



CGHC010271282026



2026:CGHC:31051

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5386 of 2026

1 - Smt. Manda Tiwari D/o- Late Ashok Tiwari, Aged About 38 Years Post Jail
Warder, Posted At Central Jail- Bilaspur, Resident Of Jail Premises, Bilaspur,
District- Bilaspur, Chhattisgarh.

Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Department Of Home,
Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District- Raipur,
Chhattisgarh.

2 - Director General Of Police (Jail), Police Headquarter, New Raipur, Raipur,
District- Raipur, Chhattisgarh.

3 - Jail Superintendent Central Jail Bilaspur, District- Bilaspur, Chhattisgarh

4 - Jailor, Central Jail - Bilaspur, District- Bilaspur, Chhattisgarh

Respondent(s)

(Cause title taken from Case Information System)

For Petitioner(s) : Mr. Ravi Kumar Bhagat, Advocate

For Respondent(s) : Ms. Poorva Tiwari, PL

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

21/07/2026

1. The petitioner has filed the present writ petition calling in question the order dated 09.07.2026, whereby her application seeking grant of further Child Care Leave (CCL) has been rejected.

2. Learned counsel for the petitioner would submit that the petitioner is working as a Woman Warder at Central Jail, Bilaspur. She was blessed with twin children on 10.09.2025 and had earlier been granted Child Care Leave for the period from 13.04.2026 to 11.07.2026. Thereafter, considering the tender age of the children and their continued requirement of maternal care, the petitioner submitted an application seeking extension of Child Care Leave for a further period of 60 days. It is submitted that the impugned order rejects the said application solely on the ground of shortage of staff in the Women Prison Cell. Learned counsel would further submit that under Rule 38-C of the Chhattisgarh Civil Services (Leave) Rules, 2010, a female Government servant is entitled to Child Care Leave up to 730 days during her entire service and admittedly the petitioner has availed only 90 days of such leave. It is argued that shortage of staff or administrative inconvenience cannot be made a ground to deny a statutory benefit, particularly when the petitioner has infant twin children requiring constant maternal care.
3. *Per contra*, learned State counsel would submit that there is shortage of Women Warders in the Central Jail, Bilaspur and, therefore, the competent authority was justified in rejecting the petitioner's application. It is submitted that considering the security requirements of the Women Jail and the limited availability of Women Warders, the request of the petitioner could not be acceded to.
4. Pursuant to the order dated 17.07.2026 passed by this Court, an affidavit has been filed by the Superintendent, Central Jail, Bilaspur. In the affidavit, it has been stated that there are 106 sanctioned posts of

Warders, out of which 82 posts are filled and 24 posts are lying vacant. It has further been stated that only 13 Female Warders are posted in the Central Jail, Bilaspur and the petitioner's request for grant of further Child Care Leave was declined on account of shortage of Women Warders and administrative exigencies.

5. I have heard learned counsel for the parties and perused the material available on record.
6. It is not in dispute that the petitioner is a permanent employee of the respondent Department and is the mother of twin children born on 10.09.2025. It is equally undisputed that she was earlier granted Child Care Leave from 13.04.2026 to 11.07.2026 and that the respondents have never disputed her eligibility to avail the benefit of Child Care Leave under Rule 38-C of the Chhattisgarh Civil Services (Leave) Rules, 2010. The only reason assigned in the impugned order for declining the petitioner's request is shortage of Women Warders in the Central Jail.
7. The affidavit filed pursuant to the direction of this Court also reiterates the very same reason. The affidavit discloses that there are vacancies in the cadre and shortage of Women Warders. However, such administrative difficulty, by itself, cannot constitute a valid ground for defeating a statutory service benefit conferred under the Leave Rules. The object of Child Care Leave is to enable a Government servant, particularly a mother of young children, to provide proper care, protection and attention to her minor children during their formative years. Such

beneficial provisions deserve a purposive interpretation so as to advance the object sought to be achieved.

8. In the present case, the petitioner has sought only a further period of 60 days' Child Care Leave for taking care of her infant twin children. It is not the case of the respondents that the petitioner is ineligible for grant of Child Care Leave or that she has exhausted the maximum period admissible under Rule 38-C of the Chhattisgarh Civil Services (Leave) Rules, 2010. The sole reason for rejecting her request is the shortage of Women Warders in the Central Jail. In the considered opinion of this Court, once the petitioner satisfies the eligibility conditions prescribed under the Rules, shortage of staff or administrative exigencies cannot constitute a valid ground to deny a statutory benefit. It is for the employer to make suitable administrative arrangements to meet the exigencies of service and such administrative constraints cannot override a statutory entitlement.
9. Having regard to the object underlying the grant of Child Care Leave, the tender age of the petitioner's twin children and the admitted position that the petitioner continues to be eligible for the said benefit, this Court is of the considered opinion that the impugned order dated 09.07.2026 rejecting the petitioner's request solely on the ground of shortage of staff is arbitrary and unsustainable in law and, therefore, deserves to be quashed.

10. Accordingly, the writ petition deserves to be and is hereby **allowed**. The impugned order dated 09.07.2026 rejecting the petitioner's application for Child Care Leave is hereby quashed.
11. The respondents are directed to sanction Child Care Leave for a further period of 60 days with effect from the date of her request, treating the petitioner to be on Child Care Leave for the said period, if she has remained absent during the interregnum. Necessary consequential orders shall be issued by the competent authority within a period of seven days from the date of receipt of a copy of this order.

Sd/-
(BIBHU DATTA GURU)
JUDGE

Rahul

HEAD NOTE

Once an employee fulfills the eligibility conditions under Rule 38-C of the Chhattisgarh Civil Services (Leave) Rules, 2010, Child Care Leave cannot be denied on the ground of staff shortage or administrative exigencies, having regard to its beneficial object of ensuring proper care and upbringing of the child during the formative years.