**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR.**
**ORDER**

S.B. CIVIL WRIT PETITION NO. 11065/2014
WITH
S.B. CIVIL MISC. STAY APPLICATION NO. 10322/2014

OM PRAKASH DABARIA VS. STATE OF RAJASTHAN & OTHERS.

DATE OF ORDER : 31.10.2014

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ**

Mr. P.S. Sharma, for the petitioner.

**BY THE COURT:**

Contention of learned counsel for the petitioner is that the petitioner, who is serving on the post of ANM, applied for the study leave for undergoing course of GNM for the period from 15.04.2002 to 14.04.2005. Later on, the petitioner was granted 120 days earned leave from 15.04.2004 to 12.08.2004 and 245 days extra ordinary leave from 13.08.2004 to 15.04.2005. Subsequently, respondents cancelled the leave and directed recovery from the petitioner. Petitioner and other similarly situated persons filed S.B. Civil Writ Petition No. 1599/2010(Banwari Lal & Others Vs. State of Rajasthan & Others), which was disposed of by Co-ordinate Bench of this Court vide order dated 17.10.2011 on the basis of decision rendered by Co-ordinate Bench of this Court in the case of Smt. Suman Kumari Vs. State of Rajasthan & Another(S.B. Civil Writ Petition No. 4415/2010 and 15 other connected matters). In the case of petitioner and other similarly situated persons(S.B. Civil Writ Petition No. 1599/2010), it was directed that petitioners therein would be entitled to the same benefits as given in the case of Smt. Suman Kumari(supra). In the

case of Smt. Suman Kumari(supra), the Co-ordinate Bench of this Court held the action of the respondents discriminatory in not granting said leaves to ANM for undertaking the course of GNM and also declared such action illegal because facility of study leave was being provided to the doctors. In fact, judgment was rendered when the respondents agreed before the Co-ordinate Bench of this Court that they would extend the similar benefits and now onwards no study leave benefits would be granted in violation of the Rajasthan Service Rules. The respondents, therefore, could not reopen the case of the petitioner. Even then, fresh order has been passed by Chief Medical and Health Officer, Jaipur-I canceling the leaves granted to the petitioner by order dated 30.07.2014.

Having regard to the facts aforesaid, the petitioner is required to approach the respondent No. 3, Additional Director (Administration), Medical and Health Services, Rajasthan, Jaipur (Raj.), who shall examine the grievance of the petitioner in the light of decision of the Co-ordinate Bench of this Court in the case of Smt. Suman Kumari(supra) and the order passed by in the case of petitioner himself and decide his representation by passing speaking order addressing his grievance within a period of two months. Respondent No. 3 shall also consider the case of petitioner for not making any recovery till pending disposal of the representation.

With the aforesaid direction, writ petition is disposed of. Stay application also stands disposed of.

**(MOHAMMAD RAFIQ),J.**

Manoj,
S.NO.38.***"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."***

*MANOJ NARWANI*
*Personal Assistant.*