

Court No. - 35

Case :- WRIT - A No. - 18644 of 2023

Petitioner :- Ragini Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Shishir Kumar Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Shishir Kumar Dwivedi, learned counsel for the writ petitioner, Sri Ratan Deep Mishra, who appears for the respondents no. 1 to 4.

The case of the writ petitioner is that the writ petitioner took first maternity leave for the 6.12.2021 to 3.6.2022 and post conceiving she again applied for maternity leave on 17.4.2023 which has been declined on 5.8.2023 by the third respondent, District Inspector of Schools, Kanpur Nagar followed by consequential orders dated 1.9.2023 and 16.8.2023 passed by the Principal, Government High School, Tilsahri Bujurg, Block Sarsaul, District Kanpur Nagar.

Learned counsel for the writ petitioner seeks to rely upon the decision of in **Service Single No.32394 of 2019, Smt. Richa Shukla vs. State of U.P. & others** decided on 11.12.2019.

Learned Standing Counsel on the other hand submits that the law in this regard is well crystalised in umpteen number of decisions which includes the decision in the case of **Smt. Richa Shukla (Supra)**. He further submits that the order in question be set aside and the matter be remitted back to decide afresh in the light of the decision of this court.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition stands allowed. The orders dated 5.8.2023 passed by third respondent, District Inspector of Schools, Kanpur Nagar, 1.9.2023 and 6.8.2023 passed by the fourth respondent, Principal, Government High School, Tilsahri Bujurg, Block Sarsaul, District Kanpur Nagar was set aside, matter stands remitted back to the second respondent to pass a fresh order strictly in the case of **Smt. Richa Shukla (Supra)** within a period of one month from the date of presentation of the certified copy of the order.

With the aforesaid observation, the writ petition is **partly allowed**.

Order Date :- 28.11.2023

piyush