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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

Original Application No.507 of 1993

DATE OF DECISION : OCTOBER 19, 1993

Prafulla Chandra Mishra ... Petitioner

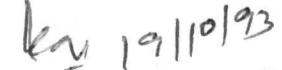
Versus

State of Orissa and others ... Opp. Parties

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? ND
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? ND


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)
19 OCT 93


(K.P. ACHARYA)
VICE CHAIRMAN

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 507 of 1993

Date of decision: October 19, 1993

Prafulla Ch. Mishra ... Applicant

Versus

State of Orissa and others ... Respondents

For the Applicant ... M/s. P. K. Routray, P. K. Mohanty,
Advocates

For the Respondents ... Mr. Akshya Kumar Mishra,
Addl. Standing Counsel (Central)

For the Respondent
Nos. 1, 2 and 3 ... Mr. K. C. Mohanty, Government
Advocate for the State.

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

&

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K. P. ACHARYA, V.C. Shorn of unnecessary details, it would suffice to say that the Petitioner Shri Prafulla Chandra Mishra is a Member of the Indian Administrative Service. Mr. Misra had filed an application before the Member Board of Revenue with a prayer to forward his application to the Government for according permission to Mr. Mishra to prosecute his study in the Law College. This was rejected by the Government, contained in Annexure 3 dated 16th September, 1993 holding that since the academic session of 1992-93 is over permission cannot be granted. Hence this

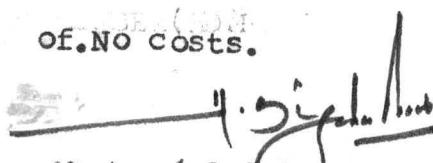
application has been filed with a prayer to direct the Opposite Parties to grant permission.

2. We have heard Mr.P.K.Routray learned counsel appearing for the petitioner, Mr. Akshya Kumar Mishra, learned Additional Standing Counsel (Central) appearing for the Opposite Party No.4 and Mr.K.C. Mohanty learned Government Advocate appearing for the Opposite Party Nos.1 to 3.

3. In our opinion this is a very petty matter for which the courts' time should not have wasted. However, since a particular party comes to the portals of the Court, we are duty bound to express our opinion. We cannot direct the Government to pass an order permitting the petitioner, Mr. Mishra to prosecute his study in the law College. All that we would say that if the petitioner is allowed to prosecute his study in the law College that will not only help him to improve his knowledge in different subjects of law but it will render beneficial interest to the Government if in future, the petitioner is appointed to a post in which the petitioner has to render legal opinion. This would be beneficial both to the petitioner and to the Government. Therefore, in all fitness of things, we are of opinion that the Government should take a sympathetic attitude on these matters and we are happy to note that the learned Government Advocate submitted that the Govt. has practically never refused to any permission to any body intending to prosecute higher studies.

This application was rejected because the academic session has been over. However, we would direct that the petitioner may file another application as an abundant precautionary measure which we hope and trust would be forwarded by the Member Board of Revenue and within 30 days from the date of receipt of the recommendation of the Member Board of Revenue, the Government would be well advised to pass orders as deemed fit and proper. This order is passed because a prayer was made by the learned Counsel appearing for the petitioner that the Government be directed to allow the petitioner to prosecute his study in the law College for the year 1993-94.

4. Thus, the application is accordingly disposed of. NO costs.


Member (Administrative)

19 OCT 93


Vice-Chairman

19-10-93

Central Admn. Tribunal,
Cuttack Bench/K. Mohanty/
19th October, 1993.