure P-4 the petitioner has sought for study leave as he was selected to study the course of Bachelor of Ayurveda Medicine and Surgery in Chhattisgarh Ayurved Medical College, Manki, Rajnandgaon, therefore, he may be granted the study leave. The said application was rejected by the State.
4. Be that as it may, the petitioner claims that he was selected for the B.A.M.S., course in the year 2017. The study leave having not been granted at that point of time, as on today the same cannot be granted as the clock cannot be set back in motion as the year 2017 has already been passed and if the petitioner could not join the B.A.M.S. course in the year 2017 for some reason or the other, he could not be permitted in the year 2019 after a lapse of two years by grant of study leave.
5. Accordingly, this writ petition has become infructuous and is dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**