



W.P.No.43185 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.43185 of 2025

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Petitioner

Vs

1.The Project Officer,
Tribal Welfare,
District Collectorate,
Salem District-636001.

2.The Head Master,
Government Tribal Welfare Secondary School,
Pagudupattu,
Salem District-636001.

....

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Na.Ka.No.1213/2025/TA dated 22.10.2025 and quash the same and consequently direct the first respondent to grant maternity leave to the petitioner based on her representation dated 25.08.2025.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondents : Mr.Jeevagiridharan
Additional Government Pleader



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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.”

4. Therefore, the first respondent ought not to have rejected the leave application seeking maternity leave by relying upon the Government Order in G.O.(MS) No.84 dated 23.08.2021 issued by the Human Resources Management (FR III Department). The above Government Order is only issued for encashment of maternity leave from 9 months to 12 months. It does not say that it is not applicable for third child.

5 . In view of the above, the impugned order dated 22.10.2025 cannot be sustained and accordingly it is set aside. The first respondent is directed to grant maternity leave to the petitioner as per the leave application dated 25.08.2025 with all benefits.



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6. The writ petition stands allowed. No costs. Consequently, WMP
No.48328 of 2025 is closed.

13.11.2025

Internet : Yes
Index : Yes/No
mrn

To

1.The Project Officer,
Tribal Welfare,
District Collectorate,
Salem District-636001.

2.The Head Master,
Government Tribal Welfare Secondary School,
Pagudupattu,
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G.K.ILANTHIRAIYAN, J.

mrn

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