



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

113

CWP-5232-2026

Date of Decision:06.03.2026

JYOTSNA SINGH

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Kanwal Goyal, Advocate and
Ms. Shruti Jain Goyal, Advocate with
Ms. Anagya Chauhan, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to grant Child Care Leave (CCL) to the petitioner from 20.02.2026 to 09.04.2026.

2. Learned counsel contended that the petitioner applied for CCL vide application dated 27.11.2025, Annexure P-11, from 01.01.2026 to 09.04.2026. The Department, however, granted CCL only for thirty days from 01.01.2026 to 30.01.2026, vide office order dated 29.12.2025, Annexure P-13. Since the petitioner's son is appearing for Class 12th (non-medical) examination and her husband is presently posted at Sirsa, she wished to remain with her son during the examination and submitted another application dated 19.01.2026, Annexure P-14, seeking CCL for another sixty-nine days, 31.01.2026 to 09.04.2026, which has not been accepted. He has also relied



upon the judgment dated 10.10.2017, rendered by this Court in CWP-21506-2017 titled *Dr. Kanchan Bala v. State of Haryana and others*, to contend that the petitioner is entitled to leave in terms of the law laid down therein.

3. Learned State counsel has received instructions from the second respondent/Director General, Higher Education, vide memo dated 06.03.2026, which is retained on the case file as Annexure 'A'. She referred to the following part of the instructions:

1. Dr. Jyotsana Singh has already availed 135 days of Child Care Leave (CCL) during the academic session 2025-2026.
2. She has been regularly availing CCL for the past seven years. Prior to this, she had also availed study leave. The frequent and prolonged absence has adversely affected the academic functioning of the department (Letter of Principal and copy of orders attached at Annexure-'A').
3. She is the sole faculty member in the Department of Political Science. In the interest of the students and to ensure the smooth conduct of the complete academic session, granting further CCL at this stage would neither be appropriate nor academically feasible. The workload statement for the subject of Political Science is enclosed herewith (Annexure-'B').

In this regard, it is also submitted that the competent authority has sanctioned Child Care Leave from 01.01.2026 to 30.01.2026. Further, it is also mentioned that Child Care Leave is not a matter of right and it is given to take care of child's urgent needs and she has already availed 655 days of Child Care Leave till date.

4. Heard.

5. It is evident on record that the petitioner has been granted CCL by the Department from time to time and has already availed 655 days leave so far, of which 135 days is in the current admission session. Considering her



latest application also, the Department allowed her CCL for thirty days from 01.01.2026 to 30.01.2026. The grant of further leave has not been considered feasible keeping in view the adverse effect it would have on the academic functioning of the Department of Political Science, where the petitioner is working as lone faculty member. Her primary duty is to teach. This, undoubtedly, is to be balanced with her responsibilities towards her minor child, for which CCL has been provided. But availing such leave is not an absolute right; Rule 46 of the Haryana Civil Service (Leave) Rules, 2016, itself underlines thus. It reads as under:

46. Grant of child care leave -

A competent authority may grant child care leave to a woman Government employee subject to following conditions:-

(1) xxx xxx xxx

(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 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.

Apparently, the Rule entitles women employees to CCL but without disruption to functioning of the institution; a duty has been enjoined upon the sanctioning authority to keep it in mind while sanctioning the leave. Hence, true import of the Rule is to synthesize an employee's familial needs with

academic and administrative requirements of the institution. Keeping these aspects in view, the petitioner has been partially sanctioned CCL which cannot, therefore, be taken exception to. Further, 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 655 days of CCL and any further extension has not been considered justified keeping in view the teaching requirements of the Department where she is working.

6. In view thereof, there is no merit in the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

06.03.2026
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>