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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11903/2025 & CM APPL. 48517/2025**

SANGEETA NEGI

.....Petitioner

Through: Mr. Sermon Rawat, Mr. Vikas Rathor, Advocates.

versus

**BHARTI PUBLIC SCHOOL, THROUGH ITS MANAGER &
ORS.**

.....Respondents

Through: Mr. Yeeshu Jain, Ms. Jyoti Tyagi,
Ms. Priya Shukla, Advocates for
DoE.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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08.08.2025

1. The petitioner, who is a teacher in respondent No. 1 – Bharti Public School [“the School”] has filed this petition under Article 226 of the Constitution, for a direction upon the School to grant her Child Care Leave [“CCL”].

2. Admittedly, there are no Contractual or Service Rules which provide for grant of CCL. Mr. Sermon Rawat, learned counsel for the petitioner, seeks to take the benefit of Section 10 of the Delhi School Education Act, 1973 [“the Act”], which entitles an employee of a recognised private school to similar scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits, as granted to their counterparts in government schools.



3. However, a judgment of a coordinate bench in *Beena Arora v. Directorate of Education & Anr.* [2017 SCC OnLine Del 7600] [hereinafter, “*Beena Arora*”], specifically holds that CCL is not covered under Section 10 of the Act. In *Beena Arora* also, the Court was concerned with a teacher’s request for CCL, seeking to take the benefit of Section 10 of the Act. The coordinate bench noticed a Division Bench judgment of this Court in *M.I. Hussain v. Director of Education* [LPA 592/2013, decided on 21.03.2014] [hereinafter, “*M.I. Hussain*”], which holds that the phrases employed in Section 10 must be construed *ejusdem generis*, and that the benefits under Section 10 pertain to facilities which have the “*character of money*”. On this basis, the Division Bench held that a Librarian in a school was not entitled to parity with teachers in terms of their retirement age. Following the principle laid down in *M.I. Hussain*, the Coordinate Bench in *Beena Arora* held as follows:

*“3. In the present case, it is not the case of the petitioner that the Child Care Leave if not taken can be converted into monetary benefits such as leave encashment etc. Therefore since Child Care Leave cannot be converted into monetary benefits in view of the ratio of the Division Bench judgment of this Court in the case of M.I. Hussain & Anr. (supra), **petitioner hence cannot claim benefit of Child Care Leave by seeking application and benefit of Section 10 of the Act.**”*

4. In view of the above discussion, and because of the ratio of the Division Bench judgment of this Court in the case of M.I. Hussain (supra) which interprets ‘prescribed benefits’ under Section 10 of the Act only to mean monetary benefits, and that since Child Care Leave is not convertible into monetary benefits by encashment thereof, this writ petition therefore is liable to be and is accordingly dismissed, leaving the parties to bear their own costs.”

[Emphasis supplied.]

4. In view of the binding decision in *Beena Arora*, which decides the very same issue, I am unable to come to the assistance of the petitioner in



the present case.

5. The writ petition, alongwith pending application, is therefore dismissed.

PRATEEK JALAN, J

AUGUST 8, 2025

'Bhupi/KA'