

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1382 of 2025

Manjula Sharma Wife of Rajeev Kumar Resident of Village-Neema Post
Office-Daudnagar P.S. Daudnagar District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Education Officer, Patna.
5. The District Program Officer (Establishment), Patna.
6. The Block Education Officer, Block-Dulhin Bazaar, Patna.
7. The Headmaster, School-Uchcha Madhyamik Vidyalaya Lala Bhadsara, District-Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashank Chandra
For the Respondent/s : Mr. Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for seeking
following reliefs:

“ For issuance of a Writ in the nature of a Writ of Mandamus, or any other appropriate Writ Order; direction, commanding the Respondent Authorities to forthwith sanction the maternity leave of the Petitioner from 01.02.2025 to 30.07.2025 on the basis of the application submitted by the Petitioner to the Respondent No. 4 and 5 in terms of the instruction of Respondent No. 2 as contained in his Letter no. 17 dated 02.01.2024 wherein the Respondent



No. 2 under Clause 2(ii) has clearly prescribed that a female government servant can avail 120 days of Maternity Leave for 2 child and also by taking into consideration that grant of maternity leave ensures a working lady overcomes the state of motherhood honorably, peaceably and undeterred by the fear of being victimized for force absence from working during pre and post-natal period.”

3. Brief facts of the case are that the petitioner was posted at Uchcha Madhyamik Vidyalaya Lala Bhadsara, Block-Dulhinbazar, District-Patna as a Teacher and has been continuously discharging her duties to the utmost satisfaction of authorities. The petitioner had applied for maternity leave before the concerned Respondent for the period of 01.02.2025 to 30.07.2025, however, the petitioner did not receive any response from the concerned authority.

4. A supplementary affidavit has been filed on behalf of the petitioner stating therein that the on the date of joining of the petitioner, she was not pregnant, whereas the petitioner conceived in mid of June 2024; however, due to an inadvertent typographical mistake, a statement has been made at para 9 that the petitioner on the date of joining was pregnant has been erroneously inserted.

5. Learned counsel for the petitioner submits that it is an admitted fact that the petitioner has not taken any maternity



leave. Thereafter, the petitioner filed an application for maternity leave, but the application was rejected on the ground that the petitioner has already three children.

6. A counter affidavit has been filed on behalf of the Respondent No.5 in which it is stated that the petitioner is not entitled for maternity leave as she has already three children. It is further stated that as per the Rule, the State Government has granted maternity leave to the State Government's Female Employees only for two children.

7. Considering the arguments advanced on behalf of the parties and perusing the records, the Court is of the view that it is an admitted fact that the petitioner has not availed maternity leave during her service, as such she is entitled for maternity leave for 180 days.

8. With the aforesaid direction, the writ petition stands disposed of.

(Anjani Kumar Sharan, J)

anand/-

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