

CWP-19842-2019 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-19842-2019 (O&M)
Date of decision : 22.07.2019**

Indu Rani

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Goyat, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The prayer in the present writ petition is for issuance of a direction to the respondents to grant Child Care Leave (CCL).

Petitioner is working as PGT Sanskrit with the department and has two children namely, Sunidhi and Harshit and submitted application dated 25.01.2019 for grant of Child Care Leave commencing from 16.04.2019 to 14.04.2021 i.e. for 730 days, in order to help her child, Harshit, who is studying in 10+1 Class in Non-Medical Stream. Respondent No.4 recommended the same to the office of Block Education Officer, vide letter dated 25.01.2019 and also endorsed the alternative arrangement. District Education Officer, Bhiwani/respondent No.3, forwarded the request to the Director, Secondary Education Haryana, Panchkula/respondent No.2, vide letter dated 21.02.2019.

Learned counsel submits that the case of the petitioner is covered by the instructions dated 05.02.2010, 05.11.2012 and 01.02.2016

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(Annexure P-4 Colly), but the Department granted leave for only 32 days w.e.f. 02.07.2019 to 02.08.2019. The instructions permit leave for two years (730) days, during the entire service for taking care of two eldest surviving children below the age of 18 years only.

I have heard learned counsel for petitioner and appraised the paper book. Instructions, Annexure P-4, do not envisage grant of leave for 30 days. It permits for first and second child for a period of 730 days upto 18 years, i.e., maximum of two years. This Court cannot sit over the decision making process of the Director, in the process of Child Care Leave. Since the instructions do not permit the petitioner to avail the leave for the period mentioned above, sanctioning of 30 days leave instead of 730 cannot be said to be fallacious and arbitrary or against the instructions. The Department shall consider the case of the petitioner regarding sanction of further Child Care Leave, in accordance with law.

Writ petition stands disposed of.

The petitioner shall be at liberty to apply for leave within the parameters of the instructions already issued or issued from time to time.

22.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No