

(2018) 05 DEL CK 0158

In the Delhi High Court

Case No : W.P.(C) 5143 OF 2018 & CM 19942 OF 2018

BEENA ARORA

APPELLANT

Vs

DIRECTORATE OF EDUCATION AND ANR.

RESPONDENT

Date of Decision : 14-05-2018

Acts Referred:

Citation : (2018) 05 DEL CK 0158

Hon'ble Judges : SUNIL GAUR

Bench : Single Bench

Advocate : Madhumita Bhattacharjee, Shadan Farasat, Ahmed Said

Final Decision : Disposed Of

Judgement

@GMENTTAG-JUDGMENT

1. Impugned order of 26th February, 2018 (Annexure P-1) declines Child Care Leave (hereinafter referred to as 'CCL') to petitioner while

observing as under: - 'You have requested for CCL from 27.02.2018 to 10.05.2018. In this way, you have planned to resume duty on

11.05.2018 i.e. a couple of days before the closing of Summer Vacation. You are seeking CCL during the Critical time in an Academic

Calendar when your presence is required for student you have been teaching. It would not be out of place to remind you that the leave period

you have asked for is during the final examination of your student and the beginning of the new session. Both the periods are critical as far as

your students are concerned. You have been teaching the students from the beginning of the year and you are well aware of your students

better than any other person, who if hired for the temporary period may not be able to guide students during exam time. Acceding to your

request for granting CCL during exam Time will infringe interest of your students and will hamper their studies. Keeping in mind interest of

students, we regret that your leave from grant of Child Care Leave for the period from 24.02.2018 to 10.05.2018 cannot be acceded to.â??

2.Impugned order of 26th February, 2018 (Annexure P-1) also relies upon Circular of 21st November, 2008, which provides that an employee can avail CCL only if there is no earned leave to his/her credit.

3.Learned counsel for petitioner submits that though the prayer for CCL has become infructuous, but the entitlement of employee needs to be

clarified. Reliance is placed upon Office Memorandum of 7th September, 2010 (Annexure P-2), which clarifies the Circular of 21st November,

2008 to the extent that CCL can be availed even if an employee has earned leave. However, the aforesaid O.M. (Annexure P-2) reiterates that

CCL is to be treated like earned leave and sanctioned as such.

4.Upon hearing and on perusal of impugned order and the material on record, I find that the denial of CCL to petitioner is justified for the

reasons stated in impugned order. Reliance placed upon Circular of 21st November, 2008 is not sustainable as the said Circular stands clarified

vide aforesaid O.M. (Annexure P-2).

5.To the aforesaid extent, impugned order stands modified, but the denial of CCL to petitioner is upheld.

6.This petition and the application are disposed of in aforesaid terms.