



WEB COPY

WP No. 9023 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

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

WP No.9023 of 2026

AND

WMP No. 9744 OF 2026

S.Sumaya Rahamath
W/o.Abuthahir
Secondary Grade Teacher
Panchayat Union Middle School
Nayakkansolai
Gudalur Block
Nilgiris District.

..Petitioner(s)

Vs

1. Government Of Tamil Nadu
Represented by Principal Secretary
to Government, Home Department
Secretariat, Chennai 600009.
2. The Director Elementary Education
DPI Campus
Chennai 6.
3. The District Elementary Educational Officer
Nilgiris District
Nilgiris.
4. The Block Educational Officer
Gudalur Block
Nilgiris District.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records relating to the order of 4th respondent by in his proceedings in



O.Mu.Pa1-2157/A5/2022 dated 09.01.2026 to quash the same consequently direct the respondents to sanction maternity leave for the period from 15.04.2026 to 14.04.2027 with full pay and all attendant benefits in the light of WP.No. 705 of 2026.

For Petitioner(s): Mr.P.Murali

For Respondent(s): Ms.Mythreye Chandru
Special Government Pleader

Order

The petitioner is aggrieved by the fact that her request for maternity leave for her third child was rejected by placing reliance on G.O.Ms.No.84, Human Resources Management (FR-III) Department dated 23.08.2021.

2. The petitioner was appointed as a Secondary Grade Teacher on 25.07.2025 through the Teacher Recruitment Board and was posted at Panchayat Union Middle School, Nayakkansolai, Gudalur Block, Nilgiris District. Prior to joining the Government service, the petitioner had married one Abuthahir and through the said wedlock two children were born. After joining service, the petitioner conceived again and the expected date of delivery is 15.04.2026. The petitioner applied for maternity leave on 09.12.2025 as per G.O.(Ms) No.84 dated 23.08.2021 seeking leave for the period from 15.04.2026 to 14.04.2027. However, the 4th respondent, by proceedings dated 09.01.2026, rejected the request on the ground that the petitioner already has two children



and there is no provision for grant of maternity leave for the third child.

Challenging the said order, the present writ petition has been filed.

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3. Heard the learned counsels on both sides and perused the materials available on record.

4. The issue is no longer res integra. In the case of ***Umadevi Vs Government of Tamil Nadu (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. In the case on hand, the petitioner had two children prior to her joining service and after joining service, this is the first child that she has conceived. Further, the judgment in **Uma Devi's 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's case** and other Bench judgments, had observed as follows in Paragraph 10.

“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 07.08.2026 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 one week from the date of receipt of a copy of this order. ”

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5. Therefore, the above said judgment squarely applies to the facts of the present case. Consequently, the order dated 09.01.2026 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 15.04.2026 to 14.04.2027 with all attendant and service benefits. No costs. Consequently, connected miscellaneous petition is closed.

09-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

1. The Principal Secretary
to Government,
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Secretariat, Chennai 600009.
2. The Director Elementary Education
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P.T.ASHA J.

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