



W.P.(MD)No.18092 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

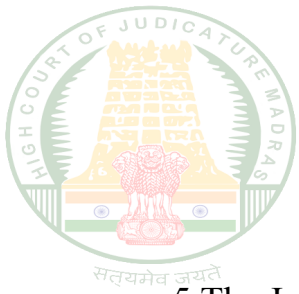
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G.E.Kavitha

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Represented by the Chief Secretary to Government,
Human Resource Management (FV - IV) Department,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Represented by the Chief Secretary to Government,
Personnel and Administrative Reforms (FV -IV) Department,
Secretariat, St. George Fort,
Chennai – 600 009.
- 3.The State of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, St. George Fort,
Chennai - 600 009.
- 4.The Director of School Education,
Directorate of School Education,
DPI Complex, College Road,
Nungambakkam, Chennai - 600 006.



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5.The Joint Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

6.The Chief Educational Officer,
Thallakulam, Madurai - 625 002.

7.The District Educational Officer,
Chinna Chokkikulam, Madurai - 625 002.

8.The Special Officer,
Thirunagar Housing Building,
Society Council,
Thirunagar, Madurai - 625 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant Maternity leave as per the Tamil Nadu Fundamental Rules (FR) 110 (1) (a) by way of considering the representation dated 10.06.2025 of the petitioner, within the time frame that may be fixed by this Court.

For Petitioner : Mr.V.Ganaptahy Subramanian

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to grant maternity leave to the petitioner in accordance with Rule 110(1)(a) of the Tamil Nadu Fundamental Rules, by considering her representation dated 10.06.2025, within a time frame to be fixed by this Court.



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2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioner, she is now employed as a Post Graduate Teacher (History) at Savithabai (Kovai) Higher Secondary School, Thirunagar, Madurai and is now pregnant following her second marriage with one P.Ramesh on 10.02.2025. She has developed health complications due to the pregnancy and requires maternity leave for her well-being and that of the unborn child. The petitioner submitted a representation dated 10.06.2025 to the respondents, seeking maternity leave under Rule 110(1)(a) of the Tamil Nadu Fundamental Rules, in accordance with the judicial precedents. However, despite receipt of the representation, no action has been taken by the respondents. As this is the petitioner's first maternity leave, she is entitled to the same and denial thereof may endanger her health. Having no other efficacious remedy, the petitioner is constrained to approach this Court under Article 226 of the Constitution of India, seeking appropriate relief.



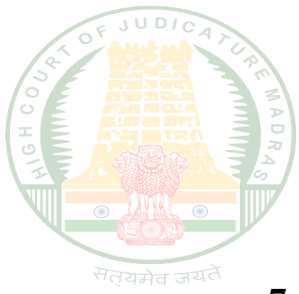
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4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the seventh respondent to consider the petitioner's representation dated 10.06.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the seventh respondent to consider the same on its own merits.



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7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

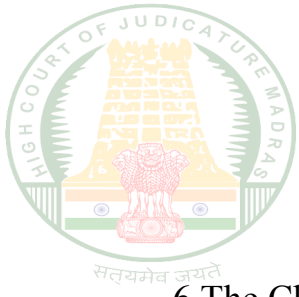
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Index : Yes / No

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