

News

Following a prompt from the Supreme Court, the Jharkhand High Court has awarded a female judge 92 days of child care leave.



However, the Judge's counsel expressed worry that the granted leave was much less than what had been requested.

On Wednesday, the Supreme Court was notified that the woman Additional District Judge (ADJ) from Jharkhand, whose application for child care leave was previously denied despite her being a single parent, has temporarily received partial relief from the Jharkhand High Court **[Kashika M Prasad vs State of Jharkhand]**.

After the ADJ sought relief from the Supreme Court, the top court previously instructed the High Court to reassess her application for leave.

Today, the lawyer for the petitioner-judge informed Justices **Prashant Kumar Mishra and Manmohan** that although the High Court has now approved child care leave, it is considerably less than what was requested.

"I have received 92 days of leave. The petitioner's counsel submitted, "I had sought for 194 days."

The ADJ's counsel responded to the Court's inquiry by noting that the leave granted was from June to September. She had requested leave for the months starting in December in her initial application, her counsel added.

It is worth mentioning that an application was submitted claiming that negative comments were included in the ADJ's Annual Confidential Report (ACR) following her approach to the Supreme Court.

The counsel for the petitioner-judge argued that shortly after she submitted the writ petition to the Supreme Court, the judge received entries in her ACR that she deemed disturbing and suspicious regarding their timing.

Another thing is very disturbing. Es gibt nun einige Einträge in meinem ACR. That I have documented. They followed after I submitted the writ petition. I am an SC category officer who has disposed of a large number of cases. One of the officers with the best performance... Entries that imply something are made during performance counselling. It is being stated that the comments are not detrimental in nature. Conveyed to me on May 23rd. I have had an excellent career record. He mentioned, "Kindly check the timing."

The Bench noted that these grievances did not pertain to the main petition and instructed the petitioner to submit a separate application.

Upon counsel's indication that further documents concerning the ACR were already part of the record, the Court elucidated:

"Submit a substantive prayer. It is an app for navigation. We will guide them to submit a counter."

Meanwhile, **Senior Advocate Ajit Kumar Sinha**, representing the administrative side of the High Court of Jharkhand, contended that the current litigation was a consequence of a previous transfer order.

He noted that allowing a District Judge to take extended leave might create an unsustainable precedent.

“This pertains to the examination of a 16-and-a-half-year-old child in 2026. The application for a writ under Article 32 was submitted immediately following her transfer. In her initial letter, she made no mention of child care; she only requested a transfer to Ranchi or Bokaro. We have already granted 94 days in accordance with the Supreme Court's order of June 6. It should make her happy. Throughout a career, the total leave allowed is 720 days. Sinha submitted, “When judges take extended leaves of eight months, it disrupts the handling of cases in the absence of the district head.”

The supreme court ultimately stated that the approved 92-day leave may go ahead. In addition, it requested that the High Court submit its counter-affidavit in the interim.

“Allow them to proceed with 92 days. Meanwhile, allow them to submit a counter, the Court stated.

This response must be submitted within four weeks.

Before rising, the petitioner's counsel made a request for the Court to provide directions to guarantee that ADJ's salary is not withheld due to the now-sanctioned leave.

“This involves a great deal of presumption. “No one is withholding the salary,” replied Sinha on behalf of the High Court administration.