



W.P.No.10214 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.10214 of 2023

R.Pechiammal

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
Egmore, Chennai – 08.

2.The Sherishtadar,
Chief Judicial Magistrate Court,
Egmore, Chennai – 62.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of Certiorarified Mandamus, to call for the records in order of rejection vide Dis.No.689/23 dated 06.03.2023 passed by the 1st respondent and quash the same and further direct the 1st respondent to sanction the maternity leave inpersuant to petitioner representation dated 20.02.2023.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.M.Kempuraj



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ORDER

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(Order of the Court delivered by S.M.SUBRAMANIAM,J.)

The order of rejection dated 06.03.2023, rejecting the claim of the writ petitioner to grant Maternity Leave for one year for the third Child is under challenge in the present writ proceedings.

2. The petitioner was appointed as Xerox Operator on 06.10.2017. The petitioner was blessed with two children and delivered third child on 21.07.2022. The petitioner submitted an application on 20.02.2023, seeking Maternity Leave for one year for the third child.

3. As per the policy, an employee is eligible to avail the Maternity Leave for the first two children. For the third child, the benefit of Maternity Leave has not been extended under the policy and the eligible leave under the maternity benefit scheme has already been granted to the writ petitioner.

3.1 That being so, this Court in exercise of judicial review cannot extend the concession granted by way of a policy by the respondents. The



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maternity leave cannot be construed as a service right. It is a concession extended and such concession cannot be claimed as an absolute right.

Therefore, the petitioner has not made out a case for the grant of relief.

Consequently, the Writ Appeal stands **dismissed**.

[S.M.S.J.] [K.R.S.J.]
20.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

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Egmore, Chennai – 08.
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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