



W.P.No.2018 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.2018 of 2024

Ayyaa

.. Petitioner

Vs.

1. The Chief Secretary
The Government of Tamil Nadu
Fort St. George, Chennai District.
 2. The Health Secretary
The Department of Health and Family Welfare
The Government of Tamil Nadu, Chennai District.
 3. The Women Welfare Secretary
Social Welfare and Women Welfare Department
The Government of Tamil Nadu, Chennai District.
 4. The Finance Secretary
The Tamil Nadu Finance Department
The Government of Tamil Nadu
Chennai District.
 5. The Labour Welfare Secretary
The Labour Welfare and Skill Development Department
The Government of Tamil Nadu
Chennai District.
- .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents herein to consider the petitioner's representation dated 18.08.2023 seeking grant of 'Proof Less Medical Leave' under 'Unearned Medical Leave' Category for women during their painful menstruation.

For the Petitioner : Ms.S.Mahalakshmi

For the Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER
(Made by the Hon'ble Chief Justice)

Heard Ms.S.Mahalakshmi, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader for the respondents.

2. The petitioner seeks directions against the respondents to consider the petitioner's representation dated 18.08.2023, seeking grant of 'Proof Less Medical Leave' under the "Unearned Medical Leave' category for women during their menstrual cycle.

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3. With regard to the similar issue, W.P. (Civil) No.172 of 2023 was filed before the Apex Court. In the said petition, the petitioner therein sought a direction against all the States to frame a policy for menstrual pain leave for female students and working women under the provisions of the Maternity Benefit Act, 1961. The Apex Court, in the said petition, observed that *"Having regard to the policy dimensions which are involved in the matter, we are of the considered view that it would be appropriate if the petitioner submits a representation to the Union Ministry of Women and Child Development which may take an appropriate decision."* The writ petition was accordingly disposed of by the Apex Court.

4. The petitioner is not a working women in any of the Government Departments. The petitioner claims to be running a Non-Governmental Organization. The Apex Court has already issued directions that representations to be made to the Union Ministry of Women and Child Development.



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5. The present writ petition, accordingly, stands disposed of in view of the order passed by the Apex Court. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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