



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

CWP-21396-2024

Date of decision: 09.02.2026

Naveen Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Jagbir Malik, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Additional A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of impugned clarificatory instructions dated 28.08.2023 (Annexure P-6) vide which respondent No.2 has imposed a condition precedent of completion of 03 years' service for grant of permission to pursue higher education through online/private/correspondence/distance mode/evening classes, in circumstances where study leave is not required and for quashing impugned order dated 02.07.2024 (Annexure P-5) passed by respondent No.3. Further, for issuance of a writ in the nature of *mandamus* directing the respondents to grant permission to the petitioner to pursue higher studies of B.A. through Distance Education Mode as envisaged under the instructions dated 09.11.2022 (Annexure P-4) passed by respondent No.2.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed to the post of Veterinary Livestock Development Assistant (VLDA) on 09.02.2024 in terms of the selection process undertaken by the Haryana Staff Selection Commission. On



15.02.2024, the petitioner joined his allotted station as discernible from Annexure P-2. The petitioner at the time of his appointment had only completed 10th and +2 and as such, the petitioner intended to acquire higher education and on 29.05.2024, the petitioner submitted representation to respondent No.3 requesting for permission to enhance his educational qualification and enroll himself in Bachelor of Arts through Distance Education Mode, wherein, he would not be required to avail any study leave. The petitioner has given his undertaking in the application (Annexure P-3) regarding not availing any study leave. On 02.07.2024, respondent No.3 has rejected the valid and genuine claim of the petitioner by passing a non-speaking order on the ground that he has not completed three years' of regular service and thus, as per the instructions of the Government, he cannot be permitted to pursue his Bachelor of Arts. The impugned order was passed without citing any instructions or any provisions of law for denying the petitioner his right to enhance his educational qualification.

3. Mr. Vikrant Pamboo, Advocate for the respondents submits that the respondents have considered the length of service of the petitioner. The petitioner only joined on 15.02.2024 and on 29.05.2024, he sought permission to take admission in the graduation course. The petitioner is still under probation, as such, his application has been rightly rejected.

4. Having heard learned counsel for the parties and after perusal of the records, it transpires that the petitioner has categorically submitted his undertaking in his application (Annexure P-3) that the mode of his study is purely through distance mode which does not require physical attendance and it will not impact his duty during his study and further, petitioner has undertaken



not to take any study leave and he will not compromise on attending the duties on the Government Veterinary Dispensary without previous permission of the Veterinary Surgeon during the period his exams are going to be held. Further, instructions dated 09.11.2022 issued by the Government of Haryana, Department of Finance, regarding the grant of permission for higher studies to Group-B and Group-D Government employees are also available on record as Annexure P-4. The relevant decisions of the Government are reproduced as under:-

“i) Where study leave is not required:

*a) For cases for pursuing higher studies/course/training including technical or scientific studies in public interest **through online/private/ correspondence/ distance mode/evening classes**, where there is no need to attend class physically during office hours, he/she may be granted permission to pursue higher studies by the Head of Department (in case of Group-C and Group-D employees) and by Administrative Department in case of Group-B officers) subject to the condition that official work does not suffer under any circumstances. The official/officer shall be expected to attend to his/her duties and work assigned. After granting such permission, applied leave including casual leave (other than study leave) may be granted for preparation or appearing for examination by the competent authority as specified in HCS (Leave) Rules, 2016.*

*b) For cases for pursuing higher studies/course/training including technical or scientific studies in public interest **through regular mode**, where the employee has to attend classes physically as a regular student, he/she may be granted such permission as mentioned above in para 2(i) (a) **subject to fulfilment of condition of three years' service as prescribed under Rule 41(iii) of HCS (Leave) Rules, 2016. The competent authority shall be Administrative Secretary for Group C & D and Minister-in-Charge for Group-B.***

The competent authority for above para 2(i)(b) shall assess the request based on the availability of officials on the concerned posts and the vacancy position before granting leave.”



5. Perusal thereof, clearly indicates that the ground of having three years' regular service on which the application of the petitioner was rejected is not applicable to the petitioner as the petitioner is not seeking permission to acquire higher qualifications through regular mode, whereas, petitioner intends to pursue higher education only through Distance Education Mode, as such, Clause 2(i) would be applicable in which there is no eligibility with regard to length of service being three years.

6. Further, it is no longer *res integra* that the right to education is a fundamental right traceable to Part III of the Constitution of India and as such, linked to the right to life and personal liberty under Article 21 of the Constitution of India. A Two Judge bench of the Hon'ble Apex Court in ***Miss. Mohini Jain v. State of Karnataka 1992 INSC 186*** while speaking through Justice Kuldeep Singh observed as under:-

"12. "Right to life" is the compendious expression for all those rights which the Courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to Provide educational facilities at all levels to its citizens.

13. The fundamental rights guaranteed under Part III of the Constitution of India including the right to freedom of speech and expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity.

14. The "right to education", therefore, is concomitant to the fundamental rights enshrined under Part III of the Constitution. The State is under a constitutional-mandate to provide educational institutions at all levels for the



benefit of the citizens. The educational institutions must function to the best advantage of the citizens. Opportunity to acquire education cannot be confined to the richer section of the society. Increasing demand for medical education has led to the opening of large number of medical colleges by private persons, groups and trusts with the permission and recognition of State Governments. The Karnataka State has permitted the opening of several new medical colleges under various private bodies and organisations. These institutions are charging capitation fee as a consideration for admission. Capitation fee is nothing but a price for selling education. The concept of "teaching shops" is contrary to the constitutional scheme, and is wholly abhorrent to the Indian culture and heritage. As back as December, 1980 the Indian Medical Association in its 56th All India Medical Conference held at Cuttack on December 28-30, 1980 passed the following resolutions:

"The 56th All India Medical Conference views with great concern the attitude of State Governments particularly the State Government of Karnataka in permitting the opening of new Medical Colleges under various bodies and organisations in utter disregard to the recommendations of Medical Council of India and urges upon the authorities and the Government of Karnataka not to permit the opening of any new medical college, by private bodies.

It further condemns the policy of admission on the basis of capitation fees. This commercialisation of medical education endangers the lowering of standards of medical education and encourages bad practice."

7. Reliance in this regard may also be placed on another judgement rendered by a Two Judge Bench of the Hon'ble Supreme Court in ***Avinash Mehrotra v. Union of India 2009 (6) SCC 398***, which observed that, **"right to education attaches to the individual as an inalienable human right."**

8. The right to education has been vested with the gravity of being an inalienable human right. Denying the right to pursue any educational



qualification to any individual who is willing to pursue it, at any stage of life would be violative of the Fundamental Right to Education and thus could not be justly taken away or forfeited, as these rights are inherent, permanent, and essential to human dignity from birth throughout one's entire existence.

9. Further, enhancing the educational qualification of an employee must be encouraged, because a better-educated workforce directly serves the public interest by enhancing the competency of the employee. A more educated workforce is better equipped to engage with complex social issues, adapt to technological changes, and contribute to a more informed and better results. Therefore, encouraging lifelong learning and educational enhancement is not merely a private benefit, but a public good. The State not only bears the responsibility of ensuring a better-qualified workforce on the public payroll but also of supporting the professional growth of its employees.

10. In terms of the judgment rendered by a Two Judge Bench of the Hon'ble Apex Court in ***Dr. Balram Singh and Others v. Union of India, 2024 INSC 893***, the expression "socialist" signifies the State's commitment to function as a welfare State, with the avowed objective of securing economic and social upliftment. Consequently, encouraging the advancement of its employees is not merely a moral obligation, but constitutes a constitutional duty of the State, acting as a model employer.

11. Moreover, impugned clarificatory instructions dated 28.08.2023 (Annexure P-6) issued by the Superintendent of the Finance Department is contrary to the executive instructions issued by the Additional Chief Secretary, Government of Haryana, Finance Department, dated 09.12.2022. As such, rejection of the application of the petitioner on the basis of such clarification

holds no value in the eyes of law.

12. In view of the above, the present writ petition is allowed. The impugned order dated 02.07.2024 (Annexure P-5) is hereby set aside. The respondents are directed to grant permission to the petitioner to enroll in Bachelor of Arts by Distance Education Mode. However, it is made clear that the petitioner shall not avail any study leave and shall maintain the requisite standard of work. He shall be permitted to avail leave only during the examination period.

(HARPREET SINGH BRAR)
JUDGE

09.02.2026
Neha

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