



CGHC010263292026



2026:CGHC:42674

AFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on 25-09-2026

Order delivered on 01-10-2026

Order Uploaded on 01-10-2026

WPS No. 5391 of 2026

Dr. Bhumika Dewangan D/o Shri S L Dewangan Aged About 39 Years R/o H
No. Gurudev Residency, Dongargarh, District Rajnandgaon Chhattisgarh

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through Director, Directorate Of Health Services
North Block, Sector 19 Nava Raipur, Atal Nagar District Raipur Chhattisgarh

2 - Directorate Of Health Services (D H S) Through Director, Directorate Of
Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District
Raipur Chhattisgarh

3 - The Director Directorate Of Health Services (D H S), North Block, Sector
19, Nava Raipur, Atal Nagar District Raipur Chhattisgarh

4 - The Chief Medical And Health Officer Rajnandgaon, District
Rajnandgaon Chhattisgarh

--- **Respondents**

WPS No. 5446 of 2026

Dr. Sarita Mourya D/o Shri D. R. Mourya, Aged About 36 Years R/o House
No. 360/g G, Naidu Bada, Das Ghera, Jagdalpur, District - Bastar, C.G.

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt-Raipur, C. G.

2 - Directorate Of Health Services (D H S), Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District - Raipur C.G.

3 - The Director, Directorate Of Health Services (D H S), North Block, Sector 19 Nava Raipur, Atal Nagar District - Raipur C.G.

4 - The Chief Medical And Health Officer, Bastar, District -Bastar, Chhattisgarh.

--- Respondents

WPS No. 5443 of 2026

Dr. Suniti James W/o Dr. Anit James Aged About 39 Years R/o H. No. 2 James Villa- Behind Vishwakarma Mandir Herrapur Road Mowa Bazar Raipur, District- Raipur (C.G.)

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary Health And Family Welfare Department Mahanadi Bhawan Naya Raipur, Distt- Raipur (C.G.)

2 - Directorate Of Health Services (D H S) Through Director Directorate Of Health Services North Block- Sector 19 Nava Raipur Atal Nagar, District- Raipur (C.G.)

3 - The Director Directorate Of Health Services (D H S) North Block- Sector -19 Nava Raipur Atal Nagar District- Raipur (C.G.)

4 - The Chief Medical And Health Officer Raipur District- Raipur Chhattisgarh.

--- Respondents

WPS No. 5441 of 2026

Dr. Bharti Chandra D/o Shri T.P. Chandra Aged About 43 Years R/o Irrigation Colony Rampur, Korba District Korba C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur District Raipur C.G.

2 - Directorate Of Health Services D H S Through Director Directorate Of Health Services North Block, Sector, 19, Nava Raipur Atal Nagar Raipur District Raipur C.G.

3 - The Director Directorate Of Health Services D H S North Block Sector 19, Nava Raipur Atal Nagar Raipur District Raipur C.G.

4 - The Chief Medical And Health Officer, Korba District Korba C.G.

--- Respondents

WPS No. 5440 of 2026

Dr. Anit James, S/o- Shri James Bara, Aged About 40 Years R/o- H.No. 2, James Villa, Behind Vishwakarma Mandir Herrapur Road Mowa Bazar, Raipur, District- Raipur, C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, District- Raipur, C.G.

2 - Directorate Of Health Services (D H S) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar, District- Raipur, C.G.

3 - The Director, Directorate Of Health Services (D H S) North Block, Sector 19 Nava Raipur, Atal Nagar, District- Raipur, C.G.

4 - The Chief Medical And Health Officer, Raipur, District- Raipur, C.G.

--- Respondents

WPS No. 5439 of 2026

Dr. Jagdish Kumar Singh S/o Shri T.N. Singh Aged About 43 Years R/o Bouripara, Ambikapur, District- Surguja, C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt.- Raipur, C.G.

2 - Directorate Of Health Services (Dhs) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District- Raipur, C.G.

3 - The Director Directorate Of Health Services (Dhs), North Block, Sector 19 Nava Raipur, Atal Nagar District- Raipur, C.G.

4 - The Chief Medical And Health Officer Ambikapur, District- Surguja, Chhattisgarh

--- Respondents

WPS No. 5437 of 2026

Dr. Rajni Thakur W/o Shri Vishal Thakur Aged About 39 Years R/o House No. 969/03, Yadav Mohalla, Tikrapara, Raipur District Raipur C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through - Secretary Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur District Raipur C.G.

2 - Directorate Of Health Service D H S Through Director Directorate Of Health Services North Block Sector 19, Nava Raipur Atal Nagar Raipur District Raipur C.G.

3 - The Director Directorate Of Health Services D H S North Block Sector 19, Nava Raipur Atal Nagar Raipur District Raipur C.G.

4 - The Chief Medical And Health Officer, Bemetara District Bemetara C.G.

--- Respondents

WPS No. 5431 of 2026

Dr. Naval Kant Jogi S/o Shri Late K.P. Jogi Aged About 42 Years R/o Sv-14 Qtr- 173 Sai Vihar Colony Yadunandan Nagar, Bilaspur District- Bilaspur (C.G.)

---Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary Health And Family Welfare Department Mahanadi Bhawan Naya Raipur, Distt- Raipur (C.G.)

2 - Directorate Of Health Services (D H S) Through- Director Directorate Of Health Services North Block- Sector 19 Nava Raipur Atal Nagar, District- Raipur (C.G.)

3 - The Director Directorate Of Health Services (D H S) North Block- Sector 19 Nava Raipur Atal Nagar, District- Raipur (C.G.)

4 - The Chief Medical And Health Officer Sukma District- Sukma Chhattisgarh.

--- Respondents

WPS No. 5422 of 2026

Dr. Priya Pandey D/o Shri Omkarnath Pandey Aged About 39 Years R/o M.I.G.- 2566, Housing Board, I.E., Bhilai, District- Durg, C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through - Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt.- Raipur, C.G.

2 - Directorate Of Health Services (D.H.S.) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar, District- Raipur, C.G.

3 - The Director Directorate Of Health Services (D.H.S.), North Block, Sector 19 Nava Raipur, Atal Nagar, District- Raipur, C.G.

4 - The Chief Medical And Health Officer Bemetara, District- Bemetara, Chhattisgarh.

--- Respondents

WPS No. 5421 of 2026

Dr. Akash Sharma S/o Shri K.K. Sharma Aged About 43 Years R/o H-1 Suncity Nx Kanchanbag Rajnandgaon District- Rajnandgaon (C.G.)

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary Health And Family Welfare Department Mahanadi Bhawan Naya Raipur, Distt- Raipur (C.G.)

2 - Directorate Of Health Service (D H S) Through Director Directorate Of Health Service North Block- Sector 19 Nava Raipur Atal Nagar District- Raipur (C.G.)

3 - The Director Directorate Of Health Service (D H S) North Block Sector-19 Nava Raipur Atal Nagar, District- Raipur C.G.

4 - The Chief Medical And Health Officer Khairagarh-Chhuikhadan-Gandai District- K.C.G. Chhattisgarh,

--- Respondents

WPS No. 5418 of 2026

Dr. Kamal Kant Meshram S/o Late Shri C.K. Meshram Aged About 42 Years
R/o Avika Vihar, Phase- 2, Simga, Ward No. 08, District- Balodabazar, C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt.- Raipur, C.G.

2 - Directorate Of Health Services (Dhs) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District- Raipur, C.G.

3 - The Director Directorate Of Health Services (Dhs), North Block, Sector 19 Nava Raipur, Atal Nagar District- Raipur, C.G.

4 - The Chief Medical And Health Officer Bemetara, District- Bemetara (Chhattisgarh)

--- Respondents

WPS No. 5415 of 2026

Dr. Yogendra Singh Thakur S/o Shri Late Tilak Ram Thakur Aged About 38 Years
R/o House No. 263, Nurspara Bhathgaon Balod District Balod C.G.

---Petitioner

Versus

1 - State Of Chhattisgarh Through- Secretary Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur District Raipur C.G.

2 - Directorate Of Health Services (D H S) Through Director, Directorate Of Health Services North Block, Sector 19, Nava Raipur Atal Nagar District Raipur C.G.

3 - The Director Directorate Of Health Services D H S North Block Sector 19, Nava Raipur Atal Nagar District Raipur C.G.

4 - The Chief Medical And Health Officer, Kabirdham District Kabirdham C.G.

--- Respondents

WPS No. 5400 of 2026

Dr. Omprakash Arya S/o Shri Awadh Ram Arya Aged About 42 Years R/o 178, Sardar Vallabh Bhai Patel Nagar, Jamnipali, Korba, District Korba Chhattisgarh

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt Raipur Chhattisgarh

2 - Directorate Of Health Services (D H S) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District Raipur Chhattisgarh

3 - The Director, Directorate Of Health Services (D H S) North Block, Sector-19 Nava Raipur, Atal Nagar District Raipur Chhattisgarh

4 - The Chief Medical And Health Officer, Korba District Korba Chhattisgarh

--- Respondents

WPS No. 5399 of 2026

Dr. Arpana Verma D/o Shri Rajendra Prasad Verma Aged About 40 Years R/o B-101, B-Block Ask Paradise, Bhatagaon, Raipur, District Raipur Chhattisgarh

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Naya Raipur, Distt Raipur Chhattisgarh

2 - Directorate Of Health Services (D H S) Through Director, Directorate Of Health Services North Block, Sector 19 Nava Raipur, Atal Nagar District Raipur Chhattisgarh

3 - The Director, Directorate Of Health Services (D H S) North Block, Sector-19 Nava Raipur, Atal Nagar District Raipur Chhattisgarh

4 - The Chief Medical And Health Officer, Durg District Durg Chhattisgarh

... Respondents

(Cause-titles taken from CIS)

For Petitioners	: Mr. S.C. Verma, Senior counsel with Mr. Sajal Kumar Gupta, Advocate.
For Respondents/State	: Mr. Y.S. Thakur, Addl. A.G. with Ms. Apurva Nigam, Panel Lawyer

Hon'ble Shri Bibhu Datta Guru, Judge

CAV Order

1. Since common questions of fact and law arise for consideration in the present batch of writ petitions, they were heard together and are being disposed of by this common order. For the sake of convenience, the facts are being noticed from WPS No. 5391 of 2026, which is treated as the leading petition.

2. The reliefs sought for by the petitioner in WPS No. 5391 of 2026 are quoted below:-

“I. Issue an appropriate writ, order or direction, preferably in the nature of Mandamus, directing the Respondents to extend the benefit of the relaxation order dated 03.03.2025 (Annexure P/6) to the Petitioner and accordingly modify/sanction her study leave from 24 months to 36 months, at par with similarly situated employees;

II. Declare that the Petitioner is entitled to equal treatment at par with similarly situated employees who have been granted the benefit of extended study leave;

III. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

IV. Award costs of the petition in favour of the Petitioner.”

3. The petitioners are serving doctors (Dental Surgeon) under the Health and Family Welfare Department of the State of Chhattisgarh. They had obtained the requisite permission/NOC from the competent authority for pursuing postgraduate medical education and, pursuant thereto, were sanctioned study leave in accordance with the applicable provisions of the Chhattisgarh Civil Services (Leave) Rules, 2010 (for short “the Rules, 2010”).

4. In the leading petition, the petitioner had been granted study leave by order dated 18.08.2023 for the period from 02.12.2022 to 01.12.2024, i.e. for a period of 24 months. Thereafter, the petitioner was granted extraordinary leave for the subsequent period from 02.12.2024 to 01.12.2025 i.e. for a period of 12 months. Thus, the original period of study leave of 24 months had already been sanctioned and availed much prior to issuance of the Government order dated 03.03.2025 which has duly been issued by order and in the name of the Hon’ble Governor of Chhattisgarh.

5. The same is the factual position, in substance, in the connected writ petitions. The petitioners had already obtained permission/NOC and had been sanctioned and had availed the period of study leave under the regime prevailing prior to 03.03.2025. Their claim in the present proceedings is for

extending the said period by a further period of one year so as to make the total period of study leave 36 months.

6. The controversy arises from the Government order dated 03.03.2025 issued by the competent authority by relaxing the provisions of Rule 44 of the Rules, 2010 in respect of the period of study leave available to the specified category of serving doctors pursuing postgraduate medical education, permitting study leave up to a maximum period of 36 months, subject to the terms and conditions contained therein.

7. The petitioners contend that after issuance of the order dated 03.03.2025, they became entitled to the benefit of the extended period of 36 months notwithstanding the fact that their study leave had already been sanctioned for 24 months prior to the said order.

8. (a) Learned senior counsel appearing for the petitioners submits that the order dated 03.03.2025 is a beneficial order issued by the State Government after following the prescribed procedure and after obtaining the requisite concurrence. According to learned counsel, once the maximum period of study leave was enhanced from 24 months to 36 months, the respondents could not deny the benefit of the additional period to the petitioners.

(b) Learned counsel for the petitioners further submits that the petitioners had not pursued their postgraduate courses clandestinely or without the knowledge of the Department. They had obtained the requisite NOC/permission from the competent authority and their study leave had also been duly sanctioned. It is, therefore, contended that they cannot be placed in

a disadvantageous position merely because their permission and original sanction of study leave preceded the order dated 03.03.2025.

(c) It is further submitted that the subsequent communication dated 06.04.2026, which has not been issued by order and in the name of the Hon'ble Governor of Chhattisgarh, cannot curtail the benefit granted under the order dated 03.03.2025. According to learned counsel, the communication dated 06.04.2026 introduces a restriction which was not contained in the original order and, therefore, cannot be relied upon for denying the benefit of the extended period. In support of his contention, learned counsel has placed reliance upon the decisions rendered in the matter of *P.D. Aggarwal v. State of U.P., (1987) 3 SCC 622*.

(d) Learned counsel also submits that similarly situated doctors have been granted the benefit of 36 months' study leave and denial of the same benefit to the petitioners amounts to discrimination. It is urged that the action of the respondents is violative of Articles 14 and 16 of the Constitution of India. Learned counsel for the petitioners has also relied upon the portion of the order dated 03.03.2025 dealing with cases in which three years' study leave had already been sanctioned. It is submitted that the said provision demonstrates that the order was intended to cover even cases originating prior to 03.03.2025 and, therefore, the respondents cannot restrict its operation only to cases arising thereafter.

(e) Learned counsel for the petitioners submits that the stand taken by the respondents that the order dated 03.03.2025 has no application to the petitioners, who had initially been granted two years' study leave followed by one year of extraordinary leave, is not sustainable. Learned counsel submits

that the department itself, by order dated 13.06.2025, while referring to the earlier order dated 30.12.2022, whereby the concerned doctor had been granted two years' study leave from 01.12.2022 to 30.11.2024 and one year of extraordinary leave from 01.12.2024 to 30.11.2025, subsequently amended the said order and granted three years' study leave from 01.12.2022 to 30.11.2025, expressly taking into consideration the relaxation granted by the order dated 03.03.2025 enhancing the maximum period of study leave to 36 months. Learned counsel submits that the petitioners are similarly situated, having also been granted two years' study leave followed by one year of extraordinary leave, and therefore the respondents cannot adopt a different treatment in their cases. It is further submitted that the aforesaid departmental order dated 13.06.2025 demonstrates the manner in which the respondents themselves have understood and implemented the order dated 03.03.2025, and the petitioners are consequently entitled to the same benefit by treating the entire period of three years as study leave.

9. (I) *Per contra*, learned Additional Advocate General appearing for the State opposes the writ petitions. It is submitted that the petitioners' study leave had already been sanctioned for 24 months under the regime prevailing at the relevant time and the said period had been availed by them. The subsequent order dated 03.03.2025 is a relaxation issued thereafter and cannot be construed as retrospectively reopening the earlier sanction.

(II) Learned State counsel submits that the order dated 03.03.2025 does not provide that every employee who had earlier been granted 24 months' study leave would automatically become entitled to a further period of 12 months. The relaxation of Rule 44 of the Rules, 2010 is subject to the terms and

conditions contained in the order and has to be applied in the manner contemplated therein. It is further submitted that the communication dated 06.04.2026 does not amend or supersede the order dated 03.03.2025. It merely clarifies the applicability and implementation of the earlier order. The petitioners, whose study leave had already been sanctioned and availed prior to 03.03.2025, cannot claim the benefit of the subsequent relaxation retrospectively.

(III) Learned State counsel further submits that the petitioners cannot claim parity merely by referring to cases in which benefit of the extended period was granted. The relevant consideration is the date on which permission/NOC was obtained, the date on which study leave was sanctioned and the legal regime governing such sanction. It is submitted that the petitioners and persons subsequently governed by the order dated 03.03.2025 are not similarly situated in the material particulars.

(IV) Learned State counsel further submits that reliance placed by the petitioners on the order dated 13.06.2025 is misplaced. It is submitted that, no doubt, by the said order, the earlier order dated 30.12.2022 in respect of Dr. Meenakshi Sood was amended and the period from 01.12.2022 to 30.11.2025 was treated as three years' study leave, but the said order did not attain finality. Learned State counsel submits that the matter was subsequently examined at the departmental level and the Finance Department, vide its communication dated 13.02.2026, expressed its disagreement with the said course of action. Consequently, the order dated 13.06.2025 was subsequently cancelled with immediate effect vide order dated 31.07.2026. It is, therefore, submitted that a cancelled order cannot be relied upon to claim parity or to

contend that the respondents have consistently extended the benefit of the order dated 03.03.2025 to persons who had earlier been granted two years' study leave followed by one year of extraordinary leave. The said cancelled order, having ceased to operate, cannot confer any enforceable right upon the petitioners nor can it be treated as a basis for extending the benefit claimed in the present petitions.

10. I have heard learned counsel for the parties and perused the pleadings and the documents placed on record.

11. The controversy which arises for consideration is whether the subsequent Government order dated 03.03.2025, whereby the permissible period of study leave was relaxed up to 36 months for the specified category of serving doctors, can be invoked by the petitioners for retrospectively enlarging the period of study leave which had already been sanctioned and availed by them for 24 months prior to the said order.

12. The relevant portion of the order dated 03.03.2025, which has a direct bearing upon the controversy involved in these petitions, reads thus:

**“छत्तीसगढ़ शासन
लोक स्वास्थ्य एवं परिवार कल्याण विभाग
मंत्रालय
महानदी भवन, नवा रायपुर अटल नगर-492002**

//आदेश//

नवा रायपुर अटल नगर, दिनांक 03/03/2025

क्रमांक एफ 1-15/2025/सत्रह / एक::: राज्य शासन, एतद्वारा छत्तीसगढ़ सिविल सेवा (अवकाश) नियम-2010 के नियम-44 के प्रावधान से छूट प्राप्त करते हुए लोक स्वास्थ्य एवं परिवार कल्याण विभाग तथा चिकित्सा शिक्षा विभाग के अंतर्गत सेवारत चिकित्सक अभ्यर्थियों को स्नातकोत्तर (MD/MS) पाठ्यक्रम में अध्ययन के लिए अध्ययन अवकाश की अधिकतम सीमा 36 महीने (अध्ययन अथवा प्रशिक्षण हेतु किन्हीं अन्य नियमों के अधीन स्वीकृत इसी प्रकार के अवकाश को

सम्मिलित करते हुए) किए जाने की स्वीकृति निम्नलिखित शर्तों के तहत प्रदान करता है:-

- (1) सेवारत अभ्यर्थियों द्वारा अध्ययन अवकाश अवधि की समाप्ति पश्चात् 5 वर्षों की सेवा किया जाना अनिवार्य होगा।
 - (2) अध्ययन अवकाश अवधि समाप्ति के उपरांत 5 वर्ष से अधिक का समय सेवानिवृत्ति हेतु शेष होना आवश्यक होगा।
 - (3) अध्ययन अवकाश पूर्ण होने के बाद 5 वर्षों की सेवा नहीं किये जाने की स्थिति में अथवा सेवा से त्यागपत्र देने पर, सेवारत अभ्यर्थी पर शासन द्वारा किया गया सम्पूर्ण व्यय (वेतन भत्ते एवं अन्य समस्त व्यय) अध्ययन अवकाश प्रारम्भ होने की तिथि से राशि वापस करने की तिथि तक, 8% चक्रवृद्धि ब्याज की दर से वसूल की जायेगी और उसे शासकीय कोष में जमा कराया जायेगा, परन्तु साथ ही अवकाश अवधि समाप्त होने के उपरान्त यदि आंशिक अवधि में सेवा की गई हो तो उपरोक्त वसूली योग्य राशि समानुपातिक रूप से कम की जायेगी।
 - (4) वसूली योग्य राशि सम्बन्धित अभ्यर्थी द्वारा नहीं जमा कराये जाने की स्थिति में उक्त चिकित्सक की एम.बी.बी.एस/पी.जी. डिग्री/अन्य सुपरस्पेशलिटी डिग्री छत्तीसगढ़ आयुर्विज्ञान परिषद् द्वारा निरस्त की जा सकेगी। साथ ही राज्य शासन वसूली राशि को भू-राजस्व के तौर पर वसूली किये जाने हेतु स्वतंत्र होगा।
- 2/ जिन प्रकरणों में, पूर्व में लोक स्वास्थ्य एवं परिवार कल्याण विभाग अथवा चिकित्सा शिक्षा विभाग द्वारा अध्ययन अवकाश 3 वर्ष स्वीकृत किया गया है, उन पर भी उपरोक्त शर्तें लागू होगी।
- 3/ उक्त स्वीकृति हेतु वित्त विभाग के जावक क्रमांक 114/2025/ वित्त/ नियम /चार, दिनांक 31.01.2025 द्वारा सहमति प्राप्त की गई है।

छत्तीसगढ़ के राज्यपाल के नाम से
तथा आदेशानुसार,
Sd/-
(अमित कटारिया)
छत्तीसगढ़ शासन
लोक स्वास्थ्य एवं परिवार कल्याण तथा
चिकित्सा शिक्षा विभाग

13. A plain reading of the aforesaid order shows that the relaxation granted by the Government was subject to the conditions expressly stipulated therein. The question that arises for consideration is whether the said relaxation can be invoked by the petitioners, whose study leave had already been sanctioned and availed for a period of 24 months prior to 03.03.2025, so as to retrospectively enlarge the period already sanctioned.

14. The chronology of events assumes considerable significance. The petitioners had obtained permission/NOC for pursuing their postgraduate courses and had thereafter been granted study leave. In the leading petition, the study leave of 24 months was sanctioned by order dated 18.08.2023 for the period from 02.12.2022 to 01.12.2024. Further granted 12 months extraordinary leave i.e. from 2.12.2024 to 1.12.2025. The said sanction was thus much anterior to the Government order dated 03.03.2025.

15. The entitlement which stood sanctioned in favour of the petitioner was, therefore, an entitlement to study leave for the period of 24 months under the regime applicable at the relevant point of time. The petitioner thereafter availed the said period. The subsequent order dated 03.03.2025 came into existence only thereafter.

16. It is a settled principle of interpretation that a subsequent beneficial or relaxing provision cannot ordinarily be applied retrospectively so as to reopen concluded transactions or enlarge an entitlement which had already been determined under the earlier regime, unless the subsequent instrument expressly or by necessary implication provides for such retrospective operation.

17. The order dated 03.03.2025 does not contain any general or unambiguous provision directing that every earlier sanction of 24 months' study leave shall automatically stand converted into a sanction of 36 months.

18. The expression permitting study leave up to 36 months has to be understood in the context of the relaxation granted by the Government and the conditions attached thereto. The enhancement of the permissible ceiling to 36 months cannot, by itself, be construed as conferring an automatic right upon every employee who had already availed 24 months of study leave to claim another 12 months.

19. The petitioners have placed considerable reliance upon the portion of the order dated 03.03.2025 which refers to cases where three years' study leave had already been sanctioned. The said submission has been carefully considered.

20. In my considered view, the said provision cannot be interpreted to mean that every earlier sanction of 24 months' study leave stood retrospectively converted into a sanction of 36 months. The provision has to be read in the context of the scheme of the order as a whole and cannot be isolated from the conditions governing the grant of the relaxation.

21. There is a material distinction between a case in which three years' study leave had already been sanctioned and a case in which only 24 months' study leave had been sanctioned and availed under the earlier regime. The present petitioners fall in the latter category. If the interpretation suggested by the petitioners were accepted, the order dated 03.03.2025 would have the effect of automatically reopening every earlier order by which 24 months' study leave had been sanctioned and would create an additional entitlement of

12 months in favour of all such employees. Such a consequence would require clear and unequivocal language in the order.

22. The petitioners have also relied upon the departmental order dated 13.06.2025, whereby, in the case of Dr. Meenakshi Sood, an earlier order granting two years' study leave followed by one year of extraordinary leave was amended and the entire period of three years was treated as study leave. The said order, however, cannot be treated as laying down the governing interpretation of the order dated 03.03.2025. The said departmental order was subsequently reconsidered, particularly in view of the objection raised by the Finance Department vide communication dated 13.02.2026, and was thereafter cancelled with immediate effect vide order dated 31.07.2026. Consequently, the said order, having subsequently been withdrawn, cannot furnish a basis for claiming a subsisting or enforceable right to three years' study leave.

23. The fact that, for a limited period, the Department had passed an order extending such benefit in an individual case cannot, by itself, be construed as an authoritative or binding interpretation of the Government order dated 03.03.2025, particularly when the said order was subsequently cancelled. A benefit granted under an order which has ceased to operate cannot, merely on the ground of parity, be directed to be extended to others, unless the underlying entitlement is otherwise found to flow from the governing statutory provision or the order dated 03.03.2025 itself.

24. Learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Supreme Court in *P.D. Aggarwal (Supra)*, particularly on the principle that an administrative order or instruction cannot

override, amend or supersede statutory rules. There can be no quarrel with the said proposition. However, the said principle would have application only if the communication dated 06.04.2026 is construed as overriding or modifying the substantive provisions of the Government order dated 03.03.2025. In the present case, the communication dated 06.04.2026 does not purport to amend the Rules, 2010 or the substantive terms of the order dated 03.03.2025; rather, it has been issued for clarifying the applicability of the said order. The substantive entitlement of the petitioners, therefore, has to be determined from the order dated 03.03.2025 itself. As noticed hereinabove, the said order does not expressly provide that every earlier sanction of 24 months' study leave, followed by extraordinary leave, shall stand converted into 36 months' study leave. Consequently, the reliance placed upon the aforesaid decision does not alter the interpretation of the order dated 03.03.2025 in the facts of the present case.

25. The Supreme Court in the matter of *Assistant Excise Commissioner, Kottayam & Others v. Esthappan Cherian and Another*, (2021) 10 SCC 210 has held at para 16 & 17 thus:-

“16. There is profusion of judicial authority on the proposition that a rule or law cannot be construed as retrospective unless it expresses a clear or manifest intention, to the contrary. In CIT v. Vatika Township (P) Ltd.¹ this Court, speaking through a Constitution Bench, observed as follows: (SCC pp. 21-22, paras 28-29)

“28. Of the various rules guiding how a legislation has to be interpreted, one established rule is that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation. The idea behind the rule is that a current law should govern current

*activities. Law passed today cannot apply to the events of the past. If we do something today, we do it keeping in view the law of today and in force and not tomorrow's backward adjustment of it. Our belief in the nature of the law is founded on the bedrock that every human being is entitled to arrange his affairs by relying on the existing law and should not find that his plans have been retrospectively upset. This principle of law is known as *lex prospicit non respicit* : law looks forward not backward. As was observed in *Phillips v. Eyre*, a retrospective legislation is contrary to the general principle that legislation by which the conduct of mankind is to be regulated when introduced for the first time to deal with future acts ought not to change the character of past transactions carried on upon the faith of the then existing law.*

*29. The obvious basis of the principle against retrospectivity is the principle of "fairness", which must be the basis of every legal rule as was observed in *L'Office Cherifien des Phosphates v. Yamashita-Shinnihon Steamship Co. Ltd.* Thus, legislations which modified accrued rights or which impose obligations or impose a new duty or attach a new disability have to be treated as prospective unless the legislative intent is clearly to give the enactment a retrospective effect; unless the legislation is for purpose of supplying an obvious omission in a former legislation or to explain a former legislation. We need not note the cornucopia of case law available on the subject because aforesaid legal position clearly emerges from the various decisions and this legal position was conceded by the counsel for the parties. In any case, we shall refer to few judgments containing this dicta, a little later."*

17. Another equally important principle applies: in the absence of express statutory authorisation, delegated legislation in the form of rules or regulations, cannot operate retrospectively. In CIT v. M.C. Ponnoose¹⁰ this rule was spelt out in the following terms: (SCC p. 354, para 5)

“5. The courts will not, therefore, ascribe retrospectivity to new laws affecting rights unless by express words or necessary implication it appears that such was the intention of the legislature. Parliament can delegate its legislative power within the recognised limits. Where any rule or regulation is made by any person or authority to whom such powers have been delegated by the legislature it may or may not be possible to make the same so as to give retrospective operation. It will depend on the language employed in the statutory provision which may in express terms or by necessary implication empower the authority concerned to make a rule or regulation with retrospective effect. But where no such language is to be found it has been held by the courts that the persons or authority exercising subordinate legislative functions cannot make a rule, regulation or bye-law which can operate with retrospective effect.”

26. In view of the above decision rendered by the Supreme Court, the law is well settled that unless a contrary intention appears, a legislation is presumed not to be intended to have a retrospective operation. The said principle squarely applies to the controversy involved in the present case. The Government order dated 03.03.2025, while relaxing the provisions of Rule 44 of the Rules, 2010 and permitting study leave up to a maximum period of 36 months, does not contain any express provision giving it retrospective operation so as to reopen or enlarge an earlier sanction of 24 months' study

leave which had already been availed by the petitioners. Nor does any necessary implication arise from the language of the said order which would require such retrospective enlargement. The mere fact that the permissible ceiling was enhanced to 36 months cannot, in the absence of such clear intention, confer upon the petitioners a fresh entitlement to an additional period of 12 months.

27. No such express retrospective mandate has been demonstrated before this Court. The mere fact that the Government subsequently enhanced the permissible period cannot be treated as sufficient to reopen the leave which had already been sanctioned and availed under the earlier regime. The subsequent communication dated 06.04.2026 also has to be read in this context wherein it has been clarified that the order dated 03.03.2025 shall apply to Doctors who proceeds for higher studies after obtaining due permission/NOC after the said date. Thus, it is crystal clear that by the communication dated 6.4.2026 the State Government has only clarified the order dated 3.3.2025 in clear terms and nothing has been added/ omitted, therefore, the plea taken by the petitioners that the communication dated 6.4.2026 has not been issued by order and in name of the Hon'ble Governor of Chhattisgarh is not tenable.

28. On a conjoint reading of the order dated 03.03.2025 and the subsequent communication dated 06.04.2026, this Court finds that the latter does not purport to repeal, rescind or substantially amend the earlier order. It is explanatory of the field of operation of the relaxation and facilitates its implementation.

29. In fact, the difficulty in the petitioners' case arises at an earlier stage. The petitioners seek to derive a right to an additional 12 months study leave from the order dated 03.03.2025. But by the time the said order came into existence, their original 24-month study leave had already been sanctioned and availed.

30. What the petitioners seek, therefore, is not protection of an existing right but creation of an additional entitlement by giving retrospective operation to a subsequent relaxation. Such a claim cannot be accepted in the absence of clear words in the order dated 03.03.2025. The plea of legitimate expectation also does not assist the petitioners. Legitimate expectation cannot be invoked to create a substantive right contrary to the terms of the governing rules or to give retrospective effect to a subsequent relaxation. The petitioners could legitimately expect their cases to be considered in accordance with the rules and orders applicable to them, but could not claim as of right that a later relaxation would reopen their earlier leave sanction. The plea of discrimination under Articles 14 and 16 of the Constitution also has to be examined in the context of the relevant dates and circumstances. Merely because another employee may have been granted the benefit of 36 months' study leave does not establish discrimination unless such employee and the petitioner are similarly situated in all material particulars. For determining such similarity, the date of NOC/permission, the date and nature of sanction of study leave and the regime under which the sanction was made are material considerations. A comparison divorced from these circumstances cannot furnish a foundation for a claim under Articles 14 and 16.

31. The petitioners cannot claim parity merely on the basis of an administrative benefit allegedly extended to another person, particularly when the claim itself arises from a subsequent relaxation which was not in existence when the petitioners' study leave was sanctioned and availed. It is also necessary to keep in view that the grant of study leave is governed by the statutory rules. The Court, in exercise of jurisdiction under Article 226 of the Constitution, cannot enlarge the benefit of a relaxation beyond the terms in which the competent authority has granted it.

32. Having considered the order dated 03.03.2025 in its entirety, the chronology of the petitioners' cases, the subsequent communication dated 06.04.2026, the departmental order dated 13.06.2025 relied upon by the petitioners and its subsequent cancellation, as also the principles governing retrospective operation noticed hereinabove, this Court finds that the petitioners have not been able to establish any legal entitlement to have their earlier sanctioned and availed period of 24 months' study leave retrospectively enlarged by a further period of 12 months. The order dated 03.03.2025 enhances the permissible ceiling of study leave to 36 months for the cases falling within its terms and conditions; it does not expressly or by necessary implication reopen every earlier sanction of 24 months or convert a subsequent period of extraordinary leave into study leave. The order dated 13.06.2025, having subsequently been cancelled, cannot furnish an independent or subsisting basis for claiming such parity. Likewise, the communication dated 06.04.2026, being explanatory of the applicability of the parent order, does not alter its substantive scope. The petitioners, therefore, cannot derive an additional substantive entitlement merely from

the subsequent relaxation, nor can such entitlement be created by invoking parity under Articles 14 and 16 of the Constitution in the absence of material identity of the governing circumstances.

33. The entire claim of the petitioners, therefore, proceeds upon an assumption that the order dated 03.03.2025 automatically converted every pre-existing 24-month study-leave sanction into a 36-month sanction. Such an interpretation is neither borne out from the language of the order nor consistent with the chronology of the present cases.

34. In the batch of these writ Petitions, the Petitioners are seeking a direction towards the respondents' authorities to extend the benefit of the order dated 03.03.2025 by granting the study leave from 24 months to 36 months. On examinations of the facts discussed above, I hold that the Government order dated 03.03.2025 operates as a subsequent relaxation to the candidates who applied for study leave on or after 03.03.2025. The said order was not for all the candidates like the petitioners who had already availed the study leave much prior to passing of the said order. It cannot be invoked with retrospectively enlarge the period of study leave already sanctioned and availed by the petitioners prior to its issuance. The communication dated 06.04.2026 in specific terms clarified that the benefit of the order dated 3.3.2025 will be extended from the said date only.

35. The communication dated 06.04.2026, when read with the parent order dated 03.03.2025, is therefore liable to be understood as a clarification/implementation of the earlier relaxation and not as an independent order withdrawing any vested benefit from the petitioners.

36. Consequently, the petitioners have failed to establish that the impugned action of the respondents is arbitrary, discriminatory, retrospective or otherwise contrary to the applicable statutory framework.

37. No case for issuance of a writ directing the respondents to extend the petitioners' already availed 24 months' study leave by a further period of 12 months is, therefore, made out.

38. For the foregoing reasons, all the writ petitions are **dismissed**.

39. There shall be no order as to costs.

Sd/-

(Bibhu Datta Guru)
Judge

HEAD NOTE

Unless a contrary intention appears, an order passed today is presumed not to be intended to have a retrospective operation. Law passed today cannot apply to the events of the past.