



W.P.(MD).No.22819 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22819 of 2023

S.Vanadhi

... Petitioner

Vs.

1.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

2.The Dean,
Government Medical College,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Director of Medical Education, Chennai to pass appropriate orders on the petitioner's representation, dated 18.07.2023 treating the period from 13.04.2023 to 12.04.2024 as maternity leave as per the provisions contained under Section 12 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam



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For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the first respondent i.e., the Director of Medical Education, Chennai to pass appropriate orders on the petitioner's representation, dated 18.07.2023 treating the period from 13.04.2023 to 12.04.2024 as maternity leave as per the provisions contained under Section 12 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, within a specified time frame that may be fixed by this Court.

2. The petitioner joined duty on 20.07.2022 as Assistant Surgeon and she is continuing in the same post till today. She delivered her first baby on 09.06.2023 and applied maternity leave on 13.04.2023 for the period from 13.04.2023 to 12.04.2024. However, the same has not been sanctioned so far. Therefore, the petitioner submitted a representation to the respondents on 18.07.2023 to treat the period from 13.04.2023 to 12.04.2024 as maternity leave and to pay monetary benefits without further loss of time. The said representation has been sent to the Director of Medical Education, Chennai by



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the Dean, Government Medical College, Ramanathapuram vide letter, dated 24.07.2023 seeking instructions. However, no orders have been passed by the Director of Medical Education, Chennai till date. Hence, this writ petition came to be filed.

3. The learned Government Advocate appearing for the respondents submitted that the petitioner has not completed her probation period and hence, she is not entitled for maternity leave. However, this Court is not inclined to accept the said argument.

4. In view of the fact that the period from 13.04.2023 to 12.04.2024 to be treated as maternity leave is something which the petitioner is entitled to. Under Section 12 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, it is a mandate on the part of the respondents to sanction the same and treat the period from 13.04.2023 to 12.04.2024 as maternity leave and to pay the monetary benefits without further loss of time.

5. This Court hereby directs the 1st respondent to pass immediate orders on the petitioner's representation, dated 18.07.2023 and pass necessary orders



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to treat the period from 13.04.2023 to 12.04.2024 as maternity leave as per the provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 along with monetary benefits. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands allowed. No costs.

20.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Director of Medical Education,
Kilpauk,
Chennai-600 010.

2.The Dean,
Government Medical College,
Ramanathapuram.



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L.VICTORIA GOWRI, J.

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