



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

**CWP-4382-2023 (O&M)
Date of Decision: 25.07.2025**

KRISHAN KUMAR **... PETITIONER**
VS.

UTTAR HARYANA BIJLI VITRAN NIGAM LIMITED AND ORS
.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ROHIT KAPOOR

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

Mr. Puneet Jindal, Sr. Advocate with
Mr. Rohit Sharma, Advocate and
Mr. Vikram Singh, Advocate,
for the respondents.

ROHIT KAPOOR, J. (ORAL)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* to set aside the rejection letter dated 23.12.2022 (Annexure P-6) passed by respondent No.2 vide which the application for grant of study leave for the purpose of acquiring higher education was rejected. Further, a prayer has been made to issue a writ of *mandamus* directing respondent No.2 to grant study leave as mentioned in the application dated 08.08.2022 (Annexure P-4) in view of HCS (Leave) Rules 2016 (Annexure P-7).
2. Learned Senior Counsel appearing for the respondents-Nigam has drawn attention of the Court to the decision dated 24.09.2020 passed by a Coordinate Bench of this Court in CWP-8045-2020, wherein it has been held that claiming of relaxation of condition No.(ii) of Rule 50 (3) of the

Haryana Civil Services (Leave) Rules, 2016 (hereinafter referred to as '2016 Rules'), is not a matter of right and that such relaxation will amount to deletion of the said condition, which cannot be permitted. He further contends that the petitioner has failed to show that he has been discriminated against and any similarly situated employee has been granted the benefit of study leave after relaxing the aforesaid condition.

3. Faced with the same, learned counsel for the petitioner restricts his prayer to the effect that the petitioner be granted permission for higher studies and he be allowed the benefit of leave, as available to him.

4. In response to the limited prayer made by the petitioner, learned Senior counsel appearing on behalf of the respondents-Nigam has drawn the attention of the Court to the impugned order dated 23.12.2022 (Annexure P-6) and has pointed out that the respondents-Nigam has specifically permitted the petitioner to avail the benefit of higher studies and to get the benefit of extraordinary leave under rule-40 of Chapter-IX of 2016 Rules.

5. In view thereof, the instant petition is disposed of with a direction to the respondent-Nigam that application of the petitioner, seeking permission for higher studies, be allowed in accordance with law, and benefit of extraordinary leave/earned leave/half leave, be sanctioned in favour of the petitioner, as per 2016 Rules.

6. Disposed of in the aforesaid terms.

25.07.2025
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(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No