

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.22891 of 2019 (O&M)

Date of Decision.28.08.2019

Gurdev Singh @ Gurdev

...Petitioner

Vs

State of Haryana and others

...Respondents

Present: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Challenge in writ petition is to impugned order dated 10.05.2018 (Annexure P-6) whereby request of the petitioner to undergo higher education has been rejected.

Mr. Raj Kapoor Malik, learned counsel appearing for the petitioner submitted that the petitioner is working on the post of Revenue Clerk/Zileadar in the office of respondent No.3 having qualification of Matric. Since he intended to improve education to build up his career, submit an application (Annexure P-1) and had also taken admission for class 10+2 in National Institute of Open Schooling recognized by Government of India, which is evident from Annexure P-2 but no action was taken, despite reminder (Annexure P-3). Another application (Annexure P-4) was also filed but the same has been rejected vide impugned order Annexure P-6 without assigning reasons and against Instructions dated 13/16.10.1972. However, similarly situated persons vide Annexure P-7 have been granted permission.

Notice of motion.

Ms. Shruti Jain Goyal, DAG, Haryana accepts notice for

respondents.

The relevant part of order (Annexure P-6) and Instructions dated 13/16.10.1972 reads as under:-

“In this connection, it is informed that the case of Sh. Gurdev Singh, Assistant Revenue Clerk for permission regarding Higher Education was put up to Head of Department and the same is hereby rejected.”

Instructions dated 13/16.10.1972

“I got instructions that to bring in your knowledge the Haryana Government letter Serial No.3712-2 GM-II-72/21209 dated 18.07.72, vide which some restrictions were put on the government employees for getting the admission in the educational institution for gaining the higher education. One question has arisen regarding this, whether aforementioned restriction has been imposed on those employees, who are perusing their education through corresponds courses. This headquarter has discussed with the government level and has taken the decision that corresponds candidate did not be present in to any institution continuously, so, therefore, this restriction is not applicable for the corresponds course.

Besides this, decision has also been taken that if any employee has already granted the permission to take admission before this letter dated 18-7/2 in that case, he may be allowed to complete the course.”

The order impugned is bereft of any reasoning nor there is reference of instructions. Accordingly, I am of the view that order dated

10.05.2018 (Annexure P-6) is not sustainable and is hereby set aside with direction to respondent No.2 to pass order with a pragmatic and reasonable approach after affording opportunity to petitioner, in view of Instructions of the Government within a period of one month from the date of receipt of certified copy of this order, failing which respondent No.2 shall be liable to pay costs of ₹25,000/- to the petitioner. This condition of imposing costs is only to prevent petitioner to run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.

The writ petition stands disposed of with the above direction.

(AMIT RAWAL)
JUDGE

August 28, 2019

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No