IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.19516 of 2026

Decided on: 30.10.2026

Sheetal Kumari **.....Petitioner**

Versus

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

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Rajesh K Sharma, Advocate.

For the Respondents: Mr. Sikandar Bhushan, Deputy Advocate General

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Jyotsna Rewal Dua, Judge

Notice. Mr. Sikandar Bhushan, 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 decision relied upon by the petitioner, there is no necessity to call for reply from the respondents. The matter has accordingly been heard at this stage.

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

2. The case set up by the petitioner, as canvassed by her learned counsel, is that the petitioner gave birth to her first child before joining the service of the respondents. Petitioner was appointed as Lecturer (History) in the respondent Education Department on 16.09.2021. She gave birth to her second child on 25.07.2022 and availed the maternity leave in accordance with law. Petitioner is now expecting her third child. Her grievance is that she has applied for maternity leave on 23.10.2026 (Annexure P-3), however, the same is not being considered and decided in accordance with law.

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] and **K. Umadevi Vs. Government of Tamil Nadu & Ors.**[4]

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[2] CWP No. 10589/2025 decided on 30.07.2025
[3] (2023) 13 SCC 681
[4] Civil Appeal No. 2526/2025 decided on 23.05.2025

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 circumstances, the respondents are directed to decide aforesaid representation 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, that is, by or before **13.11.2026.** Order so passed be also communicated to the petitioner.

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

Jyotsna Rewal Dua
Judge

October 30, 2026
R.Atal