



2026:AHC:165541

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10216 of 2026

Smt. Sashi Kumari

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anchal Ojha
Counsel for Respondent(s)	:	Nagendra Kumar Pandey, C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner, Mr. Nagendra Kumar Pandey, learned counsel for respondent nos.2 and 3 as well as Mr. Anuradha Sundaram, learned Additional Chief Standing Counsel for the State.

2. The instant writ petition has been filed challenging the order dated 19.06.2026 passed by respondent no.2 vide which the claim for maternity leave for fourth child has been rejected and a further prayer to direct the respondent no.2 to grant the 6 months maternity leave to the petitioner as per law.

3. Learned counsel for the petitioner submits that the petitioner has not availed any leave on the birth of the other three children and is entitled for the maternity leave benefit for the fourth child as she is availing the aforesaid for the first time, therefore, the impugned order is arbitrary and bad in the eyes of law.

4. On the other hand the learned Additional Chief Standing Counsel for the State emphasizing upon page no.12 of the writ petition submits that the petitioner has already availed the maternity leave.

5. On the basis of instructions which are passed on to the Court today and kept on record, learned counsel for respondent nos.2 and 3 submits that as per the Financial Hand Book's Volume II - Part 2 to 4 (Chapter-10), the petitioner is not entitled for any maternity leave for the fourth child. The following is reproduced herein below:

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मातृत्व (प्रसूति) अवकाश
(वित्तीय हस्त पुस्तिका खण्ड दो भाग 2 से 4 के अध्याय-10)

अहर्ता:-

4- मातृत्व (प्रसूति) अवकाश

प्रसूति अवकाश स्थायी अथवा अस्थायी महिला सरकारी सेवकों को निम्न दो अवसरों पर प्रत्येक के सम्मुख अंकित अवधि के लिए निर्धारित शर्तों के अधीन प्रदान किया जाता है।

1- प्रसूति के मामलों में

प्रसूतावस्था पर अवकाश प्रारम्भ होने के दिनांक से 180 दिन तक। अन्तिम बार स्वीकृत प्रसूति अवकाश के समाप्त होने के दिनांक से दो वर्ष व्यतीत हो चुके हों, तभी दुबारा प्रसूति अवकाश स्वीकृत किया जा सकता है। यदि किसी महिला सरकारी सेवक के दो या अधिक जीवित बच्चे हो तो उसे प्रसूति अवकाश स्वीकृत नहीं किया जा सकता, भले ही उसे अवकाश अन्यथा देय हो।

2- गर्भपात के मामले में

गर्भपात के मामलों में, जिसके अन्तर्गत गर्भश्राव भी है, प्रत्येक अवसर पर 6 सप्ताह तक। अवकाश के प्रार्थना पत्र के समर्थन में प्राधिकृत चिकित्सक का प्रमाणपत्र संलग्न किया गया हो। गर्भपात / गर्भश्राव के प्रकरणों में अनुमन्य मातृत्व अवकाश के सम्बन्ध में अधिकतम तीन बार अनुमन्य होने का प्रतिबन्ध शासन के पत्रांक संख्या -4-84/दस-90-216-79 दिनांक 3 मई 1990 द्वारा प्रसारित अधिसूचना द्वारा समाप्त कर दिया गया है।

शांदेश सं०: जी-4-394-दस-216-79, दिनांक 4 जून 1990"

6. Learned counsel for respondent nos.2 and 3 further contends that the petitioner is not entitled for any maternity leave for the fourth child, hence no interference is required and the writ petition is liable to be dismissed.

7. In view of the above, no interference is required by this Court.

8. Accordingly, the writ petition is **dismissed**.

9. This Court finds that the writ petition has been filed annexing only the typed copies of the documents, not placing the photostat copies of the original documents which makes it difficult for the Court to decide on the issues as the typed copies contain certain typing errors, which have to be verified by the photostat copies of the relevant documents.

10. The Reporting Section is directed to raise objection in this regard and see that the writ petitions are filed with proper photostat copies of the documents which have been annexed along with the writ petition.

11. Let the copy of this order be placed before the Registrar General of this Hon'ble Court for necessary directions to the Reporting Section.

(Mrs. Manju Rani Chauhan, J.)

August 7, 2026

K.N.