



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40360 of 2025

1. G.Kalaimani (whc 1824)
W/o.Gunasekaran, 5/316, Sellampatti,
Irupali Post, Edappadi Taluk, Salem
District-637 101.

Petitioner(s)

Vs

1. The Additional Chief Secretary
to the Government
Home Department, Fort St. George,
Chennai.

2.The Director General Of Police
Kamarajar Salai, Chennai-600 004.

3.The Superintendent Of Police
District Police Office, Salem District.

Respondent(s)

PRAYER calling for the records of the 3rd respondent in order dated 19.08.2025 bearing Na.Ka. No.L1/ 832/ E-11268925/ 2025 and quash the same as arbitrary, illegal and without any basis and consequently direct the



respondents to grant maternity leave to the petitioner from 10.07.2025 to 09.07.2026

WEB COPY

For Petitioner : Mr.Abinesh Babu

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The writ petition is filed challenging the order passed by the third respondent dated 19.08.2025 thereby rejecting the request made by the petitioner seeking maternity medical leave for her third child.

2. The petitioner was selected as Woman Police Constable and was appointed on 16.02.2009. Subsequently, she was promoted to the post of Head Constable. Immediately after her appointment, she got married on 22.10.2010 and gave birth to two children. Thereafter, they had misunderstanding and filed divorce petition in HMOP No.38 of 2023 and it was decreed by judgment and decree dated 03.11.2023 on the file of Sub Court, Sangagiri. Thereafter, once again the petitioner married another person on 19.02.2024 and gave birth to a girl baby on 10.07.2025. Therefore, the petitioner made an application on 29.07.2025 for grant of maternity leave. However, it was rejected by order



dated 19.08.2025 on the ground that maternity leave is available only for two children as per G.O.(Ms) No.84, Human Resources Management Department, dated 23.08.2021 and there is no provision for grant of maternity leave for third child. Challenging the same, the petitioner has filed the present writ petition.

3. According to the petitioner, G.O.(Ms) No.84, Human Resources Management Department, dated 23.08.2021 is not at all applicable to the case on hand. Since the woman Government servant has lawfully remarried and conceived a child from her second marriage, cannot be denied maternity leave on the ground that she has two children from her previous legally dissolved marriage. The denial of maternity leave violates reproductive autonomy under Article 21. Further, the maternity benefits must be interpreted liberally in line with the Directive Principles under Article 42 of the Constitution of India which mandate just and humane conditions of work and maternity relief. Further, the concept of third child must be contextually interpreted. A mechanical and numerical application of this term disregards the lived realities of woman who undergo divorce and remarriage. Maternity benefits cannot be denied on this basis. In fact, the very basis for granting such maternity reliefs to woman



employees 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 and post delivery of the child. Therefore, it does not restrict to first pregnancy or second pregnancy and it cannot be stated that, she would not be entitled to get the relief for third pregnancy which would have no logic at all and unreasonable.

4. In view of the above, the order impugned cannot be sustained and liable to be set aside and accordingly, the impugned order dated 19.08.2025 is set aside. The respondents are directed to grant maternity leave to the petitioner from 10.07.2025 to 09.07.2026 forthwith. The Writ Petition stands allowed. No costs. Consequently, WMP No.45332 of 2025 is closed.

28-10-2025

mrn

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1.The Additional Cheif Secretary

to the Government,

Home Department, Fort St. George,
Chennai.

2.The Director General Of Police

Kamarajar Salai, Chennai-600 004.

3.The Superintendent Of Police

District Police Office, Salem District.



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