



2026:AHC:16548

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 802 of 2026

Smt. Farha Naaz

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar Srivastava, Rohit Kumar Shukla
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Pramod Kumar Srivastava, learned counsel for the writ petitioner and Sri R.S. Umrao, learned Standing Counsel for the State.

2. The case of the writ petitioner is that she was appointed as Legal Term Probation Officer on contract basis on 29.06.2013, she solemnized married on 03.11.2019 and a baby was born on 22.12.2020. The writ petitioner claimed maternity leave for the period from October 3, 2020 to April, 2021. It is also the case of the writ petitioner that again she had to take maternity leave from 07.03.2022 to 31.08.2022. However, now, the maternity leave for the period from 07.03.2022 to 31.08.2022 has been turned down on the ground that the second maternity leave is being availed within a period of two years of the first maternity leave. By virtue of the order dated 13.10.2022 passed by Deputy Director, Probation Officer/Deputy Director, Women Welfare, Moradabad.

3. Questioning the said order, the present writ petition has been preferred.

4. Learned counsel for the writ petitioner submits that the said ground is not available as the restriction of two years came to be declared illegal. He seeks to rely upon the decision of this **Court in Writ-A No. 9535 of 2022 (Smt. Anupam Yadav v. State of U.P. and 2 Others)** decided on 21.10.2022.

5. Learned Standing Counsel, on the other hand, submits that it appears that the order in question has not been passed as per the mandate of law.

He submits that order be set aside, matter be remitted back to the authority to pass a fresh order.

6. I have heard the submission so made across the bar and perused the record.

7. Apparently the second maternity leave has been rejected on the ground that the same is within two years when the first maternity leave has been obtained.

8. Sri R.S. Umrao could not dispute the fact that the matter is no more *res intrgra* and in **Smt. Anupam Yadav (supra)** this Court had held that the said classification is illegal.

9. Accordingly, the writ petition is **allowed**. The order dated 13.10.2022 passed by Deputy Chief Probation Officer/Deputy Director, Women Welfare, Moradabad Division, Moradabad is set aside. Matter stands remitted back to the authority to pass a fresh order within a period of two months.

(Vikas Budhwar,J.)

January 22, 2026

Rajesh