

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

**CWP-5947-2020 (O&M)**  
**Date of Decision: 03.03.2020**

Anita Devi

--Petitioner

Versus

State of Haryana & others

--Respondents

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

Present:- Mr. R.K. Doon, Advocate for the petitioner.

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**TEJINDER SINGH DHINDSA.J (Oral)**

Petitioner is presently posted and working as P.G.T (Economics) at Govt. Senior Secondary School, Rajjipur, District Panchkula.

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 24.2.2020 up to 22.5.2020.

It has been averred that the petitioner's second child (male) is to appear in the 10<sup>th</sup> class CBSE Examination Session 2019-2020 commencing w.e.f. 20.2.2020 and for which purpose Child Care Leave had been applied for.

Counsel submits 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-2) has been passed by the Director General (SE), Haryana stating that in the best interest of the studies of the students and annual examination of 2020, no further Child Care Leave be dealt with up to 31.3.2020. Counsel raises a plea of arbitrariness stating that the respondent authorities are adopting a pick and choose policy and adverts to the orders placed on record at Annexures P-5 and P-6 dated 14.2.2020 and

12.2.2020 issued by the Director General (SE), Haryana granting Child Care Leave in favour of Smt. Anita, PGT (Home Science), Govt. Senior Secondary School, Sultanpur (Hisar) and Smt. Geeta Chahal, PGT (English), Govt. Senior Secondary School, Patel Nagar, Hisar.

Having heard counsel at length and having perused the pleadings on record, this Court is prima facie of the view that the action of the respondent authorities is arbitrary. That apart, 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 (SE), Haryana at Annexure P-2.

In view of the above, I deem it appropriate to dispose of the instant 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 provision 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. Needless to observe that while taking a final decision respondent no.2 would be mindful of the orders at Annexures P-5 and P-6 granting Child Care Leave in favour of Smt. Anita, PGT (Home Science) and Smt. Geeta Chahal, PGT (English) on 14.2.2020 and 12.2.2020 inspite of the general order dated 3.2.2020 at Annexure P-2.

Petition is disposed of.

A copy of this order be furnished to Mr. Kiran Pal Singh, AAG, Haryana under the signatures of Bench Secretary to ensure necessary compliance.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**03.03.2020**

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