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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 7623 of 2026**

Smt. Manda Tiwari D/o Late Ashok Tiwari Aged About 38 Years Post Jail
Warder, Posted At Central Jail Bilaspur, R/o Jail Premises Bilaspur,
Distt- Bilaspur (C.G.)

... Petitioner**versus**

1 - State Of Chhattisgarh Through Secretary, Department Of Home
Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, Distt- Raipur
(C.G.)

2 - Director General Of Police, (Jail), Police Headquarter New Raipur,
Raipur, Distt- Raipur (C.G.)

3 - Jail Superintendent, Central Jail Bilaspur, Distt- Bilaspur (C.G.)

4 - Jailoy, Central Jail, Bilaspur, Distt- Bilaspur (C.G.)

... Respondent(s)**(Cause title is taken from Case Information System)**

For Petitioner : Mr. Ravi Kumar Bhagat, Advocate

For Respondents/ State : Mr. Ghanshyam Kashyap, Dy. G.A.

Hon'ble Shri Bibhu Datta Guru, Judge**Order on Board****16/10/2026**

- By the present writ petition, the petitioner seeks a direction to the respondents to grant and sanction Child Care Leave for a period

of 120 days, instead of 20 days, in accordance with Rule 38-C of the Chhattisgarh Civil Services (Leave) Rules, 2010 (for short, “the Rules of 2010”), along with all consequential service benefits.

2. (a) Learned counsel appearing for the petitioner submits that the petitioner was appointed as a Woman Warder at Central Jail, Bilaspur, vide appointment order dated 18.09.2006. He submits that the petitioner was blessed with twin children on 10.09.2025 and was initially granted Child Care Leave for the period from 13.04.2026 to 11.07.2026. Thereafter, this Court, vide order dated 21.07.2026 passed in W.P.(S) No. 5386 of 2026, granted her further 60 days of Child Care Leave. Learned counsel further submits that, considering the tender age of the children and their continued health issues, the petitioner sought a further 120 days of Child Care Leave; however, the competent authority, vide the impugned order dated 01.10.2026 (Annexure P/1), sanctioned only 20 days of leave. By referring to Rule 38-C of the Rules of 2010, learned counsel submits that a woman Government servant is entitled to Child Care Leave for a maximum period of 730 days during her entire service, subject to the conditions prescribed therein.

(b) Learned counsel, by further referring to Rule 38-C(4)(a) of the Rules of 2010, submits that such leave shall not be granted for more than three spells in a calendar year. He would further submit that the petitioner’s twin children, who are presently aged about one year, have been continuously suffering from health issues and

require regular hospital visits for medical check-ups. Learned counsel submits that, even after availing the aforesaid periods of leave, the petitioner is entitled to further Child Care Leave under the Rules of 2010, and there is no prescribed maximum limit on the number of days of such leave that may be granted in a calendar year, subject to the conditions stipulated therein. She, therefore, submits that, considering the tender age and medical condition of the petitioner's twin children, the impugned order restricting the leave to 20 days warrants interference, and prays that the petitioner be granted Child Care Leave for a longer period in accordance with Rule 38-C of the Rules of 2010.

3. On the other hand, learned State counsel submits that the petitioner's application seeking Child Care Leave has already been considered by the competent authority, which, vide order dated 01.10.2026, has sanctioned 20 days of Child Care Leave.
4. I have heard learned counsel for the parties and perused the material available on record.
5. From perusal of Rule 38-C of the Rules of 2010, it is evident that a woman Government servant may be granted Child Care Leave for a maximum period of 730 days during her entire service for taking care of her two eldest surviving children, subject to the conditions prescribed therein. Rule 38-C(4)(a) further provides that such leave shall not be granted for more than three spells in a calendar year. Thus, the entitlement to Child Care Leave is required to be

considered in accordance with the aforesaid Rules, keeping in view the prescribed conditions and the circumstances of the individual case.

6. In the present case, the petitioner has twin children aged about one year who, as per the medical documents placed on record, have been suffering from health issues and require regular medical check-ups. Thus, considering the tender age of the children, their medical condition and the petitioner's need to provide them with necessary care and attention, this Court is of the view that the petitioner deserves some further extension of Child Care Leave.
7. In view of the above, in addition to the 20 days of Child Care Leave already sanctioned by the competent authority, the petitioner is granted a further period of **80 days of Child Care Leave**, subject to the applicable Rules. The respondents are directed to take consequential steps in this regard, treating the petitioner to be on Child Care Leave for the said period.
8. Accordingly, the writ petition is **allowed** to the extent indicated above.

Sd/-
(Bibhu Datta Guru)
JUDGE