



Writ Petition No.24669 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.24669 of 2024**

R.Pushpa Rani  
W/o. Subhash

... Petitioner

Vs.

1. The State of Tamilnadu,  
Rep. by its Secretary,  
Human Resource Management Department,  
St.George Fort, Chennai.
  2. The Registrar,  
Registrar fo Co-opearative Societies,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Kilpauk, Chennai - 10.
  3. The Joint Registrar,  
Co-operative Societies (Finance and Banking),  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Kilpauk, Chennai - 10.
  4. The Joint Registrar,  
Co-operative Societies,  
Kallakurichi,  
Kallakurichi District.
- ... Respondents



Writ Petition No.24669 of 2024

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing respondents 2 to 4 to permit the petitioner to join the post and sanction the maternity leave to the petitioner from 27.03.2024 to 26.03.2025 which she availed in the post of Village Administrative Officer at T.Mudiyanur and continue the same in the present post of Senior Inspector in Co-operative Societies.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.M.Bindran  
Additional Government Pleader [R1]  
Mr.S.Ravikumar  
Special Government Pleader (Co.op)  
[R2 to R4]  
\*\*\*\*\*

### **ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents 2 to 4 to permit the petitioner to join in the post of Senior Inspector and to sanction the maternity leave to the petitioner, which she availed in the post of Village Administrative Officer from 27.03.2024 to 26.03.2025.

2. The case of the petitioner is that she was appointed as a Village Administrative Officer at Madappuram Village in Nagapattinam District, on 11.03.2019. Thereafter, she was transferred to Kallakurichi



Writ Petition No.24669 of 2024

District on 28.09.2022. In the mean time, her services were regularized on 10.03.2021.

3. The petitioner, after obtaining permission from the competent authority, participated in the Group II and II A examination conducted by Tamil Nadu Public Service Commission. The petitioner cleared the examination and she got provisionally selected to the post of Senior Inspector in Co-operative Societies. The counselling was held on 17.05.2024. Thereafter, the second respondent issued the posting order informing the petitioner that she has been posted as Senior Inspector in Co-operative Societies in the office of Joint Registrar, Co-operative Society, Kallakurichi.

4. The grievance of the petitioner is that she gave birth to a girl baby on 10.04.2024. She applied for maternity leave from 27.03.2024 to 26.03.2025 when she was holding the post of Village Administrative Officer and the maternity leave was also granted by the RDO, Thirukovilur. The petitioner wants this maternity leave to be continued after joining the service as Senior Inspector in Co-operative Societies. The representation made by the petitioner, in this regard, did not evoke any



Writ Petition No.24669 of 2024

response. Left with no other alternative, the present writ petition has been filed before this Court.

5. Heard Mr.R.Rajarajan, learned counsel for petitioner, Mr.M.Bindran, learned Additional Government Pleader appearing for first respondent and Mr.S.Ravikumar, learned Special Government Pleader (Co.op) appearing for respondents 2 to 4.

6. Learned Special Government Pleader appearing on behalf of respondents 2 to 4 submitted that the petitioner has not even joined in the post of Senior Inspector of Co-operative Societies. Only after the petitioner joins in that post, the request of the petitioner to extend the benefit of maternity leave will be considered by the competent authority. Till then, the petitioner cannot seek for an automatic extension of benefit, which was granted to her when was working as a Village Administrative Officer.

7. Learned counsel for petitioner submitted that the petitioner will join in the post of Senior Inspector in Co-operative Societies at the office of the fourth respondent. Thereafter, the petitioner will apply for



Writ Petition No.24669 of 2024

maternity leave by pointing out to the earlier maternity leave that was granted by the RDO, Thirukovilur, when she was working as a Village Administrative Officer. The same can be directed to be considered by the competent authority in line with the fundamental rules.

8. Considering the submissions made on either side and also of the fact that the petitioner had delivered a baby only on 10.04.2024 and she has to take care of the child by availing maternity leave, the petitioner is directed to first join in the office of the fourth respondent, thereafter, a representation shall be made to the fourth respondent seeking for maternity leave and the same has to be considered in line with the fundamental rules. The fourth respondent shall also take into account the fact that the petitioner was granted maternity leave earlier till 26.03.2025 in view of the fact that the petitioner has to take care of an infant, which was delivered only on 10.04.2024. On submission of the representation, the fourth respondent shall take a decision within a period of one (1) week from the date of receipt of representation from the petitioner.

**N.ANAND VENKATESH, J**



Writ Petition No.24669 of 2024

WEB COPY

gm

This writ petition is disposed of with the above directions. No

costs.

**28.08.2024**

**Note: Issue order copy by 29.08.2024**

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

To

1. The Secretary,  
Human Resource Management Department,  
St.George Fort, Chennai.
2. The Registrar,  
Registrar for Co-operative Societies,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Kilpauk, Chennai - 10.
3. The Joint Registrar,  
Co-operative Societies (Finance and Banking),  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Kilpauk, Chennai - 10.
4. The Joint Registrar,  
Co-operative Societies,  
Kallakurichi,  
Kallakurichi District.

**Writ Petition No.24669 of 2024**