

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1287 OF 2019**

1. Dr. Kalpana Rathore W/o Mr. Suraj Rathore Aged About 30 Years R/o Village Portha, Tehsil Sakti, District Janjgir Champa Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary Of Department Of Health And Family Welfare, Mahanadi Bhavan, Capital Complex, Naya Raipur Chhattisgarh.
2. Director Directorate Of Health Services Indrawati Bhawan, Mantralay, New Raipur Chhattisgarh.
3. Chief Medical And Health Officer District Health Officer, Janjgir Champa Chhattisgarh.
4. Block Medical Officer, Community Health Centre Sakti, District Janjgir Champa Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Raza Ali, Advocate.
For Respondent-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25.02.2019**

1. Challenge in this petition is to the rejection of child care leave applied by the petitioner.
2. Perusal of record would show that the petitioner substantively is a contractual employee and her contract was for a period of two years.
3. According to counsel for the petitioner, since the claim for child care leave is equated at par with the maternity leave to an employee, the same should be extended to any employees working with the respondents irrespective of their status of either being a regular, contractual or an adhoc employee, it has to be uniformly made applicable to every employee.
4. This contention of the petitioner is hard to accept for the simple reason that under the scheme framed by the State Govt., the maximum leave that can be availed under the head child care leave is 730 days for upbringing of two children. If that be so, the entire contractual period of the petitioner

would be exhausted under the child care leave. At this juncture the counsel for the petitioner submits that since the petitioner had one child, she is entitled for atleast $\frac{1}{2}$ of the child care leave. If that be also accepted even then the petitioner would be entitled for child care leave of almost an year and since the contract itself is for a period of two years, the petitioner would not be working for $\frac{1}{2}$ of the contract period for which she was engaged.

5. In view of the same, this court is of the opinion that such benefits has been rightly rejected to such employees by the State Govt.. Moreover, the scheme of the State Govt. itself very specifically mentions that the claim for child care leave even by a regular employee is not as a matter of right.
6. The writ petition for the aforesaid reasons stands rejected.

Sd/-
(P. Sam Koshy)
Judge