



W.P.No.43710 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

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1. Dr.Pavithra.S
2. Dr.A.Bhackiya.A
3. Dr.Kaarnika.S
4. Dr.Loga Nivethaa.R.K
5. Dr.R.Anusha
6. Dr.Kepelhounai U.Kehie
7. Dr.Syed Moza
8. Dr.Bhavani Gowri Santhiya
9. Dr.Maksooda Noorshida Banu.P
10. Dr.Jemy Adalin.R
11. Dr.Nivya.R
12. Dr.Supriya A.S
13. Dr.B.Anuradha



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14. Dr.Sameena Begam.K

15. Dr.Bhagyalakshmi

... Petitioners

Vs

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

2. The Director,
Directorate of Medical and Rural Health Services,
Health and Family Department,
No.359, DMS Complex,
361, Anna Salai,
Chennai – 600 006.

3. The Director,
Directorate of Medical Education and Research,
Health and Family Department,
Kilpauk, Chennai – 600 010.

... Respondents

Writ Petition filed under Article 226 of the Constitution praying to issue a Writ of Mandamus, directing the first to third respondents to grant maternity leave with attendant service benefits for the petitioners in the post of Assistant Surgeon, in Non service PG Degree-two years bond service period, in the light of dictum laid down in the case of Dr.E.Krithikaa in W.A.(MD) No.860 of 2023 order dated 19.06.2025.



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For Petitioners : Mr.E.K.Kumaresan

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

O R D E R

This Writ Petition has been filed seeking a direction to the respondent to consider the representation submitted by the petitioners to grant maternity leave, together with all attendant service benefits, in the post of Assistant Surgeon under the Non service of PG category.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioners had joined in their post-graduate degree course by executing two years bond for service. All the petitioners are non service candidates. Upon completion of their post-graduate degree, the petitioners entered service to comply with the bond period. During such period, they became pregnant. They applied for maternity leave and their leave applications are presently pending consideration before the respondents.



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4. The learned counsel for the petitioners relied upon several judgements of this Court and the Hon'ble Supreme Court of India. The Division Bench of this Court in W.A.(M.D) No.860 of 2023, while referring to the judgement of the Hon'ble Supreme Court of India in the case of ***Kavita Yadav Vs. State (NCT of Delhi) (2024) 1 SCC 421*** held that Section 5 of the Maternity Benefit Act, 1961, holds that every woman shall be entitled to the payment of maternity benefit. Section 12 forbids the employer from dismissing or discharging an employee when she absents herself from work in accordance with the provisions of the Act. Section 27 of the Act states that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or agreement or contract of service. Further, in ***K.Uma Devi Vs. Government of Tamil Nadu (2025 SCC OnLine SC 1204)***, the Hon'ble Supreme Court of India held that the concept of maternity leave is a matter of not just fair play and social justice but is also a constitutional guarantee to women employees of this Country towards fulfilment whereof the State is bound to act. In the light of the above, the Division Bench of this Court set aside the rejection of maternity leave and allowed the Writ Appeal, holding



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that the maternity leave period of 12 months shall be counted towards the bond period.

5. Admittedly, these petitioners are not service candidates. They were selected for their respective postgraduate degree courses and executed bonds to serve for two years in Government service. The Hon'ble Supreme Court of India held that, in respect of service candidates, the period of maternity leave ought to be treated as duty period with all monetary benefits. However, without considering the said aspect and applying the above case law to persons who were not in service and who completed their post-graduate degrees, this Court had earlier extended the said relief.

6. There is no doubt 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 of the Constitution of India. A regular State Government employee is entitled to maternity leave for 12 months under the amended Service Rules. Therefore, persons, who have completed their post-graduate degrees by executing a



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bond to serve the Government for two years are also entitled to maternity leave. However, they are not entitled for any monetary benefits during the period of maternity leave and they are required to comply with the bond period after completion of such maternity leave. Hence, the judgements of the Hon'ble Supreme Court of India relied upon by the petitioners are not applicable to the case on hand.

7. In view of the foregoing, the petitioners are entitled to avail maternity leave; however, they shall not be entitled to any monetary benefits during the period of such leave. Upon completion of the maternity leave, the petitioners shall necessarily comply with the bond period stipulated under the terms of their post-graduate admission.

8. In the result, this Writ Petition is disposed of with the above directions. No costs.

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Index: Yes/No
Neutral Citation: Yes/No
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