



W.P.No.41689 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.41689 of 2025
and W.M.P.No.46728 of 2025

Gunasundari

... Petitioner

-Vs-

1. The District Collector,
Dharmapuri District.
2. Personal Assistant (Panchayat Development) to the Collector,
Dharmapuri District.
3. The Commissioner,
Panchayat Union, Pennagaram,
Dharmapuri District.
4. The Block Development Officer,
Pennagaram, Dharmapuri District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 26.08.2025 in Na.Ka.No.429/2025/A1 passed by the fourth respondent and quash the same and consequentially, directing the fourth respondent to grant petitioner a maternity leave from 19.02.2025 to 18.02.2026 with full pay and all attendant benefits.



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For Petitioner : Mr.A.Sakthi Bavantharani
For R1 and R2 : Mr.Yogesh Kannadasan
Special Government Pleader
For R3 and R4 : Mr.K.H.Ravikumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 26.08.2025, on the file of the fourth respondent, thereby rejecting the request made by the petitioner seeking maternity leave from 19.02.2025 to 18.02.2026.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was appointed as Typist on 05.02.2020. Thereafter, she gave birth to her second child and availed maternity leave. Once again, she got pregnant and applied for maternity leave from 19.02.2025 to 18.02.2026 inclusive of both pre-and-post natal periods. However, it was rejected for the reason that the petitioner is not entitled for maternity leave for third child.

4. The Hon'ble Supreme Court of India as well as this Court have repeatedly held that a women Government employee would be entitled to seek maternity leave only twice during her service period. However, the said



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provision cannot be interpreted in such a manner as to empower the State to deny the maternity leave, even when it is sought for the first time, merely on the ground that it pertains to a third pregnancy. Maternity benefit is a constitutional right that cannot be denied for the birth of a third child.

5. A similar issue has already been dealt with by the Hon'ble Division Bench of this Court in W.P.No.33559 of 2025, dated 04.09.2025, wherein this Court held as follows :

“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.

.....
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 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.”*



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6. In view of the above Judgment and by following the dictum laid down by the Hon'ble Supreme Court of India as well as this Court, the order impugned in this writ petition cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 26.08.2025 in Na.Ka.No.429/2025/A1 passed by the fourth respondent is hereby quashed. The fourth respondent is directed to grant maternity leave to the petitioner from 19.02.2025 to 18.02.2026 with all attendant benefits.

7. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petition is closed. No costs.

05.11.2025

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn



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To

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G.K.ILANTHIRAIYAN. J,

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