



2026:CGHC:10412

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 2299 of 2023**

1 - Nainsi Naya D/o N.S. Thakur Aged About 28 Years R/o.08-E 3a Type, Hospital Sector, Dalli Rajhara, District : Balod, Chhattisgarh.

2 - Varsha Kerketta, D/o Lt. Ramesh Kumar, Aged About 29 Years R/o- H. No. 214, Old Mines, Katkona, Tehsil Baikunthpur, District Koriya Chhattisgarh.

... **Petitioner(s)**

**versus**

1 - State Of Chhattisgarh Through Its Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh.

2 - Director, Directorate Of Public Instructions, Indrawati Bhawan, Atal Nagar, Naya Raipur, District : Raipur, Chhattisgarh.

3 - Joint Director, Education Division Bastar, Jagdalpur Chhattisgarh.

4 - District Education Officer, Kondagaon, Chhattisgarh.

5 - Indira Gandhi Krishi Vishwavidyalaya, Through Its Registrar, Krishak Nagar, Raipur Chhattisgarh.

... **Respondent(s)**

For Petitioner(s)	:	Ms. Sweksha Sharma appears on behalf of Ms. Aditi Singhvi, Advocates.
For State/Res.	:	Shri Dilman Rati Minj, Deputy AG.

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**Order on Board**

**27/02/2026**

1. This Writ Petition has been filed against the order dated 14.03.2023 (Annexure P/1) whereby permission to the petitioners for availing themselves of the education leave to pursue PhD course on the basis of No Work No Pay has been cancelled.
2. Following reliefs have been prayed by the petitioners:-
  - 10.1] That, the Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders setting aside the impugned order dated 14.03.2023 in respect of the petitioners.
  - 10.2] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.
3. Brief facts of the case are that the petitioners were appointed on the post of Teacher, Agriculture at Government High School, Kongud, District Kondagaon (C.G.) and Government High School, Jaitpuri, District Kondagaon (C.G.) respectively. It is pertinent to mention that petitioners were pursuing their Ph.D. in Agriculture from the respondent University and after taking semester break from the college of Agriculture of respondent university the petitioners had joined their services. That, during their services the petitioners applied for unpaid leave (no work no pay) to pursue and complete their Ph.D. That, the leave of the petitioners was approved vide order dated 24.02.2023 passed by the respondent Joint Director on the basis of no work no pay and thereafter the petitioners were relieved from their respective schools. That, the petitioners have given their

joining before the respondent university for continuing their Ph.D. coursework. It is pertinent to mention that earlier the petitioner no.1 only had applied for leave before the Joint Director, Raipur and the office of respondent no.1 which was rejected stating that the appointing authority of the petitioners would be the appropriate authority to grant leave and hence the leave of the petitioner no.1 was not granted. That, however surprisingly after granting the leave to the petitioners to pursue and complete their Ph.D. the respondent Joint Director has passed the impugned order stating that earlier the petitioners had given an application to the Secretary/respondent no.1 and a writ petition bearing W.P.S. No. 992/2022 was also filed before this Hon'ble Court and the aforesaid facts were hidden by the petitioners, therefore the leave of the petitioners has been cancelled. But, it is pertinent to mention that the petitioners herein are not the party in the said writ petition which is prima facie clear from the perusal of the order passed by this Hon'ble Court. That, the petitioners are entitled to leave under the Chhattisgarh Civil Services Leave Rules, 2010 to complete her Ph.D.. it would be unjust and unfair to deprive the petitioners from completing their Ph.D. course when they are more than half way to complete their Ph.D. course. Petitioner No.1 requires around 1.5 years to complete her course and petitioner no.2 requires only 5 months to complete her course. The petitioners have already paid their fees and have already substantially completed their courses. That, the maximum break that a candidate take from their Ph.D. course work is 4 semesters and the petitioners are presently on their semester breaks, if the petitioners do not join after completion of 4 semester breaks then their registration of Ph.D. automatically gets cancelled. A perusal of the rules would show that when no other kind of leave can be sanctioned by the department

under the rules then the department can invoke Rule 31 and grant extra ordinary leave to the candidate. Hence this Petition.

4. Learned counsel for the petitioners submits that earlier vide order dated 24.02.2023 (Annexure P/4), petitioners were granted permission to complete their PHD (Agriculture) and research writing under No Work No Pay. In pursuance of the said order, petitioners availed themselves of the education leave granted to them. However, subsequently, vide impugned order dated 14.03.2023 (Annexure P/1), permission for education leave granted to the petitioners by way of order dated 24.02.2023 was cancelled on the basis of order dated 14.02.2022 (Annexure P/8) passed in WPS No.992 of 2022 which was filed by other persons, stating that the petitioners have suppressed the facts emanating from order dated 14.02.2022 passed in WPS No.992 of 2022 as also rejection of earlier representation filed by the petitioners by Director of Public Education, Raipur.
5. It is contended by learned State counsel that earlier application preferred by the petitioners for grant of leave to complete their PhD course and research writing has already been rejected, however, petitioners suppressed the said fact and obtained permission to avail themselves of the education leave vide order dated 24.02.2023. Hence, the respondent authorities has rightly passed the order dated 14.03.2023 and cancelled the education leave granted to the petitioners to pursue their PhD course.
6. Learned counsel for the petitioners submits that as of now the petitioners have completed their PhD course and have returned to their duties. Moreover, the petitioners were granted education leave on the condition, among others, of No Work No Pay, therefore, the Department has got nothing to lose. Further, the

leave was a education leave and the petitioners after availing themselves of the same have also completed their PhD course, however, impugned order dated 14.03.2023 might come in the way and affect the service career of the petitioners, therefore, it is prayed that the impugned order dated 14.03.2023 may be quashed.

7. I have heard learned counsel for the parties and perused the material available with the petition.
8. From the perusal of record and upon considering the submissions advanced by counsel for the parties, it appears that firstly, the application preferred by the petitioners for grant of education leave was rejected, facts of which were suppressed by the petitioners and they thereafter preferred an application for grant of education leave which was duly considered by the respondent authorities and petitioners were granted the permission to pursue PhD course on No Work No Pay basis.
9. Undoubtedly, the entire records are with the respondent authorities and it is expected that the respondent authorities, while considering the application in furtherance of which they granted permission to the petitioners for education leave, would have taken into consideration of the fact of rejection of the earlier application preferred by the petitioners for grant of education leave. As such, respondent authorities cannot escape from their liability that they did not have knowledge about the rejection of earlier application preferred by the petitioners.
10. Furthermore, whether right or wrong, once the petitioners have been granted permission by the respondent authorities for education leave and the petitioners have also completed their PhD course, therefore, impugned order might come into the way of petitioner's service career, therefore, this Court is of the view that

so far as the impugned order dated 14.03.2023 in respect of petitioners is concerned, the same cannot be held to be in accordance with law.

11. For the reasons state above, impugned order dated 14.03.2023 is quashed so far as the present petitioners are concerned. As the petitioners have completed their PhD course, as such, they are entitled to get all benefits of the same.

12. Accordingly, the Writ Petition is disposed of.

Sd/-

**(Amitendra Kishore Prasad)**

**Judge**

Avinash