

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4540-2020 (O&M)
Date of Decision: 18.02.2020

Suman Devi

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Petitioner in person.

Mr. Kiran Pal Singh, AAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner appears in person. She has been heard and the case paper book has been perused.

Petitioner is serving on the post of P.T.I and is presently posted at Govt. High School, Dariyapur, district Jhajjar.

A Writ of Mandamus is sought for issuance of directions to the respondent authorities to sanction in her favour Child Care Leave for the period 6.2.2020 to 4.5.2020.

It has been averred that petitioner's only child is studying in 10th class and is to appear in the 10th class C.B.S.E Examination Session 2019-2020 commencing w.e.f. 20.2.2020. Petitioner has urged that there is no other member in the family who can take care of the son and under such circumstances an application had been moved for seeking Child Care Leave. It is further argued that even though, no specific order has been passed rejecting the claim of the petitioner, yet, a general order dated 3.2.2020 (Annexure P-3) has been passed by the Director General, Secondary Education, Haryana stating that in the best interest of the studies of the students and the annual examination of 2020, no further Child Care Leave

case be dealt with up to 31.3.2020.

Prima facie, this Court is of the view that the request of the petitioner seeking Child Care Leave for the period in question has to be dealt with individually, on merits and in the light of Rule 46 of the Haryana Civil Services (Leave) Rules, 2016. Such right of consideration for Child Care Leave under the statutory rules, cannot be defeated by virtue of a blanket order as has been passed by the Director General, Secondary Education, Haryana at Annexure P-3.

In view of the above, I deem it appropriate to dispose of the instant writ petition with a direction to respondent no.2 to examine the claim of the petitioner for grant of Child Care Leave in accordance with law and as per the relevant provisions governing the aspect i.e. Rule 46 of the Haryana Civil Services (Leave) Rules, 2016.

A final decision be taken within a period of five days from today and be conveyed to the petitioner.

A copy of this order be furnished to learned State counsel under the signatures of Bench Secretary to ensure necessary compliance.

(TEJINDER SINGH DHINDSA)
JUDGE

18.02.2020
lucky

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