



W.P.(MD)No.16101 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16101 of 2025

V.Divya

: Petitioner

Vs.

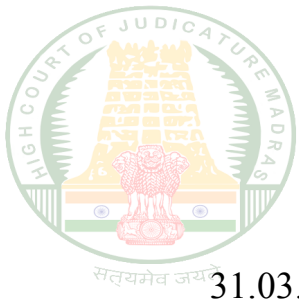
1. The Government of Tamil Nadu,
Represented by Principal Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

3. The Superintendent of Police,
Office of the Superintendent of Police,
Sivaganga District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 3rd respondent Na.Ka. No.J3/LR/10212299/03/2025 dated 23.04.2025 and to quash the same as illegal, consequently direct the respondents to sanction maternity leave to the petitioners for the period from 01.04.2025 to



W.P.(MD)No.16101 of 2025

31.03.2026 (twelve months) which was inclusive of both pre-and-postnatal periods in accordance with law.

For Petitioner : Mr.S.Atham Ali

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

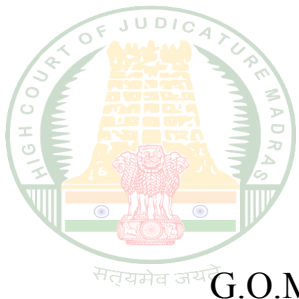
Additional Government Pleader

ORDER

The present Writ Petition has been filed to challenge the impugned order dated 23.04.2025, rejecting the petitioner's request for the grant of maternity leave from 01.04.2025 to 31.03.2026.

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 she is presently working as a Junior Assistant in the Office of the Superintendent of Police, Sivagangai District. She initially gave birth to two children on 06.03.2019 and 15.11.2021, respectively. Subsequently, on 05.05.2025, she gave birth to a third child. In this regard, she submitted an application seeking maternity leave for the period from 05.05.2025 to 31.05.2025 to the third respondent. However, the third respondent rejected her request, citing



W.P.(MD)No.16101 of 2025

WEB COPY

G.O.Ms.No.84, Human Resources Management (FR III) Department, dated 23.08.2021, which stipulates that maternity benefits shall not be granted for the birth of a third child. Consequently, the petitioner was held to be ineligible for maternity leave. 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 the maternity leave is admissible to a married woman Government servant only for the birth of two surviving children. The said Government Order is uniformly applicable to all female Government servants without any discrimination and the same has been 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. Admittedly, in the present case, the petitioner has already two surviving children and therefore, she is not entitled to the grant of



W.P.(MD)No.16101 of 2025

WEB COPY

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.

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

18.06.2025

Index : Yes / No

Internet : Yes / No

PKN



W.P.(MD)No.16101 of 2025

To

WEB COPY

1. The Government of Tamil Nadu,
Represented by Principal Secretary,
Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Sivaganga District.



WEB COPY



W.P.(MD)No.16101 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.16101 of 2025

18.06.2025