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WMP.No.41524 of 2025 in
W.P.No.17847 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **V. LAKSHMINARAYANAN**

WMP.No.41524 of 2025 in
W.P.No.17847 of 2025

Giruba C.V.Chevalsan

... Petitioner

Vs.

State Rep. By
The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Anna University, Guindy,
Chennai – 600 025.

... Respondent

For Petitioner : Mr.R.Karthik

For Respondent : Mr.M.Sureshkumar,
Additional Advocate General,
for Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

I had allowed W.P.No.17847 of 2025 by an order dated 15.05.2025. In the last portion of the order, I had held that there shall be a direction to the respondent to confer eligible medical leave for the petitioner.



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2. In fact, the order should have read as to grant maternity leave to the petitioner. In the earlier paragraph, I had pointed out that a government servant, who already has children before joining the government service, cannot be held to be disqualified from applying for maternity leave, when she becomes pregnant after entering service, for the mere fact that she has two children. However, instead of saying maternity leave, the words were used as 'confer eligible medical leave'.

3. Mr.M.Sureshkumar, learned Additional Advocate General, in his usual fairness, brought to the notice of this court the judgment in ***K.Umadevi v. Government of Tamil Nadu and Others, (2025) 8 SCC 263*** wherein the Supreme Court had held as follows:

“63. Insofar as the present case is concerned, it is true that the appellant has two biological children from her first wedlock. But that was before entry into her service. Post entry into service and from her subsisting marriage, this is her first child. It has come on record that the two children from her first wedlock are not residing with her but with their father, who is having their custody.

64. Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two-child norm as part of the measures



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to control population growth in the country and the object of providing maternity benefit to women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonised in a purposive and rationale manner to achieve the social objective.”

This makes it clear that the two children norm and the object of providing maternity leave to women employees are not mutually exclusive. Hence, in the ninth paragraph of the order in W.P.No.17847 of 2025 passed by this Court dated 15.05.2025, the direction that “there shall be a direction to the respondent to confer the eligible medical leave for the writ petitioner on the basis of her representation dated 14.02.2025” shall be read as “**there shall be a direction to the respondent to grant maternity leave for the writ petitioner on the basis of her representation dated 14.02.2025**” and all other portions shall remain intact.

4. Learned Additional Advocate General states that the letter No.016276/gp6/2025 dated 13.10.2025 issued pursuant to the order of this court dated 15.10.2025 will be withdrawn. The said statement is recorded.



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5. It is made clear that the earned leave expended by the petitioner during the time of her pregnancy, will be reversed and credited to her leave account.

12.11.2025

nl

Internet:Yes

Index:Yes/No

Speaking/Non speaking order



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To

The Commissioner,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Anna University, Guindy,
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V. LAKSHMINARAYANAN. J,

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