

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 2943/2026

Smt. Priyanka Sharma

-----Petitioner

Versus

The State of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Amit Puri with Mr. Girraj P Sharma, Mr. Nishant Sharma, Mr. Ketan Dhabhai, Mr. Naveen Verma and Mr. Nasiruddin Khan
For Respondent(s)	:	Mr. Aditya Singh, Dy. GC

HON'BLE MR. JUSTICE ANAND SHARMA

Order

17/02/2026

Learned counsel for the petitioner submits that the application for maternity leave submitted by the petitioner, has been rejected by the respondents on the ground that earlier also, on two occasions, she has taken maternity leave. Learned counsel further submits that at present one of child of the petitioner has unfortunately expired, therefore, on the date of submitting leave application, the petitioner was having less than two surviving children.

Learned counsel for the petitioner submits that earlier portion of Rule 103, makes it clear that maternity leave can be granted to a female government servant with less than two surviving children and since, the petitioner is covered by the first part of Rule 103, therefore, she is entitled for maternity leave.

Mr. Aditya Singh, learned Deputy Government Counsel opposed the prayer and submitted that the Rule is to be read in entirety and it says that when there is no surviving child even after availing maternity leave twice, then it can be granted for on one more occasion, since the petitioner is having one surviving child on the date of application, therefore, the application for maternity leave submitted by the petitioner has rightly been rejected by the respondents.

This matter requires interpretation of Rule 103 in the instant writ petition.

Admit.

Fresh notices need not be issued as the respondents are being represented through Counsel.

In the meanwhile, since learned counsel for the petitioner, on the basis of instructions from petitioner, has undertaken that in case the petitioner is allowed to proceed on maternity leave provisionally, she would not claim the benefits of maternity leave of this petition is ultimately dismissed. On such undertaking, the respondents are directed to sanction provisional maternity leave to the petitioner, as her expected date of delivery is 22.02.2026.

It is submitted that such provisional sanction shall remain subject to decision of this writ petition.

(ANAND SHARMA),J