



IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 23rd OF APRIL, 2026

WRIT PETITION No. 14425 of 2026

AYESHA SHEIKH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Aditya Ahiwasi on behalf of Shri Nikhil Tiwari - Advocate for
petitioner.

Ms. Sharddha Tiwari- Panel Lawyer for the respondent/State.
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ORDER

The present writ petition under Article 226 of the Constitution of India
is filed seeking the following reliefs :-

"1). To issue the appropriate writ, direction and order
to direct the respondents to grant the Child Care Leave
to the petitioner for 240 days as per Rule 38(C) of M.-P.
Civil Services (Leave) Rules 1977.

ii) Any other relief deemed fit in the facts and
circumstances of the present case may kindly be
awarded with cost of the litigation."

2. The main grievance of the petitioner is that the petitioner is entitled
for child care leave under the Rules of M.P. Civil services (Leave) New
Rules, 1977 wherein maximum leave of 730 days under the Child Care
Leave has been provided. The case of the petitioner is that the son of the
petitioner is suffering from Duchenne Muscular Dystrophy (DMD) a
terminal genetic disorder resulting in life-shortening, progressive disease,



which necessitates constant maternal care. The sole grievance of the petitioner is that there is still leave under the credit of Child Care, however, the respondents are not granting the child care leave to the petitioner for which she is legally entitled and looking to the urgent need of leave for her son who is suffering from the above said disorder, the leave application ought to have sanctioned, the petitioner has already filed a representation which is Annexure P-10 dated 07.10.2025 but the respondents have not extended the benefit of the child care leave to the petitioner for which she is in urgent need. It is pointed out counsel for the petitioner that by communication dated 10.11.2025, the respondent No.4 has already forwarded the said representation with recommendation before the respondent No.2 and the matter is seized with the respondent and the respondent authority is not taking a decision in the said manner.

4. Considering the totality of the facts and circumstances of the case and looking to the urgency of the petitioner to treat the son who is suffering from the above said disorder. It is directed that the respondent No.2 shall consider the recommendation forwarded by the respondent No.4 on the request made by the petitioner for her child care leave and sanctioned it urgently within a period 7 days from the date of receipt of the certified copy of the order.

5. It is needless to mentioned that, if the respondent is of the opinion that the maximum limit of child care leave as prescribed under the Rules is not in the credit of the petitioner then the respondent shall be under obligation to assign a reason for not granting the child care leave of the



petitioner within a further period of ten days.

6. Let the said exercise be done strictly within seven days.

7. With said observation, the petition is disposed of.

(JAI KUMAR PILLAI)
JUDGE

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