

Court No. - 36

Case :- WRIT - A No. - 14627 of 2023

Petitioner :- Smt Anamika Saran

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Akhilesh Kumar Mishra

Counsel for Respondent :- C.S.C., Manvendra Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner and Sri Manvendra Singh, learned counsel appearing for the Respondent No. 2.

2. Petitioner through this writ petition has challenged the order dated 14.08.2023 passed by the District Basic Education Officer, Mainpuri whereby application of the petitioner for child care leave has been rejected on the ground that some inquiry is pending against the petitioner.

3. This court heard the present matter on 3.10.2023 and directed Sri Manvendra Singh, learned counsel appearing for the Respondent No. 2 to take instructions from Respondent No.2. Order dated 3.10.2023 is extracted as under:

"1. Heard learned counsel appearing for the petitioner and Sri Manvendra Singh, learned counsel appearing for the Respondent No. 2.

2. Learned counsel appearing for the petitioner has submitted that the petitioner is working on the post of Assistant Teacher in Primary School Nagla Kalu, Block Sultanganj, District Mainpuri. It has been further submitted that the application of the petitioner for grant of thirty days child care leave has been rejected only on the ground that some inquiry is pending against the petitioner.

3. Petitioner, in her writ petition, has categorically stated that no inquiry is pending against the petitioner.

4. Learned counsel appearing for the petitioner has argued that even if some inquiry is pending against the petitioner, that cannot be a ground for rejecting petitioner's application for grant of child care leave.

5. Let learned counsels appearing for the respondents take instructions in the matter within ten days.

6. List this matter on 16.10.2023, as fresh."

4. Sri Manvendra Singh, learned counsel representing the District Basic Education Officer, Mainpuri, on the basis of

instructions has submitted that there is no provision either under the rules or in the government order which prohibits grant of Child Care Leave to a teacher during pendency of inquiry against her. Sri Manvendra Singh has further submitted that he has instructions to say that if petitioner files a fresh application for grant of Child Care Leave then District Basic Education Officer, Mainpuri will consider the request of the petitioner and will grant Child Care Leave within two weeks from the date of submission of application.

5. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally ***disposed of*** with liberty to the petitioner to file a fresh application for Child Care Leave and if such application is filed, District Basic Education Officer, Mainpuri is directed to consider and decide the said application within a period of two weeks from the date of receipt of the application.

Order Date :- 16.10.2023

A. Mandhani