



W.P.No.41115 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM

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

W.P.No.41115 of 2025
and
W.M.P.No.46074 of 2025

M.Sangeetha

.....

Petitioner

Vs

1. The Director
Panchayat Union Middle School (PUMS),
Chennai.

2. The Chief Education Officer
Dharmapuri District,
Dharmapuri.

3. The District Education Officer
Dharmapuri District,
Dharmapuri.

4. The Block Education Officer
Palacode Taluk,
Dharmapuri District.

5 The Head Master
Panchayat Union Middle School (PUMS),
Chikkadoranabettam, Palacode Taluk,
Dharmapuri District

.....

Respondents



W.P.No.41115 of 2025

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to call for the records pertaining to the proceedings of the 4th Respondent in O.Mu.No.1783/A3/2025 dated 22.07.2025 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to grant maternity leave from 07.07.2025 to 06.07.2026 with full pay of salary and its benefits to the petitioner by considering her representation dated 07.07.2025.

For Petitioner : Mr.M.Venkatesh

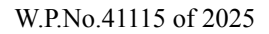
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 22.07.2025 passed by the fourth respondent, thereby rejected the request made by the petitioner seeking Maternity Leave from 07.07.2025 to 06.07.2026.

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

3. The petitioner was appointed as a Junior Secondary Grade Assistant Teacher and joined service on 21.12.2005. She got married on 11.12.2009 and she gave birth to three daughters. Unfortunately, her elder daughter died. Thereafter,



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 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



W.P.No.41115 of 2025

*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.”

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



W.P.No.41115 of 2025

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 and fourth respondents are directed to grant maternity leave to the petitioner for the period from 07.07.2025 to 06.07.2025 together with all consequential benefits, in accordance with the applicable rules, forthwith.

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

30.10.2025

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

To

1. The Director
Panchayat Union Middle School (PUMS),
Chennai.

2. The Chief Education Officer
Dharmapuri District,

5/9



W.P.No.41115 of 2025

Dharmapuri.

3 The District Education Officer
Dharmapuri District,
Dharmapuri.

4. The Block Education Officer
Palacode Taluk,
Dharmapuri District.

5 The Head Master
Panchayat Union Middle School (PUMS),
Chikkadoranabettam, Palacode Taluk,
Dharmapuri District

G.K.ILANTHIRAIYAN, J.

Lpp



WEB COPY



W.P.No.41115 of 2025

W.P.No.41115 of 2025

30.10.2025

W.P.No.41115 of 2025
and W.M.P.No.46074 of 2025
G.K.ILANTHIRAIYAN.J

This matter is posted today before this Court under the caption 'For Being Mentioned' at the instance of the learned counsel appearing for the



W.P.No.41115 of 2025

petitioner.

WEB COPY

2. The learned counsel for the petitioner has brought to the notice of this Court that the date has been erroneously mentioned as “06.07.2025” instead of “06.07.2026”, in the 7th line of Paragraph No.6 of the order dated 30.10.2025 in W.P.No.41115 of 2025.

3. Considering the submission made by the learned counsel appearing for the petitioner, this petition is clarified and in the 7th line of Paragraph No.6 of the order dated 30.10.2025 in W.P.No.41115 of 2025, the date shall be corrected and read as 06.07.2026.

4. Registry is directed to carry out the said correction in the order dated 30.10.2025 in W.P.No.41115 of 2025 and issue order copy afresh.

11.11.2025

Index: Yes/No
Internet: Yes/No
mn

G.K.ILANTHIRAIYAN, J.
mn



WEB COPY



W.P.No.41115 of 2025

W.P.No.41115 of 2025

11.11.2025