



WEB COPY



W.P.No.9573 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

**W.P.No.9573 of 2021 and**  
**W.M.P.Nos.10167 & 10168 of 2021**

Mrs.Bharti Jain

... Petitioner

Vs.

1.Atomic Energy Education Society,  
Rep by the Secretary,  
Anushakti Nagar,  
Mumbai 400 094.

2.The Assistant Administrative Officer,  
Atomic Energy Education Society,  
Anushakti Nagar,  
Mumbai 400 094.

3.The Principal,  
Atomic Energy Central School - 1,  
Kalpakkam.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order No.AEES/E&V/BJ/TGT(SR.SC.)AECS-1/KALP/2020-21/795 dated 26.03.2021 issued by the second respondent and quash the same and direct the respondents to sanction Child Care Leave from 04.02.2021 to 30.04.2022.



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For Petitioner : Ms.S.Meenakshi  
For Respondents : Mr.V.Vijayshankar

**ORDER**

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order No.AEES/E&V/BJ/TGT(SR.SC.)AECS-1/KALP/2020-21/795 dated 26.03.2021 issued by the second respondent, quash the same and direct the respondents to sanction Child Care Leave from 04.02.2021 to 30.04.2022.

2. Heard Ms.S.Meenakshi, learned counsel for the petitioner and Mr.V.Vijayshankar, learned counsel for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner had applied for Child Care Leave for which she is entitled to. She said to have got 730 days of Child Care Leave, out of which, she has sought only 454 days of leave. The petitioner's earlier Child Care Leave application was rejected during June 2020. Thereafter, she continued to attend School. Subsequently, she applied EOL from 04.02.2021 to



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30.04.2022. The show cause notice dated 24.03.2021 has been issued calling for explanation from the petitioner by considering her absence as willful absence.

4. The learned counsel for the respondents submitted that the petitioner had already filed another Writ Petition in W.P.No.7543 of 2021, challenging the rejection of her Child Care Leave application and the same is pending. In the show cause notice, it is stated that despite her leave not sanctioned, she remained absent from 04.02.2021 and the same has been considered as an unauthorized absence. The petitioner has been called for to submit her explanation.

5. Since the show cause notice is just at nascent stage and the petitioner has filed another Writ Petition challenging the order of rejection of her leave, it is premature at this stage to challenge the show cause notice without offering any explanation. Even if the petitioner is entitled for any leave, the leave can be availed only after it is granted. The allegation made against the petitioner is that she started to remain absent



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as though the leave was granted to her. Though it is right on her part to challenge the rejection of her leave application stating that it is her entitlement, it is premature to challenge the show cause notice stating that it is illegal or in other words the relief claimed by the petitioner in the present Writ Petition is only consequential to the relief if any that might be granted to the petitioner in the another Writ Petition filed by her challenging the order of rejection.

6. In view of the above stated reasons, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petitions are closed.

**13.03.2024**

Index : Yes /No  
Speaking / Non-speaking  
Neutral Citation : Yes / No  
gsk



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To

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**R.N.MANJULA, J.**

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**13.03.2024**