



W.P.No.39742 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

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THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.39742 of 2025

and

W.M.P.No.44653 & 44654 of 2025

L.Saranya

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Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Chief Secretary to the Government,
Fort St. George, Chennai-600 009.

2. The Director General of Police
No.1, Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3. The Superintendent of Police,
Armed Reserve,
Villupuram District.

4. The Deputy Superintendent of Police,
Armed Reserve,
Villupuram District.

4. The Inspector of Police,
Armed Reserve,
Villupuram District.

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Respondents



W.P.No.39742 of 2025

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the rejection of maternity leave in proceedings No.Na.Ka.No.H2/25453/2025 dated 30.09.2025 passed by the 3rd respondent and quash the same as illegal and arbitrary and consequently directing the respondents to grant petitioner maternity leave from 25.06.2025 to 24.06.2026 and its benefits to the petitioner by considering the petitioner's representation dated 23.09.2025.

For Petitioner : Ms.K.Swetha

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 30.09.2025 passed by the third respondent, thereby rejecting the petitioner's request for grant of maternity leave for the delivery of her third child.

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

3. The petitioner is working as a Grade-II Women Police Constable in the IV Battalion, Armed Reserve, Kaakuppam, Villupuram



W.P.No.39742 of 2025

District, since 02.12.2018. Prior to her appointment, the petitioner had given birth to her first male child. After joining service, she gave birth to her second male child, for which she was granted maternity leave and the corresponding benefits. Subsequently, the petitioner conceived again and delivered her third child on 25.06.2025. Therefore, the petitioner submitted a representation seeking maternity leave and its attendant benefits for her third confinement. However, the said request was not granted and was orally rejected on the ground that maternity benefits are not applicable for the third delivery. Consequently, the petitioner availed medical leave to take care of her newborn child. Thereafter, she was directed to report for duty on 09.09.2025. However, the petitioner was unable to continue her service due to her health condition and childcare responsibilities. Subsequently, she was sanctioned earned leave from 11.09.2025 to 10.01.2026. Thereafter, the petitioner submitted a representation seeking maternity leave benefits for her third child, which was rejected on the ground that the maternity leave benefits are not admissible for the third confinement.



W.P.No.39742 of 2025

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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 and it cannot be interpreted in such a manner that the State would be entitled to deny the maternity leave, even if it is claimed for the first time, citing third pregnancy. The maternity is a constitutional right that cannot be denied for the birth of a third child.

5. In this regard, the learned counsel appearing for the petitioner relied upon the order of the Hon'ble Division Bench of this Court dated 04.09.2025 in W.P.No.33559 of 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*



W.P.No.39742 of 2025

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.”

6. In view of the above 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 set aside. Accordingly, the order of rejection of maternity leave passed by the third respondent is hereby set aside. The third respondent is directed to grant maternity leave to the petitioner for the period from 25.06.2025 to 24.06.2026 together with all consequential benefits, in accordance with the applicable rules, forthwith.



W.P.No.39742 of 2025

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7. In the result, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

25.10.2025

Neutral citation : Yes/No
Index: Yes/No
Speaking/Non speaking
Lpp

To

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6/7



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W.P.No.39742 of 2025

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Lpp

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