
(2025) 07 UK CK 0693
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 330 Of 2020

Govind Ballabh

APPELLANT

Vs

State Of Uttarakhand And Pthers

RESPONDENT

Date of Decision : 22-07-2025

Acts Referred:

Citation : (2025) 07 UK CK 0693

Hon'ble Judges : Manoj Kumar Tiwari, J; Subhash Upadhyay, J

Bench : Division Bench

Advocate : Bhagwat Mehra, Sushil Vashisth

Judgement

Manoj Kumar Tiwari, J

1. Petitioner is serving as Head of Department (I.T.) in Government Polytechnic, Lohaghat, District Champawat. Since, petitioner was having only B.Tech. qualification and he wanted to upgrade his qualification to M.Tech., he applied for study leave, which went un-noticed with the State Government, therefore, he filed Writ Petition (S/B) No. 288 of 2020. During the pendency of said writ petition, Secretary, Technical Education Department, Government of Uttarakhand, vide order dated 08.10.2020, rejected the representation dated 29.07.2020 made by the petitioner for study leave. Thus, feeling aggrieved, petitioner has filed this writ petition, seeking the following reliefs:

“(a) To issue a writ, order or direction in the nature of certiorari for quashing the impugned rejection order dated 08.10.2020 passed by the Respondent no. 1 (Annexure No. 2 to the writ petition).

(b) To declare the action of the respondent no. 1 & 2 in not permitting the petitioner to pursue his higher studies i.e. M.Tech. Course, as arbitrary and illegal.

(c) Issue a writ, order or direction in the nature of mandamus directing the Respondent no. 1 to forthwith permit the petitioner to pursue his higher studies i.e. M.Tech. Course, as was permitted to other similarly situate persons in the

past, details of which is given in para 11 of the Writ petition, after accepting the prayers contained in his representation dated 29.07.2020 (Annexure No. 12 to the writ petition).

(d) Issue a writ, order or direction in the nature of mandamus directing the Respondents to grant all consequential benefits to the petitioner.”

2. According to the petitioner, he was offered admission in M.Tech course in NIT, Srinagar and he also deposited a sum of ₹ 70,000/- as tuition fee in NIT, Srinagar, however, the petitioner could not take admission in the said course for want of necessary permission from the departmental authorities.

3. Learned State Counsel submits that petitioner had sought permission to take admission in M.Tech course during the academic session 2020-21. He further submits that study leave was not granted to petitioner as there was an adverse entry awarded to him during reporting year 2016-17; since his work and conduct was not found to be satisfactory, therefore, as per Government policy, his prayer for study leave was turned down.

4. Learned State Counsel further submits that petitioner had sought admission in M.Tech course in academic session 2020-21, which is now over long back. Thus, he submits that the reliefs claimed in the Writ Petition do not survive and the writ petition has become infructuous.

5. Learned counsel for the petitioner submits that since petitioner deposited a sum of ₹ 70,000/- as tuition fee in NIT, Srinagar in 2020, but he was prevented from pursuing the course for want of study leave, therefore, the Competent Authority, NIT, Srinagar be directed to refund the amount deposited as fee by the petitioner.

6. While holding that the reliefs as claimed by the petitioner do not survive, we dispose of the writ petition, permitting the petitioner to make a request to Registrar NIT, Srinagar, for refund of the amount, which he deposited as tuition fee. If petitioner makes such request within three weeks from today, the Registrar concerned shall look into the matter and pass appropriate order as per law, on petitioner's request within three months thereafter.