



2025:DHC:9231-DB



\$~42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 14.10.2025***

+ W.P.(C) 15551/2025 & CM APPL. 63608/2025
DR VIJAY KUMAR JHAPetitioner
Through: Mr. M.K. Bhardwaj, Adv.

versus

GOVT OF NCT OF DELHI & ORS.Respondents
Through: Mr. Gaurav Dhingra and Mr.
Shashank Singh, Advs. for R1
to R5

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 11.09.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No. 3352/2025, titled ***Dr. Vijay Kumar Jha v. Lt. Governor of Delhi and Ors.***, whereby the learned Tribunal denied *interim* relief to the petitioner.
2. By the above O.A., the petitioner has prayed for the following reliefs:

“(i) To declare the action of respondents in not sanctioning study leave and delaying the relieving as well as consequential joining of DNB Diploma Course in Paediatrics as per order dated 03.04.2025 as illegal and direct



the respondents to sanction 2 years study leave to applicant for completion of Post MBBS DNB Diploma in Paediatrics.

(ii) To direct the respondents to sanction 02 years study leave and allow the applicant to join Post MBBS DNB Diploma in Paediatrics in Jag Pravesh Chandra Hospital, GNCT of Delhi.

(iii) To direct the respondents not to impose any liability of Rs. 10 lakhs and allow the applicant to complete the 2 years diploma course as per DNB notification and order dated 03.04.2025..."

3. In the O.A., the petitioner has also prayed for the *interim* relief as under:

"Pending final adjudication of the OA, it is humbly prayed that this Hon'ble Tribunal may be pleased to direct the respondents to allow the applicant to join Post MBBS DNB Diploma in Paediatrics in Jag Pravesh Chandra Hospital, GNCT of Delhi or keep the DNB Diploma in Paediatrics reserved for applicant. In case, the said interim order is not passed, grave prejudice would be caused to the applicant as the DNB Diploma in Paediatrics seat may be canceled for want of joining of applicant."

4. The learned Tribunal has, taking into account the disciplinary proceedings, the punishment imposed on the petitioner, and the fact that study leave is not a matter of right, denied the *interim* relief to the petitioner.

5. The learned counsel for the petitioner submits that the study leave cannot be refused only on the ground of a penalty being imposed on the petitioner in a departmental proceeding. In support of his submissions, he has placed reliance on the Central Civil Services



(Leave) Rules, 1972, as also on the Judgment of Supreme Court in ***Dr. Rohit Kumar v. Secretary Office of Lieutenant Governor of Delhi & Ors.***, (2021) 8 SCC 381, the Judgment of this Court in ***Asha Rani Gupta v. Ravindera Memorial Public School & Anr.***, 2024:DHC:7903-DB and the Order dated 29.09.2021 of this Court in LPA 121/2021, titled ***Dr. Ruchita Ghiloria & Ors. v. Medical Superintendent & Ors.***

6. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, after taking instructions pursuant to our Order dated 10.10.2025, submits that the application of the petitioner for study leave is still pending consideration before the Competent Authority.

7. He submits that in terms of the Office Memorandum dated 27.10.2023, one of the important documents to be forwarded to the competent authority for a decision on the application for Leave Sought for Higher Studies, is the Vigilance Status Report. In the present case, the Vigilance Status Report has been forwarded to the competent authority *vide* communication dated 28.03.2025, and the decision of the competent authority is awaited.

8. He submits that, there is no urgency for the *interim* relief inasmuch as the concerned course has already commenced since April, 2025.

9. The learned counsel for the petitioner, in the Rejoinder, submits that though the course has commenced, the first semester is yet to end and the petitioner may be able to join the course even now.

10. We have considered the submissions made by the learned



2025:DHC:9231-DB



counsels for the parties.

11. As the challenge before us is limited to the refusal of the *interim* relief by the learned Tribunal; the O.A. itself has been directed to be listed before the learned Tribunal on 6th November, 2025; the matter is still pending before the Competent Authority for a decision on the petitioner's application for study leave; as also the fact that the course has already started in April 2025, we do not deem it proper to interfere with the Impugned Order at this stage.

12. We, however, direct the competent authority of the respondents to take a decision on the application of the petitioner seeking study leave, within a period of two weeks from today. In taking such decision, the competent authority shall not, in any manner, be influenced by the Impugned Order, and such decision shall be taken in accordance with the applicable rules.

13. The petition is disposed of in above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

OCTOBER 14, 2025/ys/k/Yg