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W.P No. 42013 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

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THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.P No. 42013 of 2025

and

WMP.No. 47052 of 2025

P.Yogapriya

..Petitioner

Vs

1. The Registrar General,
High Court of Madras,
Chennai.

2.The Registrar (Management)
High Court of Madras,
Chennai.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Certior Mandamus to call for the records relating to the impugned order passed by the 2nd Respondent in her proceedings in R.O.C. No.100745/2025-Estt.IV dated 24.10.2025, and quash the same as illegal, arbitrary, and contrary to the provisions of law, and consequently direct the 1st & 2nd Respondents to grant all maternity benefits to the Petitioner for a period



W.P No. 42013 of 2025

of one year, i.e., from 20.11.2024 to 19.11.2025, by annulling the medical leave, earned leave and other leaves availed by the Petitioner during the periods from 18.11.2024 to 09.01.2025 & 20.01.2025 to 24.02.2025 (Medical Leave) and 25.02.2025 to 08.04.2025 (Earned Leave), and to consider and extend the said benefits by invoking Section 6(3) of the Maternity Benefit Act, 1961 within the stipulated time fixed by this Court.

For Petitioners: Mr. M.Dinesh

For Respondents : Mr.C.R.Malarvannan

ORDER

(Made by ***HEMANT CHANDANGOUDAR, J.***)

The captioned Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus, to quash the order dated 24.10.2025 bearing Roc.No.100745/2025-Estt.IV, passed by the second respondent, and to direct the respondents to grant all maternity benefits to the petitioner for a period of one year, i.e., from 20.11.2024 to 19.11.2025, by annulling the medical leave, earned leave, and other leaves availed by the petitioner during the said period.



W.P No. 42013 of 2025

2. The petitioner has been working as a Typist in the respondent–High Court of Madras since 09.07.2021. Two female children were born out of her wedlock prior to her appointment as Typist. The petitioner conceived for the third time and delivered a male child on 20.11.2024. The petitioner submits that, due to lack of knowledge, she did not apply for maternity leave for her third delivery. Instead, she availed various types of leave namely, medical leave and earned leave for the periods from 18.11.2024 to 09.01.2025 and 20.01.2025 to 24.02.2025 (Medical Leave), and from 25.02.2025 to 08.04.2025 (Earned Leave), after which she resumed duty.

3. The petitioner further states that she came across the order passed by this Court in W.P. No. 33559 of 2025 dated 04.09.2025, and based on the said order, she submitted a representation to the second respondent seeking maternity benefits. However, by the impugned order, her claim was rejected. Aggrieved by the same, the present Writ Petition has been filed.

4. Heard the learned counsel appearing for the parties and perused the materials placed on record.



W.P No. 42013 of 2025

5. A similar issue came up for consideration before the Hon'ble Supreme Court in ***Umadevi v. Government of Tamil Nadu & Others, (2025 SCC OnLine SC 1204)***, wherein it was held that the petitioner therein, who had given birth to two children prior to entering service and was pregnant for the third time, was entitled to maternity leave and benefits. Following the aforesaid decision of the Apex Court, this very Division Bench, in *W.P. No. 33559 of 2025, by order dated 04.09.2025*, held that the very basis for granting maternity leave and maternity benefits to women employees is founded on a sound policy namely, to enable the mother to endure and recover from the pain and suffering associated with pre-delivery and post-delivery stages. It was further observed that such benefit cannot be confined only to the first or second pregnancy, and denial of the same for a third pregnancy would be illogical and wholly unreasonable, particularly when the earlier children were born prior to the mother's entry into service.

6. Therefore, the decision of the Hon'ble Supreme Court, as followed by the Division Bench of this Court, squarely applies to the facts of the present case. Accordingly, the petitioner is entitled to the relief sought for.



W.P No. 42013 of 2025

WEB COPY

7. In view of the above, the following order is passed;

- i. The Writ Petition is allowed. The impugned order dated 24.10.2025 passed by the second respondent is set aside. Consequently, the connected Miscellaneous Petition is closed.
- ii. The respondents are directed to grant all maternity benefits to the petitioner for a period of one year, i.e., from 20.11.2024 to 19.11.2025, by annulling the medical leave, earned leave, and other leaves availed by the petitioner during the periods from 18.11.2024 to 09.01.2025 and 20.01.2025 to 24.02.2025 (Medical Leave), and from 25.02.2025 to 08.04.2025 (Earned Leave), and to extend the said benefits by invoking Section 6(3) of the Maternity Benefit Act, 1961.
- iii. The said exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.
- iv. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

06.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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WEB COPY



W.P No. 42013 of 2025

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