

GAHC010046492024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1342/2024

DIPANJALI DUTTA
W/O- ARUN PHUKAN,
R/O- NO. 1 MOTARI HOMORA,
NORTH LAKHIMPUR,
P.O.- BARBALI,
DIST.- LAKHIMPUR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, SACHIVALAYA, GUWAHATI- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
LAKHIMPUR
NORTH LAKHIMPUR
ASSAM.

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
NARAYANPUR
LAKHIMPUR

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HON'BLE MR. JUSTICE KARDAK ETE
O R D E R

06.03.2024.

Heard Ms. P. Borah, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel for the Elementary Education Department appearing for respondent Nos.1—4.

(2) The grievance of the petitioner in the present Writ Petition is against non-consideration of her application for grant of Child Care Leave (CCL) for another 520 (five hundred twenty) days with effect from 09.01.2024 to 01.04.2025.

(3) The petitioner is serving as a Head Teacher of the Madan Mohan L.P. School in Lakhimpur District. As per the Notification dated 31.07.2015, the petitioner is entitled to CCL for total 730 (seven hundred thirty) days. The authority vide order dated 09.10.2023, has granted her sixty days CCL upto 09.12.2023. Since the petitioner is entitled for 730 days or two years, she applied for remaining 520 days' CCL, as her daughter is studying at Allen Career Institute, Guwahati, due to her illness. But the authority has neither accepted nor rejected the application of the petitioner, which is causing hardship to the petitioner and her daughter, who stays alone at Guwahati. Therefore, the petitioner prays for a direction to the respondent authorities to consider and grant her 520 (five hundred twenty) days' balance CCL, in terms of the Government's Notification dated 31.07.2015, which is still in force.

(4) On consideration of the Notification dated 31.07.2015, issued by the Under Secretary, Govt. of Assam, Finance Department, it transpires that all employees having minor children, upto 18 years of age, may be granted CCL by

the authority, for a maximum period of two years (730 days), during their entire service for taking care of upto two minor children, whether for rearing or to look after any of their needs like examination, sickness, etc.

(5) It is seen that the concerned authority has granted the petitioner 210 days CCL from time to time, last being the order dated 09.10.2023. It is noticed that the said authority indicated that the petitioner would be entitled to another 520 days' of CCL.

(6) Considering the above, I am of the considered view that the petitioner is entitled for two years (730 days) CCL. It is also transpired that she has balance of 520 days CCL, after availing 210 days. The petitioner has also filed an application on 27.12.2023, for granting 520 days CCL, w.e.f. 09.01.2024 to 01.04.2025 but the same has stated to have neither been accepted nor rejected.

(7) Having considered above, this Writ Petition is disposed of with a direction to the respondent authority, particularly the respondent No.3 i.e. DEEO, Lakhimpur at North Lakhimpur to consider the case of the petitioner and to pass appropriate order, as per applicable Notification referred to above, within two (2) weeks from the date of the receipt of the certified copy of this order.

(8) The writ petition stands disposed of in terms of above.

JUDGE

Comparing Assistant