
(2019) 02 CHH CK 0006

In the Chhattisgarh High Court

Case No : Writ Petition Service No. 150 Of 2019

Dileshwari

APPELLANT

Vs

State Of Chhattisgarh & Others

RESPONDENT

Date of Decision : 04-02-2019

Acts Referred:

Citation : (2019) 02 CHH CK 0006

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Ghanshyam Kashyap, Salmeen Kazi, D.L Prajapati

Final Decision : Disposed Off

Judgement

04.02.2019

1. The grievance of the petitioner is that the petitioner has applied for grant of study leave for pursuing her Ph.D course in Social and Water Engineering. The petitioner has already completed 2 and ½ years of the three years Ph.D course. While undergoing Ph.D course, the petitioner got present appointment and therefore She has moved an application for grant of study leave so that her Ph.D course may be completed.

2. The contention of the petitioner is that similarly placed persons who were appointed along with petitioner have been granted study leave by the department and who have already proceeded for their respective course, but in case of the petitioner the respondents had initially rejected her claim on 14.03.2018. It is subsequent that the respondents have given permission to other similarly placed persons and therefore the petitioner should also be granted or extended similar treatment.

3. The counsel for the petitioner submits that by granting study leave to other similarly placed persons the respondents have ignored the rule condition under which the claim of the petitioner was rejected on the earlier occasion which has

led to the filing of the present writ petition.

4. The respondents/State in the present case have already entered appearance and filed their reply. In the reply, the respondents have in Paragraph 4&5 stated as under:-

"4. The answering respondents respectfully submit that though previously the petitioner has not been allowed by the Study Leave to pursue her Ph.D course, but later on vide order dated 21.02.2019, the Additional Director (Agriculture) Directorate of Agriculture, Raipur (Chhattisgarh) preferred this letter to the Under Secretary, Government of Chhattisgarh, Agriculture & Biotechnology Department, Mantralaya, Mahandi Bhawan, Atal Nagar, Raipur and Requested to take a decision over the claim of the present petitioner along with other two beneficiaries. A copy of letter dated 21.02.2019 has been filed as Annexure R-1 &2/1.

5. It is clear that as soon as a decision on the matter has been taken on the leave of government, the same will be extended to the petitioner, as till date no direction with regard to the Ph.D programme has been issued by the Government....."

5. From a bare reading of the aforesaid submissions made by the State in their reply, it clearly reflects that the case of the petitioner appears to be under reconsideration before the respondents no. 1 &2.

6. Given the aforesaid facts and the submissions which the petitioner makes that the period for joining of the Ph.D course now stands further extended upto 23.02.2019, this Court is of the opinion that ends of justice would meet if the respondents no. 1 &2 is directed to take a decision in the case of the petitioner within a period of 10 days from today. While taking a decision they shall also keep in mind the sanction/ approval granted to identically placed persons who were appointed along with the petitioner. Let a decision be taken positively before 23.02.2019.

7. The writ petition accordingly stands disposed off.

8. Certified copy today itself.