



W.P.No.33559 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.33559 of 2025

and

W.M.P.Nos.37723 & 37724 of 2025

B.Ranjitha

... Petitioner

Vs

1. The Registrar General,
High Court of Madras,
Chennai.

2. The Principal District Judge,
Ulundurpettai,
Kallakurichi.

3. The Additional District Munisf Judge,
Ulundurpettai,
Kallakurichi District.

... Respondents



W.P.No.33559 of 2025

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records connected with the rejection of maternity leave dated 19.08.2025 passed by the third respondent and quash the same as illegal and arbitrary and consequently, directing the respondents to grant the petitioner maternity leave from 18.08.2025 to 17.08.2026 and its benefits to the petitioner by considering the petitioner's representation dated 14.08.2025.

For Petitioner : Mr.M.Dinesh

For Respondents : Ms.B.Poongkhulai

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This writ petition has been filed seeking for a writ of certiorarified mandamus, to call for the entire records connected with the rejection of maternity leave dated 19.08.2025 passed by the third respondent and quash the same as illegal and arbitrary and consequently, direct the respondents to grant maternity leave from 18.08.2025 to 17.08.2026 and its benefits to the petitioner by considering the petitioner's representation dated 14.08.2025.



W.P.No.33559 of 2025

WEB COPY

2. The petitioner is working as Junior Assistant since 01.04.2025 in the third respondent Court. Already she had given birth for one male child aged about eight years and one female child aged about six years prior to the appointment of her as Junior Assistant in the respondent Judiciary.

3. Now the petitioner conceived for a third baby even before joining as Junior Assistant since 01.04.2025. Therefore, as per the advice of the doctor, since the delivery is expected on 11.09.2025, she has sent a representation for the maternity leave from 18.08.2025 to 17.08.2026 to the third respondent by representation dated 14.08.2025 which has been turned down by the said respondent stating that, since this is the third confinement, the maternity application was returned. Challenging the same, the present writ petition has been directed.

4. Heard Mr.M.Dinesh, learned counsel appearing for the petitioner and Ms.B.Poongkhulai, learned counsel appearing for the respondents.



W.P.No.33559 of 2025

WEB COPY

5. The only question is to be answered in the *lis* as to whether the petitioner is entitled to get maternity leave or maternity benefits for the present pregnancy which is happened to be the third pregnancy of her or not.

6. The issue raised in this appeal 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**, 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.



W.P.No.33559 of 2025

WEB COPY

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.

8. Herein the case in hand exactly the third respondent has rejected the request of the petitioner for grant of maternity benefits to the petitioner vide order impugned dated 18.08.2025 stating that it was a third pregnancy.



W.P.No.33559 of 2025

WEB COPY

9. Here also the petitioner gave birth to two children before entering into service and after entering into service since this is the third pregnancy, when she made an application to grant maternity leave and maternity benefits, that was denied for the said reasons.

10. Whether the first two pregnancies were prior to joining of the service or not, even in our considered view, that would not alter the situation.

11. The very basis for granting such maternity reliefs to the women employees / staffs / officers concerned including the maternity leave and maternity benefits is based on a sound policy that in order to shoulder and withstand the pain and sufferings undergoing by the mother at the time of pre-delivery as well as post-delivery of the child.

12. When that being so, it does not restrict to first pregnancy or second pregnancy and it cannot be stated that, she would not be entitled



W.P.No.33559 of 2025

WEB COPY

to get the relief to third pregnancy which would have no logic at all and thoroughly unreasonable. Therefore, we do feel that, in this case also since the petitioner though has given birth to two children already and she is under third pregnancy now, merely because it is the third pregnancy, such benefits of maternity leave and maternity benefits cannot be denied to the mother.

13. In that view of the matter following the dictum of the Hon'ble Supreme Court of **Umadevi's case** cited *supra*, we are inclined to accept the plea raised by the writ petitioner herein, thereby the order impugned passed by the third respondent vide his written memo dated 19.08.2025 is liable to be set aside, accordingly, it is set aside and as a result of which, there shall be a direction to the respondents, especially, third respondent to sanction maternity leave atleast from today, i.e., 04.09.2025 to the petitioner for the whole period for which she is otherwise entitled to under the Rules and such a leave sanction shall immediately be made by the third respondent.



W.P.No.33559 of 2025

WEB COPY

14. With these directions, this Writ Petition is allowed to the extent indicated above. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.] [H.C., J.]
04.09.2025

NCC: Yes
Index : Yes
Speaking Order : Yes

vji

Note: Issue order copy by 04.09.2025.

To

1. The Registrar General,
High Court of Madras,
Chennai.
2. The Principal District Judge,
Ulundurpettai,
Kallakurichi.
3. The Additional District Munisf Judge,
Ulundurpettai,
Kallakurichi District.

8/9



WEB COPY



W.P.No.33559 of 2025

**R.SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.**

vji

**W.P.No.33559 of 2025
and
W.M.P.Nos.37723 & 37724 of 2025**

04.09.2025