

CWP-27369-2026

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CNR No: PHHC011429062026

2026:PHHC:120961



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-27369-2026 (O&M)
Date of decision: 27.08.2026**

Sheetal Rani

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Brijender Kaushik, Advocate
with Mr. Sandeep Kr. Bhardwaj, Advocate
for the petitioner.

Mr. Akshit Pathania, AAG, Haryana.

Mr. Aditya Gautam, Advocate
for respondents No.3 and 4.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *certiorari* for quashing the Instructions/Guidelines dated 10.06.2026 (Annexure P-7) issued by respondent No.1/State of Haryana, insofar as they impose a blanket restriction/prohibition upon foreign travel by government employees. Further, a writ of *mandamus* has been sought, directing the respondents to grant Earned Leave to the petitioner from 03.09.2026 to 04.10.2026 for travelling to Australia, in terms of the approval dated 15.01.2026 (Annexure P-1) granted by respondent No.4.



CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined as a Nursing Officer with respondent No.3-PGIMS, Rohtak on 23.02.2021. With the objective of gaining professional experience and obtaining higher qualification, she applied for the Objective Structured Clinical Examination (OSCE) conducted by the Australian Health Practitioner Regulation Agency and National Boards. Her foreign visit was initially approved by respondent No.4 vide order dated 15.01.2026 (Annexure P-1), granting her a No Objection Certificate to apply for a Visa. Subsequently, she deposited the prescribed fee on 07.02.2026 (Annexure P-2), received confirmation of her registration on 04.08.2026 (Annexure P-3), and was granted an Australian Visitor (Subclass 600) Visa on 29.05.2026, valid from 29.05.2026 to 29.05.2031, as is evident from Annexure P-4. Her application to attend the course and appear in the examination scheduled for 29.09.2026 was approved vide communication dated 04.08.2026. Pursuant thereto, she submitted her application dated 18.08.2026 for Earned Leave (Annexures P-5 and P-6). However, respondent No.2 refused to entertain her application in view of the Government Instructions/Guidelines dated 10.06.2026 (Annexure P-7) which prohibits Government servants and employees of Boards, Corporations and public authorities from traveling abroad, for official or personal reasons, up to September, 2026, except if such travel is necessitated for medical reasons.



3. Learned counsel for the petitioner has vehemently argues that the impugned Government Instructions (Annexure P-7) are unconstitutional, arbitrary and disproportionate. It is submitted that the right to travel abroad is a recognized facet of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. In support of this argument, reliance has been placed upon the judgments rendered by the Hon'ble Supreme Court in ***Satwant Singh Sawhney v. D. Ramarathnam*, AIR 1967 SC 1836** and ***Maneka Gandhi v. Union of India*, (1978) 1 SCC 248**. It is further contended that this right cannot be curtailed except by a procedure established by law which is fair, just and reasonable. The impugned Instructions (Annexure P-7) are merely executive/administrative in nature, and thus, cannot by themselves constitute the 'procedure established by law' under Article 21 of the Constitution of India, particularly in the absence of a valid legislative or statutory foundation authorizing such blanket deprivation of a fundamental right.

4. It is further submitted that the impugned Instructions (Annexure P-7) fail the tests of fairness, reasonableness and non-arbitrariness, as they indiscriminately apply to all government employees, irrespective of their individual circumstances, destination, purpose of travel, duration of absence or nature of duties. Learned counsel for the petitioner has further submitted that although the State may, in an appropriate case and in accordance with law, regulate the foreign travel by its employees, such regulation cannot take the form of



an indiscriminate and blanket prohibition having no reasonable nexus with the object sought to be achieved. According to learned counsel for the petitioner, any restriction affecting the petitioner's personal liberty must satisfy the requirements of Articles 14 and 21 of the Constitution of India and must be fair, just, reasonable and non-arbitrary.

5. *Per contra*, learned State counsel, while reiterating the contents of the impugned Instructions/Guidelines (Annexure P-7), submitted that the same were issued in view of the Russia-Ukraine conflict and the West Asian crisis, which have created a serious impact on the global supply chain, particularly in relation to fuel and other essential resources. He has further submitted that the impugned Instructions (Annexure P-7) were issued as an austerity measure in the larger public interest to conserve resources and reduce expenditure. It is argued that the restrictions are temporary in nature and the Government is entitled to take such measures in the larger public interest, especially in the current global context.

OBSERVATION AND ANALYSIS

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. The primary question that arises for consideration of this Court is whether the impugned Government Instructions/Guidelines dated 10.06.2026 (Annexure P-7), insofar as they impose a blanket prohibition on foreign travel by government employees, are constitutionally valid.



8. In today's globalized world, the right to travel abroad cannot be restricted as a matter of mere administrative privilege. The Hon'ble Supreme Court, in a catena of judgments, has authoritatively held that the right to travel abroad is an integral part of the right to life and personal liberty enshrined in Article 21 of the Constitution of India. In ***Satwant Singh Sawhney (supra)***, the Hon'ble Supreme Court had held that the government cannot deny a passport to its citizen, without the procedure established by law, as it would effectively deprive him of his fundamental right to travel abroad. This principle was subsequently authoritatively explained in the landmark judgment of ***Maneka Gandhi (supra)***, wherein the Hon'ble Supreme Court held that the right to go abroad is a part of 'personal liberty' under Article 21 of the Constitution of India and any law or procedure that deprives a person of this right must be 'right, just and fair' and not 'arbitrary, fanciful or oppressive'. This principle was reiterated by the Hon'ble Supreme Court in ***Satish Chandra Verma vs. Union of India and others 2019 (2) SCT 741***, wherein, the following was observed:

"5. The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action, but also by extending the scope of his experience. The right also extends to private life; marriage, family and friendship are humanities which can be rarely affected through refusal of freedom to go abroad and clearly show that this freedom is a genuine human right. (See Mrs. Maneka Gandhi v. Union of India and Another (1978) 1 SCC 248). In the said judgement, there is a reference to the words of Justice Douglas in Kent v. Dulles [1958] 357 US 116 which are as follows:



"Freedom to go abroad has much social value and represents the basic human right of great significance."

9. In the present case, the impugned Instructions/Guidelines dated 10.06.2026 (Annexure P-7), issued by the Human Resource Department, Government of Haryana, impose a complete ban on foreign travel upon its employees. The relevant extract of the Instructions/Guidelines dated 10.06.2026 (Annexure P-7), reads as under:-

*"No. 62/47/2026-6HR-1
Haryana Government
Chief Secretary Organisation
Human Resource Department
(Human Resource -I Branch)*

Dated, Chandigarh, the 10 June, 2026

To,

- 1. All the Administrative Secretaries to Government, Haryana.*
- 2. All the Heads of Departments of Haryana.*
- 3. All the Managing Directors/Chief Administrators of Boards/Corporations in Haryana.*
- 4. All the Divisional Commissioners of the State of Haryana.*
- 5. All the Deputy Commissioners of the State of Haryana.*
- 6. The Registrars of all the Universities in the State of Haryana.*

Subject: Necessary guidelines regarding saving fuel, energy conservation and judicious use of other resources.

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that after the Covid pandemic, the



Russia-Ukraine conflict and the ongoing West Asian crisis, have created a serious impact on the global supply chain, especially in relation to fuel, precious metals, food items and fertilizers. Due to this global crisis, fuel costs, import dependence and economic pressure in India are increasing.

In the above circumstances, after due consideration, the following decisions/advisories are issued:

I. Instructions/Advisories for Government Departments, Boards, Corporations and Public Authorities

1. No approval shall be granted for foreign travel, either official or personal, by Government servants and employees of Boards/corporations/Local bodies, etc., upto September 2026, except for medical treatment.

2. Efforts should be made for holding all meetings through Video Conferencing. At least 50% of the meetings, at all levels in Government, will be held through online mode. Movement of Government employees should be minimized.

3. No gathering of public or officials shall be held unless extremely necessary. Public expenditure on functions, festivities, seminars, working lunches, dinners and entertainment shall be avoided.

4. District Administration or Police Department will not grant any permission for any gathering, rally, vehicle procession, road show etc., for any purpose, till September 2026.

5. Industries Department should take up the matter with industry organizations such as NASSCOM, CIL, FICCI, etc., to encourage work from home, as per feasibility. They are requested to have different time slots to avoid congestion.

6. The number of vehicles in official convoys (VVIP's) should be reduced by 50%, subject to security considerations.



7. Attention should be given to fuel-saving bus services. Frequency of public transport/buses should be increased. Further, Finance Department will impose a cut of 20% on POL. budget expenditure of all departments, till September 2026.

8. Finance Department will develop a portal for monitoring savings in fuel expenditure in Government organizations. Every Head of Department will upload a certificate at the end of every month certifying at least 10% reduction in vehicle usage of the department.

9. There shall be complete ban on purchase of non-EV vehicles in Government and Boards/corporations/ Commissions, etc., till September 2026.

10. Charging stations/networks for electric vehicles should be expanded on priority basis. Implementation of cycle lanes and public bicycle sharing schemes in urban areas should be considered.

11. Transport of bulk products such as cement, foodgrains and fertilizers through rail freight should be considered. Industries Department should take up the matter with industry organizations such as NASSCOM, CII, FICCI, etc.

12. In Government buildings, the temperature of air-conditioners should be maintained at 24-26°C. Unnecessary lighting and decorative lighting should be controlled. Office timings may be shifted by one hour to utilize day lighting.

13. Tourism Department will undertake a domestic tourism promotion campaign focusing on safe, religious, wellness and rural tourism. Local destinations will be publicized for destination weddings. Government of India will be requested to create a portal for self-declaration, recognition and encouragement in this regard.

14. Foreign Cooperation Department will request Indian Diaspora Associations to encourage their members to spend holidays in India.



15. MSMEs (Micro, Small and Medium Enterprises) and SHGs (Self Help Groups) should be considered for on boarding on platforms such as ONDC, Amazon Karigar and Flipkart Samarth. Import-substitution items should be identified and local production should be encouraged. Industries Department should make efforts in this regard.

16. Health Department will launch public awareness campaigns regarding the health benefits of low- oil food.

17. Oil consumption in schools, hospitals and Government canteens should be reviewed and reduction in its use should be considered. Health Department will take steps for training ASHA workers, SHGs and women's groups regarding reduced use of oil in meals.

18. Agriculture Department will make efforts to increase production of oilseeds.

19. Farmers should be provided training in Natural Farming, Zero Budget Farming and Bio-inputs. Awareness campaigns should be launched regarding balanced use of fertilizers and soil health. Bio-input Resource Centres should be established through FPOs and cooperative societies. Non-Agricultural use and smuggling of fertilizers should be controlled.

20. District Administration will seek cooperation of religious and social leaders and make an appeal to the public regarding reduction/deferment of gold purchases and reuse of old ornaments.

21. Usage of PNG and LPG should be managed better. Duplicate LPG connections should be removed and small cylinders should be promoted. Any stalled PNG-related projects should be expedited.

22. Municipal solid waste should be utilized for energy or Compressed Bio Gas generation and related projects should be expedited. Net metering permissions should be expedited. Power Department should run campaigns for



saving electricity and promote renewable energy. 23. Approvals for mining, solar and power projects should be expedited.

24. Expenditure on public advertisements will be minimized, DIPR and other Government agencies and Public Funded Organisations will ensure that expenditure on banners, posters and flex-boards is minimized. No newspaper advertisement larger than one-fourth page shall be published.

25. Public awareness campaigns under the theme "Mera Bharat, Mera Yogdan" should be conducted. DIPR should run social media awareness campaigns highlighting the importance of public contribution in this regard."

10. A perusal of the impugned Instructions (Annexure P-7) makes it evident that a blanket prohibition with respect to foreign travel has been mechanically applied to all government employees. Furthermore, the said Instructions do not provide any scope of accommodation in consideration of individual circumstances, nature of duties, designation of the employee or purpose of travel.

11. At the outset, it must be observed that the impugned Instructions (Annexure P-7) are purely executive in nature. They do not derive their authority from any legislative enactment. Further still, even assuming, for the sake of argument, the Government has the power to regulate foreign travel of its employees, the restriction imposed must satisfy the rigorous standards of Articles 14 and 21 of Constitution of India i.e. the procedure adopted to accomplish the said goal must be fair, reasonable, non-arbitrary and proportionate. A two-Judge bench of the Hon'ble Supreme Court in ***State of Kerala vs. M. Vijayakumar 2026***



INSC 352, while referring to *State of Punjab and others vs. Davinder Singh and others (2025) 1 SCC 1* and *Ajay Hasia and others vs. Khalid Mujib Sehravardi and others (1981) 1 SCC 722*, speaking through Justice Manoj Mishra, has opined as follows:

“22. Article 14 of the Constitution forbids class legislation but permits reasonable classification which must satisfy twin tests: (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, and (2) that differentia must have rational nexus with the object sought to be achieved by the Act - The differentia which is the basis of the classification and the object of the Act are distinct things and what is necessary is that there must be a nexus between the two.”⁽¹³⁾ Legislative and executive action may accordingly be sustained if it satisfies the twin tests of reasonable classification and the rational principle correlated to the object sought to be achieved. The burden of proof lies on the State to affirmatively establish that these twin tests have been satisfied. The State must therefore not only establish the rational principle on which classification is founded but correlate it to the objects sought to be achieved ⁽¹⁴⁾. Besides, equality is a dynamic concept with many aspects and dimensions, and it cannot be cribbed, cabined and confined within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similar situate and it must not be



guided by any extraneous or irrelevant considerations because that would be denial of equality

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24. In *State of Punjab & Ors. v. Davinder Singh & Ors*, (2025) 1 SCC 1, Dr. D.Y. Chandrachud, C.J. (as His Lordship then was), while explaining the contours of Article 14, wrote:

*“85. The Constitution permits valid classification if two conditions are fulfilled. First, there must be an intelligible differentia which distinguishes persons grouped together from others left out of the group. The phrase "intelligible differentia" means difference capable of being understood. The difference is capable of being understood when there is a yardstick to differentiate the class included and others excluded from the group. In the absence of the yardstick, the differentiation would be without a basis and hence, unreasonable. The basis of classification must be deducible from the provisions of the statute; surrounding circumstances or matters of common knowledge. **In making the classification, the State is free to recognize degrees of harm. Though the classification need not be mathematical in precision, there must be some difference between the persons grouped and the persons left out, and the difference must be real and pertinent. The classification is unreasonable if there is little or no difference. Second, the differentia must have a rational relation to the object sought to be achieved by the law, that is, the basis of classification must have a nexus with the object of the classification.**”*

(Emphasis Supplied)

12. A blanket prohibition on an entire class of citizens merely because they are in government service is manifestly arbitrary. The State has failed to demonstrate any rational nexus between the objective sought to be achieved by the impugned Instructions (Annexure P-7) i.e., addressing the impact of the global crisis on fuel and resources, and the



complete prohibition imposed on private foreign travel. Further still, preventing a Nursing Officer from travelling to Australia for a professional examination does not only trample upon her right to travel abroad but is also thwarting her from receiving higher education. The right to education is a fundamental right traceable to Part III of the Constitution of India and as such, linked to the right to life and personal liberty under Article 21 of the Constitution of India.

12.1. A Two Judge bench of the Hon'ble Apex Court in ***Miss. Mohini Jain v. State of Karnataka 1992 INSC 186*** while speaking through Justice Kuldeep Singh, observed as under:

“12. "Right to life" is the compendious expression for all those rights which the Courts must enforce because they are basic to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free to pursue. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The State Government is under an obligation to make endeavour to Provide educational facilities at all levels to its citizens.

13. The fundamental rights guaranteed under Part III of the Constitution of India including the right to freedom of speech and expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity.

14. The "right to education", therefore, is concomitant to the fundamental rights enshrined under Part III of the Constitution. The State is under a constitutional-mandate to provide educational institutions at all levels for the benefit of the citizens. The educational institutions must function to the best advantage of the citizens. Opportunity



to acquire education cannot be confined to the richer section of the society. Increasing demand for medical education has led to the opening of large number of medical colleges by private persons, groups and trusts with the permission and recognition of State Governments. The Karnataka State has permitted the opening of several new medical colleges under various private bodies and organisations. These institutions are charging capitation fee as a consideration for admission. Capitation fee is nothing but a price for selling education. The concept of "teaching shops" is contrary to the constitutional scheme, and is wholly abhorrent to the Indian culture and heritage. As back as December, 1980 the Indian Medical Association in its 56th All India Medical Conference held at Cuttack on December 28-30, 1980 passed the following resolutions:

"The 56th All India Medical Conference views with great concern the attitude of State Governments particularly the State Government of Karnataka in permitting the opening of new Medical Colleges under various bodies and organisations in utter disregard to the recommendations of Medical Council of India and urges upon the authorities and the Government of Karnataka not to permit the opening of any new medical college, by private bodies.

It further condemns the policy of admission on the basis of capitation fees. This commercialisation of medial education endangers the lowering of standards of medical education and encourages bad practice."

12.2. Reliance in this regard may also be placed on another judgment rendered by the Hon'ble Supreme Court in **Avinash Mehrotra v. Union of India 2009 (6) SCC 398**, which observed that, "*right to education attaches to the individual as an inalienable human right.*" Additionally, it is unclear as to how denial of foreign travel to a Nursing Officer seeking to upskill would assist in the larger aim of fuel



conservation. No plausible explanation is forthcoming on behalf of the respondents in this regard. As such, this Court cannot validate the approach adopted by the Government in imposing a blanket restriction by means of the impugned Instructions (Annexure P-7), the same being grossly disproportionate to its alleged objective. The factual matrix of the present case is illustrative of a sledgehammer being used to crack a nut, which is impermissible in our constitutional jurisprudence.

CONCLUSION

13. In view of the discussion above, the present petition is disposed of in the following manner:

(i) The impugned Instructions/Guidelines dated 10.06.2026 (Annexure P-7) are set-aside to the extent that it imposes a complete ban on Government employees to travel abroad.

(ii) Respondent No.4/competent authority is directed to pass appropriate orders, on or before 31.08.2026, granting permission to the petitioner to travel abroad. The petitioner shall rejoin service after the expiry of the sanctioned leave period.

14. Pending miscellaneous applications, if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)
JUDGE**

27.08.2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No