



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3073/2025

Suman Bishnoi W/o Suresh Kumar Bishnoi, Aged About 35 Years,
Resident Of E-99, Kanta Khaturiya Colony, Bikaner, Dist. Bikaner.
(Presently Posted As Assistant Professor, Political Science, At
Government Maharani Sudarshan College For Women, Bikaner.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department
Of Higher And Technical Education, Jaipur.
2. Commissioner, College Education, Jaipur.
3. Additional Commissioner, College Education, Jaipur.
4. Principal Government Maharani Sudarshan College For
Women, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Suresh Kumar Bishnoi
For Respondent(s)	:	

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

05/02/2025

1. Assailed herein is an order dated 24.01.2025 (Annex.10)
vide which the respondent No.4 granted only 15 days' child care
leave to the petitioner, though she applied for 53 days.
2. Brief facts first. The petitioner is working as Assistant
Professor (Political Science) at Maharani Sudarshan College for
Women, Bikaner. She applied for Child Care Leave for 53 days
w.e.f. 05.02.2025 to 29.03.2025, vide an application dated
10.01.2025 to take care of her younger minor son aged 2 years
and, additionally, also to help her elder son aged 14 years, in his



Class X Board Examination. However, she was granted 15 days' Child Care Leave vide order dated 24.01.2025. Hence, this petition.

2. In the aforesaid backdrop, I have heard learned counsel for the petitioner and perused the case file.

3. Learned counsel for the petitioner submits that as per the Memorandum dated 10.09.2018 (Annex.6) issued by the State Government, Rule 103C(2)(xi) of the Rajasthan Service Rules, 1951, has been clarified to mean that, each time, subject to admissibility otherwise, child care leave can be sanctioned for a maximum period of 120 days. Therefore, the petitioner should have been granted the leave as applied for.

4. Rule 103C(2)(xi) of the Rules reads as under:-

“Rule 103(C).- Child Care Leave.

(1) . A female Government servant may be granted Child Care Leave by an authority competent to grant leave, for a maximum period of two years, i.e. 730 days during her entire service for taking care of her two eldest surviving children whether for rearing or for looking after any of their needs, such as examination, sickness, etc.

(2). Grant of Child Care Leave under this rule shall be subject to the following conditions, namely:-

*(i) xxx xxx
xxx xxx*

(xi) The leave is to be treated like the Privilege Leave and sanctioned as such."

The Memorandum (Annex.6) dated 10.09.2018, provides for necessary guidelines regarding Child Care Leave. Para No.2 thereof, provides that as per Rule 91(3) of the Rules, *ibid*, a government employee can be sanctioned maximum of 120 days' privilege leave. Rule 91(3) reads as under:-



"91. Admissibility of privilege leave. —

(1) xxx xxx xxx
xxx xxx xxx

(3). *Subject to the provisions of Rule 59 the maximum amount of privilege leave that may be granted to a Government servant at a time shall be 120 days, but in case the privilege leave is taken for the purpose of undergoing treatment for T. B., leprosy or cancer or a mental disease in a recognized Sanatorium/Hospital, the maximum period for which privilege leave can be granted shall be 300 days at a time."*

Rule 59 reads as below :-

59. *Leave cannot be claimed as right—*

Leave cannot be claimed as a right. Discretion is reserved to the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service; provided that any leave applied for and due as preparatory to retirement shall not be refused by such authority and it shall be refused in writing by the Government or by such authority to whom powers have been delegated in this behalf. The nature of leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority, and so while it is open to the authority competent to refuse or revoke leave due and applied for under this rule, it is not open to him to alter the nature of such leave."

4. Having perused the Rules, *ibid*, I am of the opinion that child care leave is since akin to privileged leave, similar parameters will thus apply. Be it privileged or child care leave, as the case may be, it cannot be claimed as a matter of unfettered right. Discretion is reserved with the authority empowered to grant leave to refuse or revoke leave at any time according to the exigencies of the public service. It is thus the administrative discretion of the competent authority to look into the circumstances and, if the



same so warrant, then child care leave "can be" sanctioned up to 120 days and the right to grant of the same is not to be treated and read as if the leave "has to be" granted for 120 days.

5. After going through the extenuating circumstances of the petitioner, the competent authority has already granted 15 days' Child Care Leave, which is in all likelihood the duration of the final examination of the elder minor son of the petitioner, who is studying in Class X. I see no such illegality so as to warrant interference of this Court. This court would refrain to substitute its own discretion over that of the administrative authority, unless it is a case of malafide exercise of power, which is not the case herein.

6. In the premise, the writ petition is thus dismissed.

7. All pending application (s), if any, shall also stand disposed of.

(ARUN MONGA),J

25-SP/skm/-

Whether reportable yes/no