



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

and

THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.P.(MD)No.23130 of 2026

P.Ambiga

: Petitioner

Vs.

1.The Registrar General,
High Court of Madras,
Chennai-600 104.

2.The Principal District Judge,
Tuticorin District,
Tuticorin.

3.The District Munsif cum Judicial Magistrate,
Oddapidaram,
Tuticorin District.

: Respondents

Prayer: This petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari and Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings in D.No. 1180/2026 dated 10.07.2026 quash the same as illegal and arbitrary and consequently direct the third respondent to grant maternity leave to the petitioner for her third children and other reliefs.



For Petitioner : Mr.G.Radhakrishnan

For Respondents : Mr.D.Venkatesh

ORDER

(Order of the Court was made by **M.DHANDAPANI.J.**)

This writ petition has been filed seeking to quash the impugned order passed by the third respondent in his proceedings in D.No.1180/2026, dated 10.07.2026, and consequently, to direct the third respondent to grant maternity leave to the petitioner for the birth of her third child and for other consequential reliefs.

2. Heard Mr.G.Radhakrishnan, learned counsel appearing for the petitioner and Mr.D.Venkatesh, learned counsel, who takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as a Typist in the Court of the third respondent by order dated 30.11.2023. Prior to entering Government service, the petitioner got married and was blessed with two children, namely, Mugunthavarshini, born on 27.12.2014, and Udyasri, born on 09.09.2018. After entering Government service, the petitioner became pregnant for the third time and gave birth to her third child on 18.02.2026. Thereafter, the petitioner made an application seeking



maternity leave. However, the same was rejected by the third respondent by the impugned proceedings dated 10.07.2026, restricting the maternity leave to 12 weeks. Challenging the said order, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner would further submit that the issue involved in the present writ petition is no longer res integra and that the same has already been considered by the Hon'ble Supreme Court in ***Uma Devi v. Government of Tamil Nadu and others, reported in (2025) 8 SCC 263***, wherein the entitlement to maternity benefits has been considered. The learned counsel would further submit that, following the judgment of the Hon'ble Supreme Court in Uma Devi's case (cited supra), a Division Bench of this Court in ***B.Ranjitha v. Registrar General, High Court of Madras and others***, reported in ***2025 SCC OnLine Mad 6176***, held as under:

“11. The very basis for granting such maternity reliefs to the women employees/staffs/officers concerned including the maternity leave and maternity benefits is based on a sound policy that in order to shoulder and withstand the pain and sufferings undergoing by the mother at the time of pre-delivery as well as post-delivery of the child.

12. When that being so, it does not restrict to pregnancy or second pregnancy and it cannot be stated that, she would not be entitled to get the relief to third pregnancy which would have no logic at all and



thoroughly unreasonable. Therefore, we do feel that, in this case also since the petitioner though has given birth to two children already and she is under third pregnancy now, merely because it is the third pregnancy, such benefits of maternity leave and maternity benefits cannot be denied to the mother.

13. In that view of the matter following the dictum of the Hon'ble Supreme Court in Umadevi's case cited supra, we are inclined to accept the plea raised by the writ petitioner herein, thereby the order impugned passed by the third respondent vide his written memo dated 19.08.2025 is liable to be set aside, accordingly, it is set aside and as a result of which, there shall be a direction to the respondents, especially, third respondent to sanction maternity leave atleast from today, i.e., 04.09.2025 to the petitioner for the whole period for which she is otherwise entitled to under the Rules and such a leave sanction shall immediately be made by the third respondent.

14. With these directions, this writ petition is allowed to the extent indicated above. However, there shall be no order as to costs."

6. The learned counsel would therefore submit that, in view of the law laid down by the Hon'ble Supreme Court, the impugned order is liable to be set aside and the petitioner is entitled to maternity leave in accordance with law.



7. The learned Standing Counsel appearing for the respondents, on instructions, would not dispute the factual submissions made by the learned counsel appearing for the petitioner.

8. This Court has considered the submissions made by the learned counsel appearing for both sides and perused the materials available on record.

9. Admittedly, the petitioner was appointed as a Typist in the Court of the third respondent on 30.11.2023. After entering Government service, the petitioner gave birth to her third child on 18.02.2026 and thereafter sought maternity leave. The request of the petitioner came to be rejected by the third respondent by the impugned proceedings dated 10.07.2026, restricting the maternity leave to 12 weeks.

10. In view of the law laid down by the Hon'ble Supreme Court in ***Uma Devi's case***, reported in ***(2025) 8 SCC 263***, and having regard to the admitted facts of the present case, this Court is of the considered view that the impugned order cannot be sustained. The relevant portions of the said judgment are extracted hereunder:

34. Insofar as the present case is concerned, it is true that appellant has two biological children out of her first wedlock. But that was before entry into her service.



Post entry into service and from her subsisting marriage, this is her first child. It has come on record that the two children out of her first wedlock are not residing with her but with their father, who is having their custody.

35. Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two child norm as part of the measures to control population growth in the country and the object of providing maternity benefit to women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonized in a purposive and rationale manner to achieve the social objective.

36. In the circumstances, we are unable to agree with the view taken by the Division Bench of the High Court. Though learned Single Judge had granted the relief to the appellant, we are also unable to persuade ourselves to the line of reasoning of the learned Single Judge.

37. We accordingly set aside the judgment and order of the Division Bench of the High Court dated 14.09.2022 and declare that appellant shall be granted maternity leave under FR 101(a). Maternity benefits which are admissible to the appellant shall be released to her within a period of two months from today.

38. Appeal is accordingly allowed. However,



WEB COPY

there shall be no order as to cost.”

11. In that view of the matter, following the dictum laid down by the Hon'ble Supreme Court in ***Uma Devi's*** case, cited supra, this Court is inclined to accept the plea raised by the petitioner. Accordingly, the impugned proceedings of the third respondent in D.No.1180/2026, dated 10.07.2026 is set aside. The third respondent is directed to sanction maternity leave to the petitioner for the whole period for which she is otherwise entitled to under the applicable Rules and extend the consequential maternity benefits, if any, in accordance with law. Such leave shall be sanctioned forthwith.

12. The writ petition is accordingly allowed. No costs.

[M.D.I.,J] [N.D.K.,J]
13.08.2026

Index:Yes/No
Internet:Yes/No
TSG

To

1.The Registrar General,
High Court of Madras,
Chennai-600 104.

2.The Principal District Judge,
Tuticorin District,
Tuticorin.



3. The District Munsif cum Judicial Magistrate,
Oddapidaram,
Tuticorin District.



WEB COPY



**M.DHANDAPANI, J
AND
N.DILIP KUMAR, J**

TSG

W.P.(MD)No.23130 of 2026

13.08.2026