

Court No. - 5

Case :- WRIT - A No. - 19263 of 2023

Petitioner :- Smt Sharda Chaudhary

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

Counsel for Petitioner :- Mukul Yadav, Yadvesh Yadav

Counsel for Respondent :- C.S.C., Ashutosh Mishra

Hon'ble Piyush Agrawal, J.

Heard learned counsel for the parties.

With the consent of the learned counsel for the parties present writ petition is disposed of at the admission stage without exchange of affidavits.

Learned counsel for the petitioner submits that the petitioner has moved an application for child care leave in pursuance of the Government Order dated 1.3.2023 but the same has been rejected by the impugned order referring that as per Government Order such leave cannot be granted for more than three times.

Sri Ashutosh Mishra, learned counsel for the respondent nos. 3 and 4 submits that there is one Government Order dated 11.4.2011 which refers that within one calendar year such leave cannot be granted for more than three times.

On the pointed query to the learned counsel for the respondent as to how the Government order dated 11.4.2011 can be pressed when the subsequent Government Order dated 1.3.2023 does not contemplate such condition.

Confronted with the said fact learned counsel for the respondents submits that the application of the petitioner for child care leave may be directed to be considered afresh. To such submission learned counsel for the petitioner has no objection.

In this view of the matter the order dated 25.10.2023 passed by the respondent no.3 is set aside and the matter is remitted back to him for consideration of the petitioner's application for child care leave afresh within 15 days from the date of receipt of a certified copy of this order.

The writ petition is disposed of.

Order Date :- 12.12.2023

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