



W.P.No.43659 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2025

CORAM:

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

W.P.No.43659 of 2025

P.Marieswari

... Petitioner

Vs.

1.THE DIRECTOR,  
GOVERNMENT MENTAL HOSPITAL,  
KILPAUK, CHENNAI

2.THE DIRECTOR,  
ADMINISTRATIVE DEPARTMENT -I,  
GOVERNMENT MENTAL HOSPITAL,KILPAUK, CHENNAI

3.THE SUPERINTENDENT,  
NURSES SUPERVISION DEPARTMENT-I,  
GOVERNMENT MENTAL HOSPITAL,  
KILPAUK, CHENNAI

4.THE SUPERINTENDENT,  
NURSES SUPERVISION DEPARTMENT -II,  
GOVERNMENT MENTAL HOSPITAL,  
KILPAUK CHENNAI

... Respondents

**PRAYER:**

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the order passed by the 2nd respondent in Na.Ka.No.8807/Nil/2025 dated 14.10.2025 and to quash the same as illegal and further direct the 2nd respondent to grant maternity leave to the petitioner from 21.10.2025 to 22.10.2026.



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For Petitioner : Mr.S.Kasirajan

For Respondents : Mr.M.Bindran,  
Additional Government Pleader

### **ORDER**

This writ petition has been filed challenging the order passed by the second respondent dated 14.10.2025 thereby rejecting the leave application seeking maternity leave for the petitioner's third child.

2. The petitioner is serving as Nurse before the first respondent. While being so, she conceived for the third time and the date of delivery has been fixed in the month of November 2025. Therefore, the petitioner submitted leave application seeking maternity leave from 21.10.2025. However, it was rejected on the ground that the petitioner is not eligible for maternity leave for the third child.

3. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.



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4. The Hon'ble Supreme Court of India as well as this Court have repeatedly held that a woman 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 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*



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*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 this writ petition cannot be sustained and is liable to be set aside. Accordingly, the impugned order dated 14.10.2025 is hereby set aside. The second respondent is directed to grant maternity



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leave to the petitioner for the period from 21.10.2025 to 22.10.2026 together with all consequential benefits, in accordance with the applicable rules, forthwith.

7. With the above direction, this writ petition stands allowed.

There shall be no order as to costs.

14.11.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order  
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To

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KILPAUK, CHENNAI
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GOVERNMENT MENTAL HOSPITAL,KILPAUK, CHENNAI
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**G.K.ILANTHIRAIYAN, J.**

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