



WEB COPY

WP No. 7189 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 7189 of 2026

AND

WMP NO. 7795 OF 2026

M.J.Pavithra
D/o. Jagadheesan,
Door No.3/272. Kudimenahalli
Agaram Post, Pochampalli Taluk
Agaram, Krishnagiri -635 204.

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government
School Education Department
Fort St. George, Chennai-600 009.
2. The Director of School Education
Director of School Education,
DPI, Campus, College Road,
Chennai-600 006
3. The Chief Educational Officer
Chief Educational Office
Krishnagiri District -635 115.
4. The Headmaster
Government Higher Secondary School
Gerigepalli, Uthangarai Taluk,
Krishnagiri District -635 304.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings dated 22.01.2026 having Ref .No.Na.Ka.No.137/A1/2026 passed by the 3rd respondent and quash the



same as illegal and arbitrary and consequently directing the respondents to grant maternity leave to the petitioner from 24/11/2025 to 23.11.2026 and pass orders.

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For Petitioner: Ms.C.Uma

For Respondents: Ms.Mythreye Chandru
Special Government Pleader for R1 to R4

ORDER

This writ petition has been filed seeking to quash the impugned proceedings of the third respondent dated 22.01.2026 in Na.Ka.No.137/A1/2026 and consequently to direct the respondents to grant maternity leave to the petitioner from 24.11.2025 to 23.11.2026.

2. It is the case of the petitioner that she was appointed as PG Teacher (Maths) in Government Girls Higher Secondary School, Manalurpet, Kallakurichi District on 12.02.2020. Thereafter, she was transferred to 4th respondent school on 28.04.2022 and continued to serve in 4th respondent school to date. Her service was regularised on 11.02.2023.

3. According to the petitioner, her first child was born on 07.07.2016 prior to her appointment in Government Girls Higher Secondary School, Manalurpet. Thereafter, while she was in service in Government Girls Higher



Secondary School, Manalurpet, she gave birth to second child on 03.05.2021.

The petitioner had got conceived for a third time and her due date was in November 2025. Therefore, the petitioner had submitted her representation to the 4th respondent on 25.11.2025 seeking to grant maternity leave with benefits from 24.11.2025 to 23.11.2026. Her representation was forwarded to the 3rd respondent. However, no orders have been passed by the 3rd respondent till date and that the petitioner is in loss of pay till date. The petitioner had also given birth to a male child on 27.11.2025.

4, While so, the petitioner had submitted her second representation on 12.01.2026 to the 4th respondent. Vide proceedings of the 3rd respondent dated 22.01.2026, the petitioner's request seeking grant of maternity leave with maternity benefits was rejected, relying upon G.O.Ms.No.154, Human Resources Department (FR.II) dated 09.11.2021, as per which, a women government employee is entitled to maternity leave only for two children, irrespective of whether she was in service during her first pregnancy or not. Aggrieved by the same, the petitioner is before this Court.

5. The contention of the petitioner is that though this is her third pregnancy, it is the second time she is availing maternity leave during her service period. Therefore, the impugned rejection order is unreasonable and



the same is liable to be quashed.

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6. Heard the learned counsel on both sides and perused the materials available on record.

7. The issue is no longer *res integra*. In the case of ***Umadevi Vs Government of Tamil Nadu (2025)*** reported in ***(2025) SCC OnLine 1204***, the Hon'ble Supreme Court had held that denying maternity leave for the third child was unconstitutional when the child was the first child through the new spouse.

8. In the case on hand, the petitioner had one child prior to entering into the Government service and she had not availed the maternity leave benefits for the birth of her first child. The petitioner, after joining the service, had availed her 1st maternity leave in the year 2021 for the birth of her second child, and now the petitioner had requested the authorities to grant her 2nd maternity leave from 24.11.2025 to 23.11.2026 for the birth of her third child.

9. The judgment in ***Uma Devi case*** has been followed by the Division Bench of this Court in W.P.No.705 of 2026. The Division Bench of this Court, taking note of the above referred ***Uma Devi case*** and other Bench judgments, had passed the following order, while considering the similar issue of maternity leave for third pregnancy, in paragraph 10 :



“10. In that view of the matter as the issue raised herein is fully covered with the aforestated decisions, we are inclined to pass the following orders in the writ petition:

that the impugned order is set aside. As a sequel, there shall be a direction to the respondents to extend the benefit of Maternity Leave to the writ petitioner as per her entitlement especially for a period between 08.08.2025 to 07.08.026 with all attendant and service benefits available to the employee concerned and necessary orders to that effect be passed by the respondents within a period of one week from the date of receipt of a copy of this order.”

10. In view of the above settled position, the said judgment would squarely apply to the facts of the present case. Consequently, the impugned rejection order of the 3rd respondent dated 22.01.2026 is set aside and the writ petition is allowed. The respondents are directed to extend the benefit of maternity leave to the writ petitioner as per her entitlement especially for the period between 24.11.2025 to 23.11.2026 with all attendant and service benefits. No costs. Consequently, connected miscellaneous petition is closed.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DS



To:

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State of Tamil Nadu
School Education Department
Fort St. George, Chennai-600 009.
2. The Director of School Education
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