



2026:CGHC:35153



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4121 of 2025

Order Reserved on 07/08/2026

Final Order Delivered on 11/08/2026

Final Order Uploaded on 11/08/2026

Smt. Somlata Sahu D/o Shri Chetanlal Sahu Aged About 43 Years R/o Ward No. 15, Chandrashekhar Azad Ward Near Nagar Panchayat Bharwara Office, Nagar Panhayat Bharwara, Distret Dhamtari Chhattisgarh

Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Medical Education Department Mantralaya Mahanadi Bhawan, Atal Nagar Nava Raipur District Raipur Chhattisgarh

2 - Secretary Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - Commissioner Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur, Atal Nagar, Dist. Raipur Chhattisgarh

4 - Director Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur Atal Nagar, Dist. Raipur Chhattisgarh

5 - Principal Government Nursing College, Bilaspur District Bilaspur Chhattisgarh

Respondent(s)

WPS No. 4117 of 2025

Smt. Manju Sharma W/o Balram Sharma Aged About 50 Years R/o Teachers Colony Kota, Raipur, Distt- Raipur (C.G.)



---Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Secretary, Medical Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.)
- 2 - Secretary, Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur, Atal Nagar, Distt. Raipur (C.G.)
- 3 - Commissioner, Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur, Atal Nagar, Distt. Raipur (C.G.)
- 4 - Director, Medical Education Department, North Block Sector 19, Medical Building Second Floor, Naya Raipur, Atal Nagar, Distt. Raipur (C.G.)
- 5 - Principal, Government Nursing College, Durg (C.G.)

Respondent(s)**WPS No. 11351 of 2025**

- 1 - Rukhmani Dhar Diwan W/o Shailesh Dhar Diwan Aged About 44 Years Presently Working As Demonstrator, Government Nursing College, Raigarh, Distt. Raigarh, Chhattisgarh.

---Petitioner(s)

Versus

- 1 - State Of Chhattisgarh Through Secretary, Medical Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, Chhattisgarh.
- 2 - Directorate Through Director, Medical Education Old Nurses Hostel, D.K.S. Bhawan Premises, Raipur, Chhattisgarh.
- 3 - Principal Government Nursing College, Raigarh, Distt. Raigarh, Chhattisgarh.

Respondent(s)**(Cause-title taken from Case Information System)**

For Petitioner(s)	: Mr. Parag Kotecha, Advocate
For Respondent(s)	: Mr. Y.S. Thakur, Addl. Advocate General along with Ms. Apurva Nigam, PL

CAV Order**Per Bibhu Datta Guru, J.**

1. Since common questions of fact and law arise for consideration in these



writ petitions, they were heard analogously and are being disposed of by this common order. For the sake of convenience, the facts are being referred to from W.P.(S) No. 4121 of 2025, unless the context otherwise requires.

2. Challenge in W.P.(S) Nos. 4121 of 2025 and 4117 of 2025 is to the orders both dated 20.05.2025, whereby the applications submitted by the petitioners seeking permission to pursue the M.Sc. Nursing Course for the Academic Session 2025-26 by grant of Extraordinary Leave under Rule 31 of the Chhattisgarh Civil Services (Leave) Rules, 2010 (for short 'the Leave Rules') and consequential issuance of No Objection Certificate (NOC) have been rejected, principally on the ground that they had earlier availed Study Leave for pursuing the Post Basic B.Sc. Nursing Course. In W.P.(S) No. 11351 of 2025, the grievance of the petitioner is against the action of the respondents in not issuing the requisite No Objection Certificate for pursuing the M.Sc. Nursing Course as a departmental candidate, despite her having qualified the entrance examination.
3. The common factual matrix, as projected by the petitioners, is that all the petitioners were initially appointed as Staff Nurses in the year 2008 under the Medical Education Department of the State Government. During the course of service, they were granted Study Leave to pursue the Post Basic B.Sc. Nursing Course and, upon acquiring the requisite qualification, were promoted to the post of Demonstrator in different Government Nursing Colleges. Thereafter, with a view to pursuing the M.Sc. Nursing Course for the Academic Session 2025-26, they



submitted applications to the competent authority seeking permission to prosecute the said course by availing Extraordinary Leave under Rule 31 of the Leave Rules together with issuance of No Objection Certificate, so as to enable them to participate in the admission process as departmental candidates. According to the petitioners, although they had sought only Extraordinary Leave without claiming Study Leave or any financial assistance from the State, their requests came to be rejected, giving rise to the present batch of writ petitions.

4. (a) Learned counsel for the petitioners submits that the petitioners had not sought Study Leave for pursuing the M.Sc. Nursing Course. Rather, they had specifically applied for grant of Extraordinary Leave under Rule 31 of the Leave Rules at their own cost without claiming any financial assistance or benefit from the State. It is contended that the respondents have erroneously treated the request for Extraordinary Leave as one seeking Study Leave and rejected the same solely on the premise that the petitioners had earlier availed Study Leave for pursuing the Post Basic B.Sc. Nursing Course. According to the learned counsel, Study Leave and Extraordinary Leave are distinct forms of leave governed by different statutory provisions and, therefore, the impugned action is contrary to law.
- (b) It is further submitted that the respondents have acted arbitrarily in denying permission to the petitioners despite having granted permission and issued No Objection Certificates to similarly situated employees for pursuing higher studies in the past. It is further contended that the



Chhattisgarh Nursing Pathyakram Pravesh Niyam, 2019 (for short ‘the Rules, 2019’) reserve fifty per cent seats in the M.Sc. Nursing Course for departmental candidates and, therefore, the executive Guidelines dated 26.02.2019 prescribing a ceiling of ten per cent candidates for grant of permission cannot override the statutory Rules. Reliance has been placed on the common judgment rendered by this Court in the matter of ***Florida Ram and another v. State of Chhattisgarh & others*** W.P.(S) Nos. 3619 of 2023 and 3624 of 2023 decided on 10.10.2023, as affirmed in Writ Appeal No. 107 of 2024 by judgment dated 28.2.2024, which has been filed by the State, to contend that the issue involved in the present batch of petitions is no longer *res integra*.

5. (I) *Per contra*, learned State counsel submits that the petitioners had admittedly availed Study Leave for pursuing the Post Basic B.Sc. Nursing Course and, therefore, are not entitled to seek permission for pursuing another higher course as departmental candidates. It is submitted that the applications were considered in accordance with the provisions of the Rules, 2019 as well as the Government Guidelines dated 26.02.2019 regulating grant of permission for higher studies. According to the respondents, the impugned orders are in consonance with the applicable statutory provisions and the prevailing administrative policy and, therefore, warrant no interference in exercise of the writ jurisdiction.

(II) It is further submitted that grant of Extraordinary Leave or issuance of a No Objection Certificate is not a matter of right and is



necessarily subject to administrative exigencies and availability of adequate teaching staff in the concerned institutions. Insofar as W.P.(S) No. 11351 of 2025 is concerned, it is specifically contended that the Government Nursing College is already functioning with inadequate teaching strength, two Demonstrators are presently pursuing the M.Sc. Nursing Course, and issuance of another No Objection Certificate would seriously affect the academic and clinical functioning of the institution.

6. I have heard learned counsel for the parties at length and perused the material available on record.
7. The controversy involved in the present batch of petitions essentially centres around the entitlement of the petitioners, who had admittedly earlier availed Study Leave for pursuing the Post Basic B.Sc. Nursing Course, to seek permission for pursuing the M.Sc. Nursing Course as departmental candidates by availing Extraordinary Leave under Rule 31 of the Leave Rules along with issuance of No Objection Certificate.
8. The principal submission advanced on behalf of the petitioners is that they had not sought Study Leave but had merely applied for grant of Extraordinary Leave and, therefore, the respondents committed an error in rejecting their applications by treating the same as a request for Study Leave. It is further contended that the executive Guidelines dated 26.02.2019 cannot override the statutory provisions contained in the Rules, 2019 and, therefore, the impugned orders deserve to be set aside.
9. Before examining the rival contentions, it would be apposite to notice the statutory framework governing the field. The admission of



departmental candidates to the M.Sc. Nursing Course is regulated by the provisions of the Rules, 2019, whereas the grant of leave to Government servants is governed by the provisions of the Leave Rules. Though both operate in the same factual background, they occupy distinct fields. While the Leave Rules regulate the conditions on which leave may be granted by the employer, the Rules, 2019 determine the eligibility of a candidate for admission as an in-service candidate.

10. The petitioners have placed strong reliance upon the common judgment rendered by this Court in *Florida Ram (Supra)*, to contend that the controversy involved in the present batch of petitions is no longer *res integra*. It is, therefore, necessary to first examine the ratio *decidendi* of the aforesaid decisions.
11. A careful reading of the aforesaid judgments would reveal that the controversy before the learned Single Judge as well as the appellate Court was confined to the legality of the executive Guidelines dated 26.02.2019 prescribing a ceiling of ten per cent of departmental candidates for grant of permission to pursue higher studies. The learned Single Judge held that the executive Guidelines could not override the statutory provisions contained in the Rules, 2019 and, on that premise, directed issuance of the requisite No Objection Certificate. The said view came to be affirmed by the appellate Court while dismissing the writ appeal preferred by the State.
12. The aforesaid decisions, therefore, were rendered in the context of the conflict between the executive Guidelines dated 26.02.2019 and the



statutory reservation contemplated under the Rules, 2019. Neither before the learned Single Judge nor before the appellate Court did the scope, ambit or effect of Rule 4(5)(3) of the Rules, 2019 arise for consideration. Consequently, the said decisions cannot be construed as laying down any proposition with regard to the eligibility of an individual in-service candidate under the statutory conditions prescribed by the Rules, 2019.

13. It is necessary to clarify that the controversy in the present batch of petitions is not with regard to the extent of reservation of seats for departmental candidates under the Rules, 2019, nor is the impugned action being sustained on the basis of the ceiling of ten per cent prescribed under the executive Guidelines dated 26.02.2019. The contention of the petitioners that fifty per cent of the seats are earmarked for departmental candidates, therefore, does not advance their case. The availability of seats for departmental candidates and the eligibility of an individual candidate to avail such admission are two distinct matters. The controversy in the present case concerns the latter and is governed by the independent statutory condition contained in Rule 4(5)(3) of the Rules, 2019.
14. The statutory scheme governing admission to the M.Sc. Nursing Course leaves no manner of doubt that the eligibility of an in-service candidate is regulated by the provisions of the Rules, 2019. The Leave Rules, on the other hand, merely regulate the conditions subject to which leave may be granted to a Government servant. The two sets of Rules operate in distinct and independent fields. Consequently, the grant or refusal of a



particular category of leave cannot determine the eligibility of a candidate where the field is occupied by a statutory provision governing admission.

15. It is not in dispute that the petitioners, while in service, had earlier pursued the Post Basic B.Sc. Nursing Course after obtaining departmental permission and had availed Study Leave for the said course. The respondents have relied upon the said earlier availing of Study Leave while considering their subsequent request for pursuing the M.Sc. Nursing Course. The respondents have sought to justify the impugned action by placing reliance upon the statutory framework contained in the Rules, 2019.
16. Rule 4(5)(3), which governs the eligibility of in-service candidates, is couched in negative terms. For the sake of convenience, Rule 4(5)(3) of the Rules 2019 is reproduced hereunder:-

“नियम 4 (चार) (अ) एवं नियम 4 (चार) (ब) में उल्लेखित पात्रता शर्तों के होते हुए

1. केवल वे सेवारत अभ्यर्थी प्रवेश हेतु पात्र होंगे, जिन्होंने परीक्षा वर्ष के 30 अप्रैल को नियमित कर्मचारी के रूप में न्यूनतम 5 वर्ष की सेवा पूर्ण की है।

2. ऐसे सेवारत अभ्यर्थी, जिनके विरुद्ध कोई आपराधिक अभियोजन लम्बित है अथवा जो निलंबित है अथवा जिनके विरुद्ध विभागीय जाँच लम्बित है अथवा जिनके विरुद्ध किसी प्रकार की दण्डात्मक कार्यवाही की गई है. प्रवेश हेतु पात्र नहीं होंगे।

3. यदि किसी सेवारत अभ्यर्थी को पूर्व में किसी पाठ्यक्रम में सेवारत अभ्यर्थी के रूप में प्रवेश दिया गया हो. तो परवर्ती वर्षों में प्रवेश हेतु वे पात्र नहीं होंगे।

17. A plain reading of Rule 4(5)(3) makes it clear that an in-service candidate who has previously been admitted to any course as an in-service candidate is rendered ineligible for admission in the subsequent



years. The statutory restriction thus operates at the level of eligibility for admission and is distinct from the nature of leave sought by an employee for pursuing a subsequent course

18. The principal submission advanced on behalf of the petitioners is that they have not sought Study Leave but have merely sought Extraordinary Leave under Rule 31 of the Leave Rules. In the considered opinion of this Court, the aforesaid distinction does not carry the matter any further. The controversy before this Court is not whether Extraordinary Leave can, in an appropriate case, be granted under Rule 31. The real question is whether the petitioners can claim, as a matter of right, issuance of a No Objection Certificate for admission as departmental candidates notwithstanding the statutory framework governing such admission. The answer, in the opinion of this Court, has to be in the negative. The nature of leave sought by an employee cannot enlarge or create an eligibility which is otherwise governed by an independent statutory scheme.
19. Equally untenable is the submission that the respondents were bound to issue the No Objection Certificate merely because the petitioners had expressed willingness to proceed on Leave Without Pay without claiming any financial assistance from the State. A No Objection Certificate is only an enabling permission facilitating participation in the admission process. It is not an independent source of right. The entitlement to such permission necessarily remains subject to the governing statutory provisions as well as the administrative discretion vested in the competent authority.



20. It is equally well settled that grant of Extraordinary Leave is not a matter of right. The competent authority is required to consider the request keeping in view the applicable statutory provisions, institutional requirements and administrative exigencies. The materials placed on record disclose that the respondents have also taken into consideration the availability of teaching faculty in the concerned institutions and the necessity of maintaining adequate academic and clinical standards. Such considerations cannot be said to be either extraneous or irrelevant while exercising administrative discretion.
21. The scope of judicial review under Article 226 of the Constitution is confined to examining the legality of the decision-making process and this Court does not sit as an appellate authority over an administrative decision. In the present case, the impugned action is founded upon the applicable statutory framework and the respondents have also taken into consideration the relevant administrative exigencies. No arbitrariness, *mala fides*, irrationality or violation of statutory provisions has been demonstrated so as to warrant interference.
22. For all the aforesaid reasons, this Court is of the considered opinion that the petitioners have failed to make out any case for interference under Article 226 of the Constitution of India. Accordingly, all the writ petitions, being devoid of merit, deserve to be and are hereby dismissed. No order as to costs.

Sd/-

(Bibhu Datta Guru)
Judge