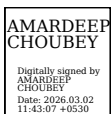




2026:CGHC:10458-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR



WA No. 64 of 2026

Chitrnanjan Lal S/o Shri Bhola Ram Aged About 31 Years Working As Lecturer (Mathematics) Government Polytechnic, Bijapur, District-Bijapur C.G. ... **Appellant**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Skill Development, Technical Education And Employment, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District- Raipur C.G.

2 - Director Directorate, Skill Development, Technical Education And Employment, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District-Raipur C.G.

... **Respondents**

For Appellant : Mr. Somkant Verma, Advocate

For Respondent/State : Mr. S.S. Baghel, Dy.G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

28.02.2026

1. The appellant/writ petitioner (henceforth 'the petitioner') has filed this writ appeal assailing the order dated 13/11/2025 passed by the learned Single Judge of this Court in WPS No.9969/2025, by

which, the learned Single Judge has dismissed the writ petition filed by the petitioner.

2. Facts of the case, in brief, is that the petitioner is working as Lecturer (Mathematics) at Government Polytechnic College, Bijapur. The petitioner moved an application for grant of permission for higher studies i.e. Ph.D. before the Principal, Government Polytechnic, Bijapur. The Principal forwarded the application to the Secretary, Department of Skill Development, Government of Chhattisgarh, Raipur who vide order dated 26.09.2024 granted permission to the petitioner for pursuing higher studies. The name of petitioner finds place at serial No. 24. The petitioner took admission in Government Nagarjun Post Graduate Science College, Raipur and thereafter, he moved an application for grant of study leaves, which is still pending, therefore, the writ petition was filed for direction to decide application for grant of study leave.
3. The learned Single judge after considering the entire aspects of the matter, dismissed the writ petition filed by the petitioner observing thus at para 7 :

“7. The parameters which have been set out for pursuing higher education is to take admission in the institute of national importance. The petitioner is unable to demonstrate that he has taken admission in the institute of national importance or he has fulfilled the requisite condition. Even otherwise, it is well settled position of law that leave cannot be claimed as a matter of rights, it

is always subject to the approval from the employer. Considering the entire facts and materials on record, I am of the view that no illegality or irregularity has been committed by respondents in not granting study leaves to the petitioner.

4. Learned counsel for the appellant/writ petitioner submits that as per the policy dated 14.10.2022 at Clause 8 the study leave for pursuing M.Phil/Ph.D. Course has been prescribed. Since, the petitioner has already taken admission for the Ph.D. course which is highest degree of qualification, he should be granted leave. Learned counsel further submits that there is no finding by the learned Single Judge rejecting or adversely commenting upon the said policy. Although the learned Single Judge considered the arguments and the policy dated 14.10.2022, as is evident from the impugned order, there is no discussion or adverse finding regarding the policy. Therefore, the impugned order passed by the learned Single Judge is liable to be dismissed.
5. On the other hand, learned counsel appearing for the State would support the order impugned passed by the learned Single Judge which is just and proper and does not require any interference.
6. We have heard learned counsel for the parties and perused the impugned order.
7. It is undisputed that a Government servant is permitted to pursue a course that serves the interest and advancement of the institution where he is discharging his duties. It is also undisputed that during

the period of leave, the candidate continues to receive salary and other benefits, which are drawn from public funds. When public money is expended to facilitate higher education, it is imperative that such investment be utilized for the betterment of the institution as well as for the benefit of the public at large.

8. After considering the submissions of the learned counsel for the parties and the findings recorded by the learned Single Judge in dismissing the writ petition, it is observed that the eligibility criteria for pursuing higher education require admission to an institute of national importance. The petitioner has failed to establish that he has obtained such admission or satisfied the requisite condition. Furthermore, it is well settled that leave for higher studies is not a matter of right but is subject to the discretion of the employer. In the absence of any error or perversity in the impugned order, we are not inclined to interfere with the same.
9. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby dismissed the motion stage itself.

SD/-

(Bibhu Datta Guru)
Judge

SD/-

(Ramesh Sinha)
Chief Justice