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WP-5457-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 2nd OF FEBRUARY, 2026

WRIT PETITION No. 5457 of 2025

RUMAISA ARWA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Ahmad Shahid Hushain - Advocate for the petitioner.

Ms. Janhavi Pandit - Additional Advocate General for the respondent-State.
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ORDER

Per. Justice Vivek Rusia

Petitioner has filed this present petition seeking direction to the respondent to grant maternity leave and permit her to appear in the III Semester Examination in the BUMS course.

2. The petitioner took admission in Hakim Syed Ziaul Hassan, Government Autonomous, Unani College, Bhopal M.P. in the BUMS course in the year 2022. She appeared in the first year examination and declared successful. Thereafter, she took admission in II year, and by that time she had performed the marriage and became pregnant. She gave birth to a child on 20.11.2024. She applied for maternity leave, but only 10% relaxation was granted to her; since she could not achieve the 75% of attendance, hence, she was not



permitted to appear in the examination. She filed a writ petition before this Court, which came up for hearing on 13.02.2025. Learned counsel has placed reliance on the order passed by the Delhi High Court in the case of **Renuka v. University Grants Commission (UGC) and ors. passed in WP(c) 3559/2023** dated 23.05.2023,

3. Learned counsel for the petitioner submits that in compliance with the interim order passed by this court, the petitioner was permitted to appear in the examination, but the result has not been withheld. At present, she is pursuing III semester.

4. After notice, the respondents No.1 and 2 have filed the reply by submitting that 75% attendance is required and the petitioner was short in attendance i.e. 56.64%. The application for maternity leave was considered, and 10% relaxation was granted. By virtue of an interim order, the petitioner has been permitted to appear in the examination.

5. The petitioner has placed reliance on a letter dated 14.10.2021 issued by the UGC, whereby all educational institutions were directed to frame the policy for the grant of maternity/child care leave for the female students. It appears that no policy has been framed by the respondents till date.

6. The Delhi High Court in the case of **Renuka v. University Grants Commission (UGC) and ors.** has considered the right of women to avail the benefit of maternity leave in the workplace.

7. There is no reason to extend such a principle to women who want to pursue higher studies. During study, marriage as well as pregnancy should not come in their way to complete their education; therefore, they are liable



to be accommodated or adjusted to achieve the requisite percentage of attendance for appearance in the final examinations. If required, the study material and extra classes should be provided to them by the school and colleges during pregnancy or after delivery. The benefit of Child care leave should also be extended to them as far as possible.

8. Therefore, this case is a special case; hence, the petitioner is entitled to get relaxation in the percentage of attendance of the classes upto 75%. Resultantly, the Writ Petition is **allowed**. The result of the II semester of the petitioner be declared, and if the petitioner has passed the II semester, she should be permitted to take admission in the III semester.

No order as to cost.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

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