IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19615 of 2026

Decided on: 2nd November, 2026

Poonam **.....Petitioner**

Versus

State of H.P. and others **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Vinod Chauhan, Advocate.

For the Respondents: Ms. Menka Raj Chauhan, Deputy Advocate General.

Jyotsna Rewal Dua, Judge

Notice. Ms. Menka Raj Chauhan, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

Considering the grievance of the petitioner raised herein, the documents appended as well as the decisions relied upon by the petitioner and the facts already noticed in the order dated 21.10.2026 (Annexure P-2) passed by respondent No.4, there is no necessity to call for

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

reply from the respondents. Matter has accordingly been heard at this stage.

2. The case set up by the petitioner, as canvassed by her learned counsel, is that petitioner gave birth to her first child before joining the service of the respondents. Petitioner joined the services of the respondent-Education Department in the year 2017. She gave birth to her second child on 23.09.2021 and availed maternity leave in accordance with law. Petitioner was blessed with her third child on 29.09.2026. Her grievance is that her application for maternity leave has been rejected by respondent No.3 on 21.10.2026 in view of Rule 43(1) of the Central Civil Services (Leave) Rules, 1972.

3. Learned counsel for the petitioner places reliance upon ***Archana Sharma Vs. State of H.P. & Ors***[2]. In the said case also, the petitioner therein had claimed maternity leave in respect of her third child, although the prayer for grant of leave was made for the birth of the third child for the first time in service. The Court, placing reliance upon the judgments of the Hon'ble Apex Court in ***Deepika Singh Vs. Central Administrative Tribunal***[3]

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[2] CWP No. 10589/2025 decided on 30.07.2025
[3] (2023) 13 SCC 681

and ***K. Umadevi Vs. Government of Tamil Nadu & Ors.***[4] directed the respondents to grant maternity leave to the petitioner (therein) for the birth of her third child.

4. Letters Patent Appeal preferred by the respondents against *Archana Sharma*[2] though had been admitted by the Hon'ble Division Bench on 12.12.2025, however, the prayer made by the State for staying the operation of the judgment dated 30.07.2025, passed in *Archana Sharma*[2], has been dismissed. The order reads as under: -

> *"LPA No. _____ of 2025*
>
> *Appeal be registered. Notice. Mr. Karan Kapoor, Advocate, accepts notice on behalf of the respondent.*
>
> *Keeping in view the controversy in issue, the appeal is admitted.*
>
> *CMP No..... of 2025 (CMPST No.65250 of 2025)*
>
> *Keeping in view the fact that the respondent had given birth to two children prior to induction in service and the issue pertains to the third child, who was born, after joining service, we do not find any plausible reason to stay the operation of the impugned judgment dated 30.07.2025 passed in CWP No.10589 of 2025. Accordingly the application is dismissed."*

5. In the given facts and circumstances, keeping in view the decisions referred to above, the impugned order dated 21.10.2026 (Annexure P-2) is quashed and set aside.

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[4] Civil Appeal No. 2526/2025 decided on 23.05.2025

Respondent No.2/competent authority is directed to decide the case of the petitioner seeking maternity leave for her third child in light of *Archana Sharma*[2] in accordance with law within a period of two weeks from today, i.e. by or before ***17.11.2026***. The order so passed be also communicated to the petitioner.

The writ petition stands disposed of in the above terms, so also the pending miscellaneous application(s), if any.

Jyotsna Rewal Dua
Judge

November 02, 2026
Mukesh