

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18904 of 2015

Pranita Kumari, W/O- Ram Kripal Singh, resident of village- Naya Tola
Raghopur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Secondary Education Department of Education, Govt. of Bihar,
New Secretariat, Patna
3. The Regional Deputy Director Education, Patna Division, Patna
4. The District Education Officer, Patna
5. The District Magistrate-cum-Collector, Patna
6. The Head Master 102 High School, Salimpur Bakhtiyarpur, Dist.- Patna
7. The Chairman, Patna Zila Prasad, Patna
8. The Deputy Development Commissioner cum Chief Executive Officer,
Patna Zila Prasad, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Uday Pratap Singh, Advocate
For the State	:	Mr.AC to GP 2
For Zila Parishad	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the respondents.

The petitioner has approached this Court for a
direction to the respondents to sanction maternity leave in terms
of the rule applicable for such leave to the teachers.

Learned counsel appearing on behalf of the petitioner
would submit that in terms of the Rule the petitioner is entitled
to maternity leave for a period of 135 days.

Learned counsel for the respondents would submit



that earlier the petitioner had applied for 102 days leave on account of the fact that she was suffering from jaundice and now she is claiming maternity leave.

Under the Rules the Headmaster of the school is competent to take appropriate decision for sanction of leave. The leave to the tune of 135 days is admissible as maternity leave. The ailment of jaundice may be during the gestational period and if the period of ailment and the claim of the petitioner for maternity leave is in continuity, there is no reason to deny maternity leave as the rule permits grant of maternity leave to the extent of 135 days.

Considering the scheme under the rules and various enactments recognizing maternity leave as a valuable right of womanhood, the Court directs the respondents particularly, the Headmaster of the school in question to take appropriate decision for grant of maternity leave to the petitioner and take final decision at the earliest preferably within a period of 30 days from the date of receipt/production of a copy of this order.

It is made clear that the maternity leave is available for a period of 135 days and if the petitioner has availed leave within the maximum period of 135 days, the respondents have to gracefully accept the application and grant maternity leave to



the petitioner.

With the aforesaid, the writ petition stands disposed
of.

(Anil Kumar Upadhyay, J)

spandey/-

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