

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION (WP) NO. 3944/2022**

*Hemantkumar S/o Rambhau Bhagat*

..VS..

*Union of India, Through Ministry of Education and ors.*

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Shri V.B. Gawali, Advocate for petitioner  
Shri N.S. Deshpande, Assistant Solicitor General of India for respondent no. 1  
Shri D.P. Thakare, Additional Government Pleader for respondent no. 2  
Shri M.L. Vairagade, Advocate for respondent nos. 3 to 5.

**CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, J.J.**

**DATED : 05/08/2022**

Heard.

The challenge raised in this writ petition is to the order dated 29.07.2022 passed by Chief Executive Officer, Zilla Parishad, Washim thereby refusing to grant study leave to the petitioner in view of the provisions of the Maharashtra Civil Services (Leave) Rules, 1981 (for short the "Rules of 1981").

The petitioner was appointed as Shikshan Sevak with the Zilla Parishad and after completing the period of probation, he was confirmed as an Assistant Teacher. It is the case of the petitioner that the respondent no. 1 issued an advertisement for conducting Diploma Course in various languages at various Regional Language Centres. Since the petitioner was interested in acquiring knowledge of different languages, he made an application in the prescribed form and submitted the same through the Deputy Chief Executive Officer to the Chief Executive Officer of the Zilla Parishad. Thereafter on 15.06.2022 and 24.06.2022 the petitioner sought permission of the Education Officer (Primary) as well as the Chief

Executive Officer to permit him to pursue the aforesaid course. Since no decision was being taken on the said application, the petitioner filed the present writ petition seeking a direction that the aforesaid proposals be decided. This Court on 15.07.2022 directed the respondent nos. 3 to 5 to consider the petitioner's applications as made and take a decision thereon. Accordingly, on 29.07.2022 the said application has been decided and the Chief Executive Officer has held that since the petitioner desires to take training in Konkani, Gujrati and Kannad languages which were not being taught in the Zilla Parishad Schools, it would not be permissible to sanction study leave. By amending the writ petition, the order dated 29.07.2022 has also been challenged.

The learned Counsel for the petitioner submitted that considering the purpose behind conducting such training course in regional languages and in view of the recommendations under National Education Policy 2020, the Zilla Parishad ought to have relieved the petitioner for pursuing the aforesaid course which was for a duration of ten months. There was no reason to deprive the petitioner from obtaining such training since the same would have benefited the Zilla Parishad. The Chief Executive Officer ought to have considered that the provisions of Rule 80(1) of the Rules of 1981 were not applicable and he was not justified in refusing the study leave. In fact, the petitioner ought to be sent on deputation and the reason given by the Chief Executive Officer that these three optional languages were not being taught in the Schools run by the Zilla Parishad was not relevant in that regard. He therefore submitted that the impugned order was liable to be set aside.

The learned Counsel for the respondent nos. 3 to 5 submitted that the languages chosen by the petitioner for undertaking training were not subjects of teaching in the Zilla Parishad Schools and therefore the Zilla Prishad would not have benefited from sending the petitioner to undertake such training. Reference was made to Rule 80(1) of the Rules of 1981 and it was submitted that approval of the Chief Executive Officer for such training was necessary. He therefore submitted that no interference with the impugned order was called for.

On hearing the learned Counsel for the parties and after perusing the documents on record, we find that the Chief Executive Officer did not commit any illegality in refusing to grant study leave to the petitioner. The training programme in regional languages was being undertaken at the initiative of the respondent no. 1 and in the light of the recommendations of the National Education Policy 2020. The petitioner was interested in the languages Konkani, Gujrati and Kannad. It is an undisputed fact that the aforesaid three languages are not taught in various Zilla Parishad Schools. It is for that reason that the Chief Executive Officer has found that by permitting the petitioner to avail study leave the students of the Zilla Parishad Schools would not have benefited. By obtaining such training it would only be the petitioner who would have benefited from the same. Since the training programme was for a duration of ten months and no advantage was to be derived by the Zilla Parishad, the Chief Executive Officer in terms of Rule 80 of the Rules of 1981 has refused to grant study leave. We find that the approach of the Chief Executive Officer of considering the benefit to be derived by the Zilla Parishad by deputing the petitioner for training as the reason

for refusal is in any manner illegal. By keeping in mind the interests of the Zilla Parishad the petitioner has been denied study leave. No provision of law has been pointed out that even in such situation the petitioner would be entitled to grant of study leave as of right.

In that view of the matter, we do not find any reason to interfere with the decision taken by the Chief Executive Officer to refuse study leave to the petitioner. The writ petition is thus dismissed with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

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