SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSB/207/2023 Priti Atrey --Petitioner **Versus** State Of Uttarakhand --Respondent **Hon'ble Manoj Kumar Tiwari, ACJ** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Rahul Negi, Advocate holding brief of Mr. Munish Bhardwaj, learned counsel for the petitioner. 2. Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand. 3. Petitioner has challenged a communication issued by Deputy Secretary, Higher Education Department to Principal, Women Degree College, Kankhal, Haridwar on 14.02.2023. 4. In the said letter, it was stated that since UGC Regulations, 2010 have not been adopted in the State of Uttarakhand, therefore, request made by petitioner for treating her study leave between 01.09.2013 to 01.08.2016 cannot be treated as paid leave. 5. A counter affidavit has been filed by Mr. Byomkesh Dubey, Deputy Secretary, Higher Education Department, Dehradun. Para 11 of the said counter affidavit is reproduced below:- "11. That in reply to the contends of para no. 11 of the writ petition, it is submitted that, the Additional Secretary has sent the letter dated 04 April 2018 (annexed as Annexure No. 8 to the writ petition) in consonance of the adoption of the relevant clauses of UGC Sixth pay Commission notification vide GO dated 11 November 2009 notified by Government of India Ministry of Human Resource Development on dated 31st Dec, 2008, in which it has been clearly said that state has not adopted paras 8.2(a to f), for which rules of

			state govt. would be applicable and since study leave with full pay salary is covered under that, it has not been adopted by state. In the said letter dated 04 April 2018, it has been clearly instructed to seek clarification from such officials/employees who are responsible for forwarding such application to Govt. which is not under the applicable rules and norms and at the same time it has also been said that due action is being taken separately for such similar issues which has been approved earlier. Rest of the averments made in the para need no comments." 6. Perusal of counter affidavit, it is apparent that UGC Regulations have not been adopted in the State of Uttarakhand. 7. Petitioner relies on UGC Regulations for claiming paid leave, however, those UGC Regulations have not been adopted by State of Uttarakhand, therefore, the impugned communication suffers from no infirmity whatsoever which may warrant interference of this Court under Article 226 of the Constitution. 8. Petitioner does not have any vested right to get full salary for the period of her study leave. Since the claim staked by petitioner is without any statutory basis, therefore, the relief, as claimed, cannot be granted. 9. Accordingly, the writ petition fails and is dismissed. **(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, ACJ)** 30.10.2026 *Aswal*
