



W.P.No.19357 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.19357 of 2025
and
WMP.Nos.21609 & 43804 of 2025

Indhumathi

... Petitioner

Vs.

1.The District Collector,
Rural Development & Panchayat Raj Unit,
Dharmapuri District.

2.The Block Development Officer,
Panchayat Union,
Pappireddipatti Post,
Dharmapuri-636 905.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order dated 16.05.2025 passed by the first respondent in Moo.Mo.No.12862/2025/K2 and to quash the same with consequential direction directing the respondents to grant the maternity leave to the petitioner for the period of 12 months.

For Petitioner : Mr.S.Senthil

For Respondents : Ms.S.Anitha, SGP



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ORDER

The impugned order passed by the first respondent dated 16.05.2025, is put under challenge in the present Writ Petition. Further, the petitioner seeks a direction to the respondents to grant her maternity leave for the period of 12 months.

2. Heard the learned counsels on either side.

3. The brief facts of the case is as follows;

3.1. The petitioner was appointed as Typist in the Pappirettipatti Panchayat Union by the first respondent through the Tamil Nadu Public Service Commission on 27.10.2017. Subsequently, she was promoted to the post of Assistant in Aroor Village Panchayat Union and was later transferred back to Pappirettipatti Panchayat Union on 17.04.2023. The petitioner married one Santhoshkumar and has two children, where one child was born before entering the Government Service i.e., on 09.03.2017 and she availed the maternity leave for the second child which was born on 12.06.2019. Now, the petitioner has delivered the third child on 06.08.2025. In anticipation of her delivery, the petitioner made a leave application for



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maternity leave on 17.04.2025 for pre and postal natal care. The same was forwarded by the second respondent to the first respondent, however, the first respondent rejected her application by order dated 16.05.2025 based on the Government Letter (Ms.) No.13965/FR-3/2015 dated 20.04.2015, on the ground that she has already two surviving children.

4. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner submitted that the issue raised in this case is no more *res integra* in view of the pronouncement made by the Hon'ble Supreme Court in the case of ***Umadevi Vs. Government of Tamil Nadu and others*** reported in ***2025 SCC Online SC 1204*** which dictum was followed by the Hon'ble Division Bench of this Court in ***W.P.No.33559 of 2025 dated 04.09.2025 [B.Ranjitha Vs. The Registrar General, High Court of Madras, Chennai]***. The relevant portions of the order of the Hon'ble Division Bench of this Court, dated 04.09.2025 is extracted hereunder:

“6.The issue raised in this appeal is no more



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res integra in view of the pronouncement made by the Hon'ble Supreme Court in the case of Umadevi Vs. Government of Tamil Nadu and others reported in 2025 SCC OnLine SC 1204, where also under similar circumstances for granting of maternity leave and maternity benefits for a mother who was pregnant third time since has been allowed by the Writ Court which decision was reversed by the Division Bench of the High Court as against which when Special Leave Petition was preferred, having converted the same into Civil Appeal No.2526 of 2025, the Hon'ble Supreme Court in the said judgment cited supra has allowed the said Civil Appeal.

7.The facts also almost are similar to that of the present case as in that case also before entering into service, the mother gave birth to two children and when she was pregnant third time, such an episode had happened where a request for maternity leave and maternity benefits since has been denied by the employer; she approached the Court and ultimately, the Division Bench since has reversed the order passed by the learned Single Judge, the Hon'ble Supreme Court in the said order has declared the legal position too exhaustively discussing the various aspects and ultimately held that, the Division Bench Judgment which was impugned before the Hon'ble Supreme Court was



erroneous one and therefore, the maternity benefits was directed to be given to the petitioner, who was the appellant before the Supreme Court in the said case.”

Thus, the learned counsel prayed for allowing the petition.

6. The learned Special Government Pleader appearing on behalf of the respondents submitted that though the second respondent has filed a detailed counter, the respondents are not disputing the contentions of the learned counsel for the petitioner. She further submitted that this Court may pass appropriate orders.

7. Considering the submissions made by the learned counsel on either side and in the light of the decision of the Hon'ble Supreme Court as well as the order of the Hon'ble Division Bench of this Court as stated supra, this Court sets aside the impugned order of the first respondent dated 16.05.2025. Resultantly, there shall be a direction to the respondents to sanction maternity leave to the petitioner for the whole period for which she is otherwise eligible to under the Rules and such a leave sanction shall immediately be made by the respondents.



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8. With the above directions, this Writ Petition stands allowed to the extent indicated above. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

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Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



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