
(2003) 09 RAJ CK 0009

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3639 of 2003

Mamta Sharma (Dr.)

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 02-09-2003

Acts Referred:

Citation : (2004) 3 RLW 2063 : (2004) 1 WLC 314

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : Ajay Rastogi, for the Appellant; A.S. Khangarot, for the Respondent

Final Decision : Allowed

Judgement

Ashok Parihar, J.—Looking to the short controversy involved in the present matter, the writ petition is disposed of at this stage.

2. While doing her Post Graduate Course, the petitioner availed maternity leave for a period from 6.2.2001 to 5.6.2001. However, she was not allowed to appear in the examination on the ground that she has not completed three years of training prior to the examination. The period of maternity leave was not counted for the purpose of completion of three years.

3. Petitioner has relied on notification issued by the University of Rajasthan on 24.9.2002, by which it has further been provided that the period of training shall also include the maternity leave availed by a female post graduate resident doing P.G. Degree/Diploma Course and the same period may be counted as on duty for the purpose of training computing her three years/two years training period once during the course.

4. In reply to the writ petition it has been submitted on behalf of the respondents that since the petitioner had availed the maternity leave prior to the notification, she is not entitled for the benefit as provided by the above notification dated 24.9.2002.

5. After having carefully considered the entire facts and circumstances of the present case, in my opinion, the stand taken by the respondents is wholly unjustified and untenable. A bare reading of the notification issued by the University would show that the period of maternity leave has to be counted as on duty for the purpose of training while computing the total period of training. Since the petitioner has availed maternity leave during the period of Post Graduate Course, she is entitled for the benefit as given to the candidates by notification dated 24.9.2002, as issued by respondent No. 3 University.

6. Accordingly, the writ petition is allowed. Petitioner is declared to have completed three years course and eligible for appearing in the Post Graduate MD/MS Examination, 2003. Since the petitioner has already appeared in the above examination as per interim order passed by this court, the respondents may now declare her result and proceed further in accordance with law.