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

CM-13637-CWP-2020 in/and
CWP-18838-2020 (O&M)
Date of decision: 23.12.2020

DEEPIKA SANGWAN

...Applicant/Petitioner

Versus

PT. B. D SHARMA UNIVERSITY AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil K. Nehra, Advocate for the applicant/petitioner.

Mr. Harmanjot Singh Gill, Advocate with
Ms. Jasmine Gill, Advocate for respondents Nos.1 & 2.

ANIL KSHETARPAL, J. (ORAL)

CM-13637-CWP-2020

Application is allowed.

With the consent of learned counsel for the parties, the date of hearing is advanced and taken up for final disposal today itself.

Main case

The petitioner is working as a Staff Nurse with Pt. B.D. Sharma, University of Health Science (PGIMS) Rohtak, which is the main Government hospital in the State of Haryana. The petitioner claims that she was appointed as Staff Nurse on 15.04.2017. She applied for “No Objection Certificate” for further study as she had applied for M.Sc. Nursing Course in the examination held by AIIMS, Delhi.

Through this writ petition, the petitioner has challenged the order dated 07.05.2020 refusing the permission.

Apart from other objection, learned counsel for the respondents has pointed out that in view of peculiar situation created due to spread of COVID-19, the respondent-University is unable to grant study leave to its Staff. He further submits that as per Rule-41 of the Haryana Civil Services (Leave) Rules, 2016, the discretion lies with the employer and the employee does not as matter of right force employer to sanction leave for her higher studies.

Learned counsel for the petitioner contends that the argument of the counsel is beyond the pleadings.

Be that as it may.

The situation created due to COVID-19 is well-known. In absence of right, the employee cannot force the employer to grant extraordinary leave particularly when the services of medical staff are desperately required.

After having heard learned counsel for the parties, this Court is of the considered view that in view of the facts and situation and the stand taken by the University, no ground to issue a writ as prayed for, is made out.

Accordingly, the present writ petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

23.12.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No