



2026:AHC:28469

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1771 of 2026

Neha Sharma

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Durvesh Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Durgesh Kumar, learned counsel for the writ petitioner as well as Sri S.K. Pal, learned Additional Chief Standing Counsel for the State.

2. Sri S.K. Pal, learned Additional Chief Standing Counsel has made statement at bar that instructions so received are in a position to argue the matter and he does not propose to file any affidavit and writ petition be decided on the basis of documents available on record.

3. The case of the writ petitioner is that the writ petitioner was appointed as Nursing Officer on 25.02.2019. The writ petitioner claimed maternity leave for the period from 21.05.2024 to 16.09.2024, which was accorded to her, however, on account of conceiving for the second time, the writ petitioner took maternity leave for the period from 18.01.2026 to 16.07.2026, however, the said leave stood rejected by order impugned dated 20.01.2026 and 27.01.2026 passed by the third respondent, Chief Medical Officer, Gautam Buddh Nagar, Uttar Pradesh.

4. Questioning the said orders, the present writ petition has been preferred.

5. Learned counsel for the writ petitioner has sought to argue that the orders impugned cannot sustain particularly when the time gap of two years, which was sought to be deployed for the purposes of according second maternity leave is no more of ground tenable in the eye of law, particularly when the same stood negated in decision of this Court being in **Service Single No.-323904 of 2019 (Smt. Richa Shukla Vs. State of U.P.)** decided on 11.12.2019 and **Writ A No.-4996 of 2022 (Smt. Guddi Vs. State of U.P.)**.

6. Learned Additional Chief Standing Counsel, on the other hand, submits that the issue stands covered in view of the judgment in the case of **Richa**

Shukla (supra) and **Smt. Guddi (supra)** and according to him the orders be set aside and matter be remitted back to pass a fresh order.

7. I have heard the submissions so made and perused the record.

8. Apparently, the writ petitioner's second maternity leave has been negated on the ground that the same is being filed within two years from the first maternity leave. Parties are in agreement that the said issue is no more res intrige in view of judgment in **Richa Shukla (supra)** and **Smt. Guddi (supra)** that the classification so sought to be made whereby there has to be a time limit of two years has been negated. Thus, the orders impugned cannot be sustained.

9. Accordingly, the orders dated 20.01.2026 and 27.01.2026 passed by Chief Medical Officer, Gautam Buddh Nagar, Uttar Pradesh is set aside.

10. Matter stands remitted back to decide afresh within a period of two months.

(Vikas Budhwar,J.)

February 6, 2026

Virendra