



W.P.No.44924 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.11.2025

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.44924 of 2025

M.Senthamail Selvi

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Secretary,
The Department of School Education,
Fort St. George, Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
O/o. The Chief Educational Office,
Dharmapuri District, Dharmapuri – 636 705.
4. The Head Master,
Government Higher Secondary School,
Palacode, Dharmapuri District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 07.11.2025 in Na.Ka.N.153 of



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2025 passed by the 4th respondent and quash the same as illegal and arbitrary and consequently directing the respondents to grant the maternity leave from 10.11.2025 to 09.11.2026 for the petitioner in pursuant to the judgement of the Hon'ble Supreme Court in (2025) 8 SCC 263 K.Umadevi Vs. Government of Tamilnadu and others.

For Petitioner : Mrs.C.Uma

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 07.11.2025 on the file of the fourth respondent, thereby rejecting the leave application submitted by the petitioner seeking maternity leave from 10.11.2025 to 09.11.2026.

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

3. The petitioner was appointed as a BT Teacher (Maths) on 17.12.2012. Even prior to her employment, she had married and given birth



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to two children. After joining the post of BT Teacher (Maths), she became pregnant for the third time, and her expected date of delivery is in January 2026. Therefore, the petitioner applied for maternity leave for her third child. However, her request was rejected on the basis of G.O.(Ms).No.84, Human Resources Department (FR III) Department dated 23.08.2021, which provides that the maternity leave on full pay to permanent married women Government servants appointed on regular capacity shall not exceed 365 days and such leave shall be granted only if the employee has less than two surviving children.

4. This issue has already been dealt with by this Court W.P.No.33559 of 2025, dated 04.09.2025, on the strength of the judgement passed by the Hon'ble Supreme Court of India in ***K.Umadevi Vs. Government of Tamilnadu and others***, reported in ***(2025) 8 SCC 263***. For ready reference, this Court deems it appropriate to extract the judgement of this Court in W.P.No.33559 of 2025 dated 04.09.2025, which reads 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



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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 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.

7. The facts also almost are similar to that of the present case as in that case also before entering into service, the mother gave birth to two children and when she was pregnant third time, such an episode had happened where a request for maternity leave and maternity benefits since has been denied by the employer, she approached the Court and ultimately, the Division Bench since has reversed the order passed by the learned Single Judge, the Hon'ble Supreme Court in the said order has declared the legal position too exhaustively discussing the various aspects and ultimately held that, the Division Bench judgment which was impugned before the Hon'ble Supreme Court was erroneous one and therefore, the maternity benefits was directed to be given to the petitioner who was the appellant before the Supreme Court in the said case.

8. Herein the case in hand exactly the third respondent has rejected the request of the petitioner for grant of maternity benefits to the petitioner vide order impugned dated 18.08.2025



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stating that it was a third pregnancy.

9. Here also the petitioner gave birth to two children before entering into service and after entering into service since this is the third pregnancy, when she made an application to grant maternity leave and maternity benefits, that was denied for the said reasons.

10. Whether the first two pregnancies were prior to joining of the service or not, even in our considered view, that would not alter the situation.

11. The very basis for granting such maternity reliefs to the women employees / staffs / officers concerned including the maternity leave and maternity benefits is based on a sound policy that in order to shoulder and withstand the pain and sufferings undergoing by the mother at the time of pre-delivery as well as post-delivery of the child.

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.

13. In that view of the matter following the dictum of the Hon'ble Supreme Court of Umadevi's case cited supra, we are



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G.K.ILANTHIRAIYAN, J.

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