

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.430 of 2023

Shibani Das

.....Petitioner

_V_E_R_S_U_S_

The State of Tripura and 32 Others

.....Respondents

For Petitioner(s)	:	Mr. K. Chakraborty, Advocate.
For Respondent(s)	:	Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_F_I_N_A_L_O_R_D_E_R_

18/07/2023

Heard Mr. K. Chakraborty, learned counsel appearing for the petitioner and Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India for quashing the impugned memorandum dated 04.08.2022 and further for directing the respondents to sanction Child Care Leave for 327 days in favour of the petitioner in terms of Rule 39(C) of the Tripura State Civil Service (Leave) (Thirteen Amendment) Rules, 1986.

The petitioner has prayed for the following reliefs:

- i. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, quashing/setting aside the impugned memorandum dated 04.08.2020 (Annexure-4 supra).
- ii. Issue rule, calling upon the respondents and each one of them, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued, mandating/directing them, to sanction Child Care Leave for 327 days in favour of the petitioner in terms of Rule 39(C) of the Tripura State Civil Service (Leave) (Thirteen Amendment) Rules, 1986 (Annexure-1 supra).
- iii. In the Ad-interim, and thereafter, on hearing the parties, in the interim, an order in terms of (ii) above, thereby allowing the petitioner to proceed on Child Care Leave, during the pendency of this writ petition.
- iv. Call for the records, appertaining to this writ petition.
- v. After hearing the parties, be pleased to make the rule absolute in terms of (i) to (iii) above.
- vi. Costs of and incidental to this proceeding.

The facts in brief are that Rule-39(C) was inserted to the Tripura State Civil Service (Leave) Rules, 1986 by its 13th Amendment, vide notification

dated 12.12.2017, providing for Child Care Leave of maximum 730 days to be availed by women Government employees, for taking care of children, rearing and examination etc. An administrative order was passed on 04.08.2020 by the respondent authorities, postulating that Child Care Leave would be granted for a maximum period of 30 days, at a time. The petitioner, who is serving as Post Graduate Teacher at Sonamura Girls' High School, Sonamura, Sepahijala Tripura, submitted applications on 19.04.2023 and 23.06.2023 requesting the respondents for sanctioning Child Care Leave of 327 days so that she could take care, guide, support, look after her minor son, who is about to appear in the Madhyamik Examination, 2024 but the same was not acted upon.

Hence, the present petition has been preferred by the petitioners before this Court for redress.

In that view of the matter, without expressing any opinion on merits, the present writ petition is disposed of directing the respondents to consider the case of the petitioner in the light of the applications submitted by the petitioner before the respondents within a period of two weeks from the date of receipt of the copy of this order in accordance with law and whatever the decision is taken by the concerned respondents be communicated to the petitioner.

In terms of the above, the present petition is disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh

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