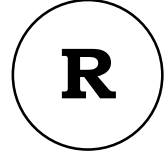


Reserved on : 25.09.2026
Pronounced on : 16.10.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 674 OF 2026 (S-RES)

BETWEEN:

SMT.MONIKA
W/O PRAMOD,
AGED ABOUT 36 YEARS,
WORKING AS SOFTWARE TECHNICIAN,
PRINCIPAL DISTRICT AND SESSION JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU
RESIDING AT PRESTIGE JINDAL CITY,
BUILDING 2 TOWER 3 NAGASANDRA,
TUMAKURU ROAD,
BENGALURU – 560 073.

...PETITIONER

(BY SRI T.NARAYANASWAMY, ADVOCATE FOR
SRI RAGHUPATHI M.J., ADVOCATE)

AND:

1. THE REGISTRAR GENERAL
HIGH COURT OF KARNATAKA,
BENGALURU – 560 001.

Digitally
signed by
CHETAN B C
Location:
High Court of
Karnataka

2. PRINCIPAL DISTRICT AND SESSION JUDGE
BENGALURU RURAL DISTRICT
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI DHYAN CHINNAPPA, SR.ADVOCATE A/W
SMT. KRUTIKA RAGHAVAN, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED
ORDER BEARING ORDER NO. HCC-02/2009(SOFTWARE
TECHNICIAN), BENGALURU DATED 15.04.2025 (ANNEXURE-P)
PASSED BY R1.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED
FOR ORDERS ON 25.09.2026, COMING ON FOR PRONOUNCEMENT
THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before the Court seeking the following
prayer:

- i) "Issue a writ of certiorari or order or direction or any other appropriate writ setting aside the impugned order bearing ORDER NO. HCC-02/2009 (SOFTWARE TECHNICIAN), BENGALURU DATED 15-04-2025 (Annexure-P) passed by the 1st respondent in the interest of justice and equity.
- ii) Pass such other order/orders in the circumstance of the case to meet the ends of justice and equity."

2. Heard Sri T. Narayanaswmy, learned counsel appearing for the petitioner and Sri Dhyan Chinnappa, learned senior counsel appearing for the respondents.

3. Facts, in brief, germane are as follows: -

The petitioner comes to be appointed as a Software Technician on 06-06-2019 in the High Court and is transferred to work at several places. On 01-07-2023 the petitioner applies for maternity leave as there was no one to take care of the baby and extended her leave from time to time upto 14-08-2024. On 25-09-2024 the 2nd respondent/Principal District Judge, Bengaluru Rural District before whom the petitioner was working issues a notice directing her to report for duty. After receipt of the notice, the petitioner explained that there was no person to take care of her baby and due to her frequent health issues petitioner could not report for duties. Thereby, petitioner sought extension of leave for some more days. All these while petitioner was still on probation. On 15-04-2025 owing to the fact that the petitioner never reported to duties, the 1st respondent discharged the petitioner on the score

that she was not suitable. Alleging that this is contrary to law, the subject petition is preferred challenging the order of discharge.

4. The learned counsel appearing for the petitioner Sri T.Narayanaswamy would vehemently contend that the petitioner was on maternity leave and she has been discharged while she was on maternity leave and, therefore, it amounts to action contrary to law. In terms of Probation Rules a departmental inquiry ought to have been conducted even with regard to unauthorized absence of the petitioner. In that light, the learned counsel submits that since petitioner was on maternity leave and could not join duties, her case must be considered sympathetically and a direction be issued for her reinstatement into service.

5. Per contra, the learned senior counsel Sri Dhyan Chinnappa appearing for the High Court would vehemently refute the submissions in contending that the petitioner cannot take employment casually. Petitioner was appointed as a Software Technician and did apply for grant of maternity leave. There can no qualm about the right of the person getting maternity leave. Petitioner was granted maternity leave from 01-07-2023 till 14-08-

2024, which was 13 months. Even after the said period, the petitioner did not bother to report for duties. A notice was issued on 25-09-2024, but again did not come back to duties. Therefore, petitioner was not found suitable for continuation in employment, as her probation was yet to be declared. He submits that the reality is, the husband of the petitioner is also a Government servant. Therefore, it is her case that there is no one to take care of the child and the petitioner remains unauthorizedly absent. All kinds of leave had been granted and everything has expired insofar as probationer is concerned. He seeks dismissal of the petition.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts, dates and link in the chain of events are not in dispute, as they are a matter of record. They would not require any iteration. The petitioner is appointed on 06-06-2019 as Software Technician and placed on probation. On 27-02-2021 the petitioner is transferred to Kalaburagi, but thereafter owing to her request, petitioner was Transferred to

Principal District and Sessions Court, Tumkur on 29-06-2022. Again, on her own request, petitioner was transferred to Principal District and Sessions Court, Bengaluru on 13-02-2023. Petitioner seeks maternity leave for 180 days from 27-06-2023 to 24-12-2023. The leave was granted till the end of 24-12-2023. Petitioner seeks earned leave from 25-12-2023 to 28-01-2024, which comes to be granted. Again, petitioner seeks Extra Ordinary Leave from 29-01-2024 to 07-04-2024 and from 08-04-2024 to 15-07-2024 and the same was granted. Communications of grant of leave are as follows:

Accts.Br.No.62/2023

Office of the
District & Sessions Court,
Bengaluru Rural District,
Bengaluru, dated: 13.07.2023.

To,
The Accountant General (A & E)
In Karnataka,
Bengaluru.

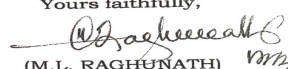
Sir,

Sub: Forwardal of Maternity Leave application
in respect of Smt. Monika, Software
Technician of this Unit.

With reference to the above, I am forwarding herewith Maternity
Leave application submitted by Smt. Monika, Software Technician of this
Unit to sanction 180 days Maternity Leave from 27.06.2023 to 24.12.2023.

This is for your information and take necessary action.

Yours faithfully,


(M.L. RAGHUNATH)
Prl. District & Sessions Judge,
Bengaluru Rural District, Bengaluru.
Bengaluru Rural District
Bengaluru

Submitted to copy for information:

The Registrar General,
Hon'ble High Court of Karnataka,
Bengaluru for kind Information.

OFFICE NOTE
DATED: 19.01.2024

Smt. Monika, Software Technician of this unit has submitted representation and prays to sanction 35 days of Earned Leave from 25.12.2023 to 28.01.2024 to take care of her 5 months baby.

Further, the application forwarded to Hon'ble High Court of Karnataka, Bengaluru for sanction of Earned Leave for 35 days to take care of her baby.

The Hon'ble High Court of Karnataka, Bengaluru vide Letter No. DJA-II 58/2023 returned the application and informed to take action at your end, as per Rules.

Submitted for kind orders.

*Monika Sanctioned
35 sanctioned
Permitted to leave
the request to stick
- 15/11*

....

OFFICE NOTE
DATED: 27.01.2024

In continuation to the Office Note dated: 19.01.2024, Smt. Monika, Software Technician of this unit has submitted representation along with Earned Leave application and prays to sanction 70 days of Extra Ordinary Leave (Leave Without Allowance) from 29.01.2024 to 07.04.2024 to take care of her 6 months old baby

Further, the Software Technician already sanctioned 180 days of Maternity Leave from 27.06.2023 to 24.12.2023 and availed 35 days of Earned Leave from 25.1.2023 to 28.01.2024 to take care of her baby.

Submitted for kind orders.

*Leave granted
without allowance
- 15/11*

OFFICE NOTE:

DATED:15/04/2024

In continuation to the Office Note dated:19.01.2024 & 27.01.2024 Smt. Monika, Software Technician of this unit has submitted representation along with Earned Leave application and prays to sanction 99 days of Extra Ordinary Leave (Leave Without Allowance) from 08.04.2024 to 15.07.2024 to take care of her baby.

Further, the Software Technician already has been sanctioned 180 days of Maternity Leave from 27.06.2023 to 24.12.2023, availed 35 days of Earned Leave from 25.01.2023 to 28.01.2024 and 70 days of Extra Ordinary Leave from 29.01.2024 to 07.04.2024 to take care of her baby.

Submitted for kind orders.

Considered as LWA
[Signature]

An office note dated 01-08-2024 was issued stating that petitioner has already availed 180 days of maternity leave, 35 days of earned leave and 169 days of extraordinary leave. Therefore, there was no leave left for a probationer. It reads as follows:

OFFICE NOTE

DATED: 01.08.2024

In continuation to the Office Note dated: 15.04.2024, Smt. Monika, Software Technician of this unit has submitted representation along with Earned Leave application and prays to sanction **6 months (180 days) of Extra Ordinary Leave (Leave Without Allowance) from 16.07.2024 to 12.01.2025** to take care of her baby.

Further, the Smt. Monika, Software Technician already sanctioned leave as follows:

1.	180 days of Maternity Leave	From 27.06.2023 to 24.12.2023
2.	Availed 35 days of Earned Leave	From 25.12.2023 to 28.01.2024
3.	Availed 70 days of Extra Ordinary Leave (Leave Without Allowance)	From 29.01.2024 to 07.04.2024
4.	Availed 99 days of Extra Ordinary Leave (Leave Without Allowance)	From 08.04.2024 to 15.07.2024

In total, the Software Technician of this court sanctioned **180 days of Maternity Leave, 35 days of Earned Leave and 169 days of Extra Ordinary Leave (LWA) from 27.06.2023 to 15.07.2024.**

Submitted for kind orders.

Finally granted for 30 days.
Substantive. [Signature]

The petitioner again submits one more letter on 15-07-2024 seeking extraordinary leave from 16-07-2024 to 12-01-2025, but the same was granted for 30 days from 16-07-2024 to 14-08-2024. Even then the petitioner does not report for duties. Thereafter, a notice dated 25-09-2024 is issued by the 2nd respondent. It reads as follows:

"ADM/60(38)/2024

Office of the
Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru, Date: 25.09.2024

NOTICE

Whereas, you are working as Software Technician in this unit since 16.02.2023. You have been granted Maternity Leave from 27.06.2023 to 24.12.2023 by the Hon'ble High Court of Karnataka.

After availing Maternity Leave, you have submitted multiple requests seeking Earned Leave or Extraordinary Leave on the grounds of taking care of baby. As per the requests submitted, you were granted Earned Leave for 35 days from 25.12.2023 to 28.01.2024 and Extra Ordinary Leave Without Allowance (EOLWA) for 70 days from 29.01.2024 to 07.04.2024 and 99 days from 08.04.2024 to 15.07.2024.

Further, you have submitted one more letter dated 15.07.2024 (received on 22.07.2024) seeking Extraordinary Leave from 16.07.2024 to 12.01.2025, but you have been granted EOLWA for 30 days from 16.07.2024 to 14.08.2024, finally.

Even though the said Order was communicated to you through telephone and Whatsapp message, you have not reported to duty in this office on 15.08.2024 and have been

remaining on unauthorized absence from duty for more than a month from 15.08.2024 till date.

Thus, you have shown lack of devotion to duty, which is unbecoming of a Government servant.

You are directed to report to duty, immediately.

Further, take Notice and submit your explanation showing cause as to why Disciplinary Action should not be initiated against you in the matter, within 7 days from the date of receipt of this Notice.

Sd/-
(GEETHA K.B.)
Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru"

Reply is then submitted by the petitioner that there was nobody to take care of the baby and she had to apply leave. This results in an order of discharge on 15-04-2025. The order reads as follows:

**"ORDER NO.HCC-02/2009(SOFTWARE TECHNICIAN),
BENGALURU DATED 15.04.2025**

Smt. Monika, Software Technician working in Bengaluru Rural District, Bengaluru is hereby discharged from Service with immediate effect as per Rule 6(1) of Karnataka Civil Services (Probation) Rules, 1977, as she is found to be unsuitable to hold the post of Software Technician in this office.

BY ORDER OF THE HON'BLE CHIEF JUSTICE,
Sd/-
(K.S. BHARATH KUMAR)
REGISTRAR GENERAL
High Court of Karnataka
Bangalore"

The aforesaid decision is communicated to the learned Principal District and Sessions Judge, who, in turn, relieves the petitioner from service on 25-04-2025. Thus comes to an end the brief journey of the petitioner in judicial service - her entry into service and her exit therefrom.

8. The question that now falls for consideration is, whether the termination of the petitioner's services suffers from any infraction of the Rules governing her appointment and probation, warranting interference at the hands of this Court.

9. What cannot be lost sight of, much less brushed aside, is the unmistakable circumstance that the petitioner was a probationer, whose probation was never declared to have been satisfactorily completed. In striking contrast, the probation of all other similarly placed employees came to be declared satisfactory in the year 2025, *albeit* with retrospective effect. The distinction is neither insignificant nor inconsequential. The petitioner, after exhausting the maternity leave to which she was legitimately entitled, proceeded to avail herself of other categories of leave and, upon exhaustion of even those leave entitlements, chose to remain

absent from duty without authorization. The absence was not momentary or incidental; it continued notwithstanding the expiry of every species of leave that she had sought and secured. The petitioner, therefore, cannot seek to convert the birth of a child into a perpetual justification for remaining away from the obligations of public employment.

10. Maternity leave is a manifestation of the constitutional commitment to dignity, motherhood and substantive equality. It is a right that the law zealously protects, and not a concession that the employer grudgingly extends. But a right, however sacrosanct, cannot be stretched beyond its legitimate contours to become an inexhaustible charter for unauthorised absence. The protective umbrella of maternity benefits is intended to shield motherhood from the rigours of employment; it is not intended to immunise an employee from the discipline that employment necessarily demands. The petitioner cannot seek to take shelter under the benevolent canopy of maternity protection for conduct

that commenced after the exhaustion of maternity leave and continued even after the expiry of all other leave sanctioned to her.

11. It is of considerable significance that maternity leave was never denied to the petitioner. Petitioner was extended the benefit in accordance with law. The controversy, therefore, does not concern the denial of maternity benefits, nor does it concern any prejudice visited upon the petitioner on account of motherhood. It concerns petitioner's conduct subsequent to the exhaustion of such benefits. **Having availed herself of maternity leave and thereafter other permissible leave, the petitioner was under an obligation to resume duties upon their expiry or secure further leave in accordance with the governing Rules. Petitioner did neither. Instead, she remained away from service and now seeks to place maternity leave at the forefront of her challenge to the termination. Maternity leave cannot be made a convenient shield against the consequences of an independent and prolonged unauthorised absence.**

12. Public employment is not merely a source of livelihood; it is a position of responsibility, carrying with it corresponding obligations of diligence, discipline and devotion to duty. At a time when countless qualified aspirants strive for the scarce opportunity of securing public employment, an employee who has been fortunate enough to secure such an opportunity, cannot treat the employment with studied indifference. An appointment to public service cannot be regarded as a privilege to be enjoyed at convenience and an obligation to be discharged at leisure. The security that public employment affords is accompanied by the responsibility that public service demands.

13. Compassion in the application of service law cannot be permitted to eclipse the governing Rules, just as the rigour of those Rules cannot be permitted to extinguish a legitimate statutory protection. The two must operate in their respective spheres. In the case at hand, the petitioner was accorded the protection that maternity law guaranteed. What followed was not an exercise of that right, but a continued absence

from duty beyond the leave permissible to her. The petitioner cannot, therefore, seek to draw sustenance from a right that was never denied to her, to invalidate an action founded upon circumstances arising independently thereafter.

14. For the aforesaid reasons, finding no merit, the petition stands ***dismissed.***

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp