

CWP-23070-2019 (O&M)

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

**CWP-23070-2019 (O&M)
Date of decision : 28.08.2019**

Poonam Gupta

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Subhash Rana, 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 Home Science with the Education Department and has two sons and submitted application dated 30.05.2019 for grant of Child Care Leave commencing from 10.07.2019 to 30.04.2020 (296 days), in order to help their sons, who are studying in 11th and 12th Class and perusing for competitive examination at Panchkula. District Education Officer, Ambala/respondent No.3, forwarded the request to the Director, Secondary Education Haryana, Panchkula/respondent No.2, vide letter dated 24.06.2019.

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, but the Department granted leave for only 31 days w.e.f. 01.08.2019 to 31.08.2019. The instructions permit leave for two years (730) days, during

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the entire service for taking care of two eldest surviving children below the age of 18 years only. In support of his contentions, relies upon decision dated 10.10.2017 of this Court rendered in **CWP No.21506 of 2017** titled as **“Dr. Kanchan Bala V/s State of Haryana and others”** (Annexure P-4).

He further submits that petitioner has already submitted application for extension of leave dated 19.08.2019 (Annexure P-5).

I have heard learned counsel for petitioner and appraised the paper book. Instructions, aforementioned, do not envisage grant of leave for 31 days and 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. Accordingly, the Department shall consider application of petitioner dated 19.08.2019 (Annexure P-5) regarding sanction of further Child Care Leave, in accordance with law and if found to be covered, shall accord relief as sought.

Writ petition stands disposed of.

28.08.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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