

2023:PHHC:054222

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

CWP-27280-2016 (O&M)
Date of decision: 19.04.2023

Jaswant Kaur and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunil Agnihotri, Advocate for the petitioners

Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. While filing the present writ petition, the petitioners pray for the issuance of a writ in the nature of Mandamus directing the respondents to sanction study leave to them, for a period of 2 years, as per Rule 3 of the Study Leave Rules, 1963. The petitioners were earlier working as the Auxillary Nursing Midwives, who were subsequently re-designated as the Multi Purpose Health Workers (Female). During the pendency of the writ petition, they have retired on attaining the age of superannuation. While filing the reply, the State has stated that Grade A Nursing Course, which the petitioners intend to study, is not in the public interest but it is their own self interest. Moreover, the writ petition suffers from an unexplained delay and laches.

2. Since the petitioners stand retired, in the considered view of the Court, no effective order can be passed. Furthermore, study leave is in the nature of a concession, which cannot be claimed as a matter of right.

3. In view of the aforesaid facts, no ground to issue the writ, as

prayed for, is made out.

4. Hence, dismissed.
5. All the pending miscellaneous applications, if any, are also
disposed of.

19.04.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE