



W.P(MD)No.7974 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.7974 of 2025
and
W.M.P(MD)No.6011 of 2025

S.Shakila Banu

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home, Prohibition & Excise Department,
St. George Fort,
Chennai-9.
- 2.The Director of Prosecution,
Tamil Nadu Slum Clearance Board Complex,
Annexure Building 1st Floor,
No.5, Kamarajar Salai,
Chennai-5.
- 3.The Deputy Director of Prosecution,
Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order, dated 29.01.2024



W.P(MD)No.7974 of 2025

WEB COPY

in Na.Ka.No.92/A1/2024 passed by the third respondent and quash the same as illegal and consequently direct the third respondent to grant maternity leave to the petitioner for her third child as per the Government Orders by adjusting the medical leave and earned leave availed by the petitioner and pass such further or other orders as this Court.

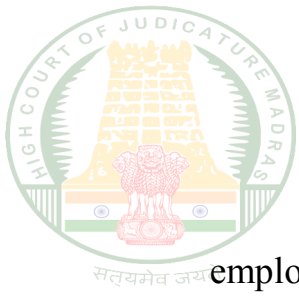
For Petitioner : Mr.A.Mohan

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

The present writ petition has been filed to quash the order, dated 29.01.2024 passed by the third respondent and consequently direct the third respondent to grant maternity leave to the petitioner for her third child as per the Government Orders by adjusting the medical leave and earned leave availed by the petitioner.

2. The issue raised in the writ petition is no longer *res integra*. This Court in W.P(MD)No.23455 of 2024, following the judgment of the Hon'ble Apex Court had held that there can be no restriction of grant of maternity leave by the number of child that is born to the concerned



W.P(MD)No.7974 of 2025

WEB COPY

employee. I am also in agreement with the view taken by the learned Single Judge.

3. In view of the same, the writ petition stands allowed. The impugned order stands quashed and the respondents are directed to approve the maternity leave for the petitioner in accordance with the provisions of the Act and Rules alone. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition & Excise Department,
St. George Fort,
Chennai-9.

2.The Director of Prosecution,
Tamil Nadu Slum Clearance Board Complex,
Annexure Building 1st Floor,
No.5, Kamarajar Salai,
Chennai-5.

3/5



W.P(MD)No.7974 of 2025

WEB COPY 3. The Deputy Director of Prosecution,
Sivagangai.



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W.P(MD)No.7974 of 2025

K.KUMARESH BABU, J.

BTR

Order made in
W.P(MD)No.7974 of 2025

11.09.2025