



W.P.(MD)No.15534 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.15534 of 2025

and

WMP (MD) No.11751 of 2025

S.Selvi

: Petitioner

Vs.

1. The Additional Chief Secretary
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai.

2. The Director Of Medical Education
Office Of The Director Of Medical Education,
EVR Road,
Kilpauk, Chennai.

3. The Dean
Government Medical College Hospital,
Nagapattinam.

4. The Administrative Officer
Government Medical College Hospital,
Nagapattinam.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus,



W.P.(MD)No.15534 of 2025

calling for the entire records connected with the rejection of maternity leave dated 20.05.2025 passed by the 3rd respondent vide Na.Ka.No. 5057/Ni3/2025 and quash the same, consequently directing the respondents to grant maternity leave to the petitioner from 01.08.2025 to 31.07.2026.

For Petitioner : Mr.S. Malaikani

For Respondents : Mr.S.R.A.Ramachandran

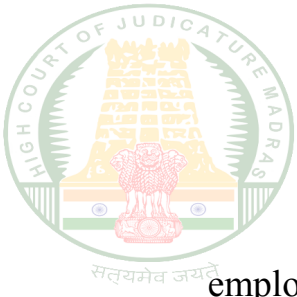
Additional Government Pleader

ORDER

The present Writ Petition has been filed to challenge the impugned order dated 20.05.2025, rejecting the petitioner's request for the grant of maternity leave from 01.08.2025 to 31.07.2026.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner's case is that, during the initial period of her service as a Female Staff Nurse on a contract basis, she gave birth to a child on 26.09.2017. However, at that time, she was not granted the benefit of maternity leave on the ground that she was a contractual



W.P.(MD)No.15534 of 2025

WEB COPY

employee. Subsequently, on 05.06.2023, she gave birth to a second child. By then, her services had been regularized, and she was granted maternity leave from 09.04.2023 to 08.04.2024. The petitioner has now conceived again and submitted an application seeking maternity leave for the period from 01.08.2025 to 31.07.2026, before the third respondent. However, the third respondent rejected her request, citing G.O.Ms.No. 237, Personnel and Administrative Reforms (FR III) Department, dated 29.06.1993, which stipulates that maternity leave is admissible only for up to two surviving children and that a married woman Government servant is not entitled to maternity leave for the birth of a third child if she already has two surviving children. Aggrieved by the rejection order, the petitioner has filed the present writ petition.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submits that as per G.O.Ms.No. 237, Personnel and Administrative Reforms (FR III) Department, dated 29.06.1993, maternity leave is admissible to a married woman Government servant only for the birth of up to two surviving children. The said Government Order is uniformly applicable to all female Government servants without any discrimination and the same has been



W.P.(MD)No.15534 of 2025

WEB COPY

consistently followed across all departments. Therefore, the impugned order has been passed in strict conformity with the applicable Government Orders and accordingly, prayed for dismissal.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. A careful perusal of G.O.Ms.No.237, dated 29.06.1993, particularly paragraph 5(i), reveals that *“a woman Government servant with less than two surviving children may allowed maternity leave for a period of 90 days from the date of its commencement”*. Admittedly, in the present case, the petitioner has already availed the benefit of maternity leave for her second child, following the regularization of her service. Her present request pertains to maternity leave for the birth of a third child. As she already has two surviving children, she is not entitled to the grant of maternity leave under the said Government Order. Therefore, the rejection of the petitioner’s request is in accordance with the prevailing policy and the impugned order does not warrant any interference by this Court.



W.P.(MD)No.15534 of 2025

WEB COPY

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16.06.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Additional Chief Secretary
Health and Family Welfare Department,
Secretariat,
Fort St. George,
Chennai.

2. The Director Of Medical Education
Office Of The Director Of Medical Education,
EVR Road,
Kilpauk, Chennai.

3. The Dean
Government Medical College Hospital,
Nagapattinam.

4. The Administrative Officer
Government Medical College Hospital,
Nagapattinam.



WEB COPY



W.P.(MD)No.15534 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.15534 of 2025

16.06.2025