

W.A.(MD)No.1591 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

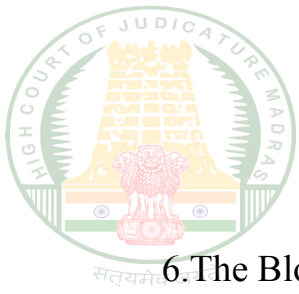
W.A(MD)Nos.1591 and 1508 of 2023

N.Anantha Jothi

... Appellant in both appeals

Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-9.
- 2.The Director of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Building, Chennai-600 015.
- 3.The District Collector,
Virudhunagar District,
Virudhunagar.
- 4.The Personal Assistant to District Collector (Development),
Collector Office Campus,
Virudhunagar District,
Virudhunagar.
- 5.The Assistant Director of Rural Development (Panchayat),
O/o.the Assistant Director of Rural Development,
Virudhunagar, Virudhunagar District.



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6.The Block Development Officer (Village Panchayat),
O/o.the Block Development Officer,
Kariapatti, Virudhunagar District.

7.The President,
P.Pudupatti Panchayat,
Puduapatti Post, Kalkurichi,
Virudhunagar District.

8.The President,
D.Kadamangalam Panchayat,
Kariapatti Panchayat Union and Taluk,
Virudhunagar District.

... Respondents in both appeals

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)Nos.6974 of 2023 & 18626 of 2020, dated 29.03.2023 and 16.09.2022, respectively.

In both appeals:

For Appellants	:Mr.T.Lajapathi Roy Senior Counsel for M/s.Lajapathi Roy Associates
For R1	:Mr.S.S.Madhavan Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

These Writ Appeals are filed by the petitioner in the writ petition challenging the order passed in Nos.6974 of 2023 & 18626 of 2020, dated 29.03.2023 and 16.09.2022, respectively.



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3.Since the issue involved in these writ appeals are one and the same, both the writ appeals are taken up together, heard and disposed of by way of this common order.

4.The contention of the appellant is that she was recruited to the post of Village Panchayat Assistant on 15.10.2010. She got married on 06.12.2013. She was not granted maternity leave. Therefore, she was forced to take a decision to submit resignation in the year 2014. Thereafter, she gave birth to twin babies. After a lapse of 8 years, the petitioner submitted representations seeking reinstatement stating that no order was passed on her resignation letter. Since the same were rejected, the appellant filed writ petitions. The writ Court by order dated 16.09.2022 and 29.03.2023 held that the order of rejection cannot be interfered and also held that the person, who has resigned her job cannot insist as a matter of right for reinstatement or treat her as a fresh entrant. The writ Court further directed the authorities to revisit the issue of the appellant and adopt a compassionate approach. Challenging, the same, these writ appeals are filed.



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5.The learned counsel appearing for the first respondent vehemently opposed for considering the case of the writ petitioner, since the Special Rules for the recruitment to the post of Village Assistants states that the recruitment should only be through an open competition.

6.We have heard the learned counsel appearing on either side and perused the materials placed on record.

7.The main contention of the appellant is that the maternity leave is a statutory right guaranteed under the Constitution and various other provisions. Recently, this Court in the case of *B.Kavitha vs. Registrar General* [2025:MHC:720], has come heavily on the judicial Officer, who denied the permission to the woman employee to avail maternity leave period, holding that such an attitude cannot be shown to women, since maternity is part of their life. Therefore, this Court is inclined to entertain these writ appeals. Accordingly, these writ appeals are **allowed**.

8.At this juncture, it is brought to the notice of this Court that the appellant has filed an undertaking affidavit stating that her appointment may be



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treated as a fresh appointment and she will not claim back wages or service benefits for the period of non-employment.

9.It is also brought to the notice of this Court that only two posts are available at Kilavaneri and Pappanam panchayat. The writ petitioner is also willing to be appointed at Kilavaneri Panchayat.

10.Accordingly, the respondents are directed to appoint the writ petitioner as Village Assistant at Kilavaneri Panchayat within a period of one week from the date of receipt of a copy of this order. It is made clear that the appellant is appointed as fresh entrant and she is not entitled to backwages, service benefits and other benefits for her earlier employment. No costs.

[J.N.B., J.] [S.S.Y., J.]
04.04.2025

Index : Yes / No
Internet : Yes/No
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Note: Issue order copy on 09.04.2025



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J.NISHA BANU, J.

and

S.SRIMATHY, J.

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