



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

Serial No. 117

CWP-24935-2025

Decided on: 03.09.2025

Vespa Dela

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Lalit Pardhan, Advocate, for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,  
Haryana.**TRIBHUVAN DAHIYA, J.(ORAL)**

This petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 14.07.2025, Annexure P-1, whereby the petitioner's request for Child Care Leave has been declined on the ground that no alternate JBT teacher is available.

2. Learned counsel contends that the petitioner is working as JBT teacher in Government Model Sanskriti Primary School at Panchkula and needs the Child Care Leave (CCL) to take care of her son who is preparing for National Defence Academy (NDA) examination to be conducted by the Union Public Service Commission in December 2025. Besides, her mother-in-law is suffering from Coronary Artery Disease with Double Vessel Disease (CAD-



DVD) as per Chronic Disease Certificate dated 01.04.2022, Annexure P-7, and she needs to take care of her. And her father-in-law has also undergone knee replacement surgery on 05.06.2025. In that regard, a reference has been made to his discharge summary, dated 09.06.2025, issued by Kaddam Multispeciality Hospital, Annexure P-8. He further contends that the petitioner has a right to avail CCL under the Haryana Civil Services (Leave) Rules, 2016 (hereinafter referred to as 'the 2016 Rules'), as all the admissible leaves have not been availed by her so far. He has also relied upon a judgment rendered by this Court in CWP No.21506 of 2017 titled *Dr. Kanchan Bala v. State of Haryana and others*, to support his contention.

3. Learned State counsel has received instructions from the sixth respondent/School, vide memo dated 03.09.2025; a photocopy whereof has been retained on the case file as Annexure 'A'. The instructions are as under:

6. It is worthwhile to mention here that the respondent institution fully acknowledges the object and social purpose of Child Care Leave-to enable mothers to balance childcare and service obligations. In this spirit, the petitioner has already been granted approximately 400 days of CCL (Annexed P-1) in the past, with multiple extensions thereby securing ample opportunity to discharge her maternal duties. However, even this benevolence has its legal and practical limits. At present, when the institution is already grossly understaffed, any further extension will hamper, prejudice, and fundamentally undermine the educational rights of students. As custodians of both law and public duty, the respondents cannot prioritize one individual's convenience over the collective interest of hundreds of children, staff members, and stakeholders.

7. That it is relevant to mention here that the petitioner is a class teacher of 2nd class where there is more than 50 students and two teachers are taking classes as per the norms and she is



also responsible for Foundational Literacy and Numeracy programme which is for the benefit of class 1 to 3rd class and according to Right of Children to Free and Compulsory Education Act, 2009 mandates that the Pupil-Teacher Ratio (PTR) must be maintained in all schools which is 30:1. therefore there is no alternate available of her as only 7 regular JBT teachers are working in the school whereas 8 sectioned post are there in the school one JBT teacher is working on temporarily deputation due to the workload in the school hence the case of the petitioner for grant of CCL is not sent to the higher authority as the classes are suffering due to her absence in the school.

3.1. She further contends that the petitioner has already availed about four hundred days' CCL so far. And the school where she is working is grossly understaffed. Therefore, at this stage it is not feasible to accept her request for grant of more leaves for another three hundred fourteen days.

4. Submissions made by learned counsel for the parties have been considered.

5. The entitlement to CCL of the employees is determined in terms of the 2016 Rules, wherein sub rule 2 and 11 of Rule 46 read as under:

46. Grant of Child Care Leave.—

(2) Child care leave shall not be demanded as a matter of right and no one can, under any circumstances, proceed on child care leave without prior proper sanction of the leave by the competent authority.

(3) to (10) xxx xxx

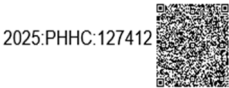
(11) Child care leave will be allowed to women Government employees with the intention to facilitate them to take care of their children at the time of need but it does not mean that child care leave shall disrupt the functioning of the offices/ institutions/schools etc. Therefore, it shall be the duty of sanctioning authority to keep this in view.



It is, therefore, apparent that employees have no absolute right to avail CCL. The leave has been provided to facilitate them to take care of their children in the time of need, provided functioning of the office/institution/school they are working in is not disrupted.

5.1. As per the facts brought on record, the petitioner has already availed about four hundred days of CCL so far. She is class teacher of second class consisting of more than fifty students, and two teachers have to be there to maintain student-teacher ratio of 30:1. There is shortage of staff and her substitute is not available. And she is also needed for other administrative duties in the School. Accordingly, it has not been considered feasible to further extend leave for the petitioner. Keeping in view these facts and paramount interests of the students, this Court finds no justification to interfere with the impugned order. It can also not be lost sight of that her son is a grown-up boy studying in class twelve, and it is not a case that he needs immediate critical care or whole time attention. Besides, the petitioner cannot be permitted to proceed on CCL on the ground that elderly in the family are not keeping well. The chronic disease of her mother-in-law, CAD-DVD, or knee replacement surgery undergone by her father-in-law, cannot be a ground to permit CCL to the petitioner as it is meant to enable women government employees only to take care of their minor children.

6. The judgment in *Dr. Kanchan Bala* case (*supra*) also does not advance the petitioner's case in any manner as the same has been rendered on peculiar facts. The petitioner therein was being denied CCL due to insufficient medical specialists available in the concerned hospital, whereas it was found that the Government itself was responsible for delay in recruitment of more medical specialists. Therefore, holding that the Government could not be



allowed to take advantage of its own fault, the leave was granted. In the instant case, however, the petitioner has already availed about four hundred days of CCL and any further extension has not been considered justified keeping in view the teaching and administrative requirements of the School where she is working.

7. Accordingly, finding no merit in the petition, it stands dismissed.

03.09.2025  
Mehak/Maninder

(TRIBHUVAN DAHIYA)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether reportable?        | Yes/No |