



1/12

WP No. 42719 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-11-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP No. 42719 of 2025**

- 1.Dr.Sharmila
- 2.Dr. Suganthi M.
- 3.Dr. Devika S.
- 4.Dr. S. Janani Priya
- 5.Dr. S. Anu Vaishnavi
- 6.Dr. Sowmya S.M.
- 7.Dr. Kalaiyarasi M
- 8.Dr. Harinee C.
- 9.Dr. Aashipa Banu S.
- 10.Dr. Kanimozhi S.V.
- 11.Dr. Saranya E.
- 12.Dr. Sruthi S.



13.Dr. Sandhya S.

14.Dr. Kamarunisha A.

15.Dr. Divya A.

16.Dr. S. Nivedha

17.Dr. Sriharipriya V.

18.Dr. T. Meena

19.Dr. Abirami R. A.

20.Dr. Jaseema Yasmeen S.H.

21.Dr. Akshara Prasad

22.Dr. A. Wajia Begum

Petitioner(s)

Vs

1. The State of Tamil Nadu  
Represented by its  
Principal Secretary,  
Health and Family Welfare Department,  
Secretariat,  
Chennai 600 009

2.Directorate of Medical Education and Research  
Represented by its Director  
Kilpauk,  
Chennai 600 010.



3. Directorate of Medical and Rural Health Services  
Represented By Its Director  
359, Anna Salai, Chennai 600 006.

4. Directorate of Public Health And Preventive Medicine  
Represented by its Director  
359, Anna Salai, Chennai 600 006.

5. Stanley Medical College  
Represented By Its Dean  
No. 1, Old Jail Road,  
Chennai 600 001.

6. Government Dharmapuri Medical College  
Represented by its Dean  
Salem Main Road,  
Dharmapuri - 636 701

7. Madurai Medical College  
Represented by its Dean  
Panagal Road, Alwarpuram,  
Madurai - 625 050.

8. Government Theni Medical College  
Represented by its Dean  
Dhanushkodi Road, Theni 625 531.

9. Coimbatore Medical College  
Represented by its Dean  
Avinashi Road,  
Coimbatore 641 018.



10.Chengalpattu Medical College and Hospital  
Represented by its Dean  
GST Road, Chengalpattu - 603 001.

11.Government Villupuram Medical College  
Represented by its Dean Mundiampakkam,  
Villupuram 605 601.

12.Madras Medical College  
Represented by its Dean  
E.V.R. Salai, Chennai - 600 003.

Respondent(s)

**PRAYER** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the Petitioners' bond period stands reduced by one year on account of their entitlement to maternity leave, and consequently to direct Respondent Nos. 2 to 4 to give effect to such reduction and, upon completion of the bond period, to direct Respondent Nos. 5 to 12 to return the Petitioners' original certificates and documents along with their post graduate certificates.

For Petitioner(s): Mr.Suhrith Parthasarathy

For Respondent(s): Mrs.M.Sneha  
Special Counsel



5/12

WP No. 42719 of 2025

WEB COPY

## **ORDER**

This writ petition has been filed for a declaration to declare that the Petitioners' bond period stands reduced by one year on account of their entitlement to maternity leave, and consequently to direct Respondent Nos. 2 to 4 to give effect to such reduction and, upon completion of the bond period, to direct Respondent Nos. 5 to 12 to return the Petitioners' original certificates and documents along with their post graduate certificates.

2.Heard Mr.Suhrith Parthasarathy, learned counsel appearing on behalf of the petitioners and Mrs.M.Sneha, learned Special Counsel appearing on behalf of the respondents.

3.The issue that is involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.No.39557 of 2025 dated 03.11.2025 and the relevant portions are extracted hereunder:



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*10. The short issue that arises for consideration is as to whether the petitioner has to serve the remaining seven months bond period or the period can be set off from the maternity leave availed by the petitioner. The above issue is no longer res integra and useful reference can be made to the judgment of the Division Bench of the Madurai Bench of this Court in W.A.(MD) No.860 of 2023 dated 19.06.2025. The relevant portions are extracted hereunder:*

*“8. As per the conditions set out in the prospectus, the appellant has to serve the Government of Tamil Nadu in one of their hospitals for a period of two years. This condition has to give way to the rights conferred on the women under the provisions of the Maternity Benefit Act, 1961. This is all the more so because the Hon-ble Supreme Court had declared that any woman has a fundamental right to the benefits arising out of her situation of maternity. Maternity leave is integral to maternity benefit and forms a facet of Article 21. The appellant no doubt is not a*



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*government employee. She is only obliged to render bond service to the Government of Tamil Nadu for a period of two years. But a regular State government employee is entitled to avail maternity leave for twelve months as per the amended Service Rules. We are of the view that the appellant is also entitled to the very same treatment applicable to any government employee. The fact that the appellant was only in the service of the government without being a regular employee is irrelevant. When the fundamental right of the appellant is involved, she is entitled to the protective umbrella of not only Article 21 but also Article 14.*

*9. John Milton in “Paradise Lost” sang “They also serve who only stand and wait”. The second half of the bond service turned out to be maternity period for the appellant. Applying the legal fiction laid down in Kavita Yadav, the appellant must be taken to have served the Government of Tamil Nadu even during her*



*maternity period. In other words, the maternity period of twelve months has to be counted as part of the bond period.“*

*11. In the light of the above judgment of the Division Bench, the petitioner will be entitled for maternity leave for 12 months which has to be necessarily counted as a part of the bond period. Even otherwise, the petitioner had made a representation on 03.12.2024 requesting the second respondent to issue fresh posting orders. This was followed up with another representation on 03.02.2025 to the fourth respondent requesting for posting orders. Those representations were not acted upon and the entire period came to an end. That apart, the petitioner will be entitled to set off the maternity leave from the bond period as per the judgment of the Division Bench.*

*12. In the light of the above discussion, the remaining bond period of seven months has to be necessarily set off from the maternity leave and if the same is done, the bond period itself has come to an end in the light of G.O.(Ms) No.351, dated 27.10.2023 where the bond period was reduced from two years to one year.*



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4. In view of the above, the declaration that has been sought for in the present writ petition is in line with the above order passed by this Court and hence, this writ petition is allowed as prayed for. It is made clear that the bond period will be calculated in line with the reduction of the period to one year and the entitlement of maternity leave will be factored in and on completion of the bond period, the respondent 5 to 12 shall return back the original certificates and documents of the petitioner. For the remaining bond period, the petitioner shall render their services. No Costs.

**07-11-2025****(2/2)**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



10/12

WP No. 42719 of 2025

WEB COPY

To

1. The Principal Secretary,  
State of Tamil Nadu  
Health and Family Welfare Department,  
Secretariat,  
Chennai 600 009

2.The Director  
Directorate of Medical Education and Research  
Kilpauk,  
Chennai 600 010.

3.The Director  
Directorate of Medical and Rural Health Services  
359, Anna Salai, Chennai 600 006.

4.The Director  
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12/12

WP No. 42719 of 2025

**N.ANAND VENKATESH J.**

SSR

**WP No. 42719 of 2025**

**07-11-2025**

**(2/2)**