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W.P.No.25154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25154 of 2023

S.Jayalakshmi

... Petitioner

-Vs-

1.The Director,
Sericulture Department, Salem.

2.The Regional Joint Director,
Sericulture Department, Vellore.

3.The Assistant Director,
Sericulture Department,
Vaniyampadi.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed in O.M.Na.Ka.No.1575/AA/2023 dated 19.07.2023 by the third respondent and to quash the same and consequently direct the respondents herein to grant the maternity leave benefits to the petitioner herein.

For Petitioner : Mr.S.Kartik

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



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ORDER

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This writ petition has been filed for challenging the order passed by the third respondent dated 19.07.2023, thereby, rejecting the request made by the petitioner for maternity leave.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner got married in the month of January, 2013 and gave birth to the first child on 23.01.2014. Thereafter, she got selected to the post of Junior Inspector of Sericulture and she joined in the post on 04.03.2016.

4. During her employment, she gave birth to the second child on 06.12.2017. Since the second child is also a female child, she gave birth to her third child on 30.01.2023. During the birth, she availed medical leave and at the time of expiring of the medical leave, again she applied for leave under the maternity leave benefits, on 10.07.2023. As per the



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G.O.(Ms).No.84 dated 23.08.2021, for enhancing the period of maternity leave from nine months to twelve months for married women Government employees with less than two surviving children with effect from 01.07.2021.

5. Further, the maternity leave is admissible to married women Government servants with less than two surviving children, which is nine months at present, be enhanced to twelve months, with effect from 01.07.2021, with full pay.

6. When the State policy and fundamental rules restrict the maternity leave for third child, this Court is of the view, as the matter of right the petitioner cannot seek maternity leave on the basis of the Maternity Benefit Act. Hence, the third respondent declined the request of the petitioner and this Court finds no infirmity and illegality in the order passed by the third respondent in O.M.Na.Ka.No.1575/AA/2023 dated 19.07.2023 and this writ petition is devoid of merits and is liable to be dismissed.



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7. Accordingly, the Writ petition stands dismissed. There shall be no order as to costs.

25.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn

To

- 1.The Director,
Sericulture Department,Salem.
- 2.The Regional Joint Director,
Sericulture Department,Vellore.
- 3.The Assistant Director,
Sericulture Department,
Vaniyampadi.



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G.K.ILANTHIRAIYAN, J.
mn

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