

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6890 of 2022

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Nilu Kumari wife of Rishikesh Kumar, resident of Village Imliya Jasauli, P.S. Kathaiya District Muzaffarpur, At present working as Block Teacher Rajkiye Upgraded Middle School Goha Dhanauti Motipur Block P.S. Kathiya District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Education Government of Bihar, Patna.
2. The Director Primary Education, Bihar, Patna.
3. The District Education Officer Muzaffarpur.
4. The Headmaster Rajkiya Upgraded Middle School, Goha Dhanauti Block Motipur, District Muzaffarpur.
5. The Block Education Officer Motipur District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Respondent/s : Mr. Jai Prabhat Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 17-04-2023 Heard the parties.

2. The present writ application has been filed by the petitioner for grant of maternity leave as per Maternity Benefit (Amendment) Act, 2017.

3. Learned counsel for the petitioner submits that the petitioner utilized the third maternity leave from 10.07.2017 to 01.10.2017 and during the aforesaid period, she gave birth to a male child on 27.09.2017. The contention of the petitioner is that the Respondents-authority is not granting maternity leave for the aforesaid period between 10.07.2017 to 01.10.2017 and



treating the petitioner as absent.

4. The petitioner has filed a representation in this regard before the Respondent No.5, the Block Education Officer, Motipur, District Muzaffarpur *vide* Annexure-2 to the writ application which is still pending.

5. Despite having been given time to file counter affidavit, no counter affidavit has been filed by the State.

6. In view of nature of dispute, the Respondent No.5, the Block Education Officer, Motipur, District Muzaffarpur is directed to decide the representation of the petitioner in accordance with the provision of law as well as the order passed by this Court in CWJC No. 2197/2018 (Annexure-5) by a reasoned order. The representation must be disposed within a period of two months from the date of receipt/production of a copy of this order.

7. With the aforesaid observation and direction, the petition stands disposed of.

(Anil Kumar Sinha, J)

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