

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: May 14, 2018

+ **W.P.(C) 5143/2018 & CM 19942/2018**

BEENA ARORA Petitioner

Through: Ms. Madhumita Bhattacharjee,
Advocate

versus

DIRECTORATE OF EDUCATION AND ANR. Respondents

Through: Ms. Shadan Farasat, ASC with
Mr. Ahmed Said, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Impugned order of 26th February, 2018 (*Annexure P-1*) declines Child Care Leave (*hereinafter referred to as 'CCL'*) to petitioner while observing as under: -

“You have requested for CCL from 27.02.2018 to 10.05.2018. in this way, you have planned to resume duty on 11.05.2018 i.e. a couple of days before the closing of Summer Vacation. You are seeking CCL during the Critical time in an Academic Calendar when your presence is required for student you have been teaching. It would not be out of place to remind you that the leave period you have asked for is during the final examination of your student and the beginning of the new session. Both the periods are critical as far as your students are concerned.

You have been teaching the students from the beginning of the year and you are well aware of your students better than any other person, who if hired for the temporary period may not be able to guide students during exam time. Acceding to your request for granting CCL during exam Time will infringe interest of your students and will hamper their studies.

Keeping in mind interest of students, we regret that your leave from grant of Child Care Leave for the period from 24.02.2018 to 10.05.2018 cannot be acceded to.”

2. Impugned order of 26th February, 2018 (*Annexure P-1*) also relies upon Circular of 21st November, 2008, which provides that an employee can avail CCL only if there is no earned leave to his/her credit.
3. Learned counsel for petitioner submits that though the prayer for CCL has become infructuous, but the entitlement of employee needs to be clarified. Reliance is placed upon Office Memorandum of 7th September, 2010 (*Annexure P-2*), which clarifies the Circular of 21st November, 2008 to the extent that CCL can be availed even if an employee has earned leave. However, the aforesaid O.M. (*Annexure P-2*) reiterates that CCL is to be treated like earned leave and sanctioned as such.
4. Upon hearing and on perusal of impugned order and the material on record, I find that the denial of CCL to petitioner is justified for the reasons stated in impugned order. Reliance placed upon Circular of 21st November, 2008 is not sustainable as the said Circular stands clarified vide aforesaid O.M. (*Annexure P-2*).
5. To the aforesaid extent, impugned order stands modified, but the denial of CCL to petitioner is upheld.

6. This petition and the application are disposed of in aforesaid terms.

(SUNIL GAUR)
JUDGE

MAY 14, 2018

s

