



WEB COPY

WP No. 11472 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

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

WP No. 11472 of 2026

Sangeetha
W/o.Senthilkumar

..Petitioner(s)

Vs

1. The Director of Municipal Administration
Directorate Municipal Administration
MRC Nagar
Chennai-600 028

2. The Commissioner
Chidambaram Municipal corporation
Chidambaram
Cuddalore District

..Respondent(s)

This writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to grant maternity leave and maternity benefits to the petitioner for the period of 1 year from the date of 31.10.2025 with full pay and all attendant benefits by annulling the earned leave and other leaves availed by the petitioner during the period of 31.10.2025 to as on date.

For Petitioner(s): Mr. I.Sheik Mohamed

For Respondent(s): Mr. C.Selvaraj, AGP
for R1
Mr.P.Srinivas,
Standing Counsel for R2



ORDER

WEB COPY

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to grant maternity leave and attendant benefits to the petitioner for a period of one year from 31.10.2025, with full pay and all consequential service benefits.

2. The petitioner is working as a Junior Assistant in the second respondent Municipal Corporation from 08.01.2024. Prior to entering service, she had given birth to two female children. After entering service, she gave birth to a male child on 05.11.2025. The petitioner submitted an application dated 30.10.2025 to the second respondent seeking maternity leave for a period of one year. However, the same was orally rejected on the ground that she has not completed her probation period, which is contrary to G.O.(Ms) No.21 dated 28.05.2025 issued by the Human Resource (S) Department. The issue relating to grant of maternity leave to women employees is no longer *res integra*, having been settled by the Hon'ble Apex Court in the case of Umadevi vs/ Government of Tamil Nadu & Others. Thereafter, on 05.02.2026, the petitioner submitted a representation to the respondents seeking grant of maternity leave for a period of one year from 31.10.2025 with full pay, however, the same is still pending without any progress. Hence, the present writ petition.



3. Heard the learned counsel 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 entering service and this is the first child after joining service 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 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.”

5. In view of the above settled position, the said judgment squarely applies to the facts of the present case and the petitioner is entitled to the relief sought for and the respondents are directed to consider the request of the petitioner in the light of the above judgment.

6. With the above observation and direction, this writ petition is disposed of. No costs.

26-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MRP

To

1. The Director of Municipal Administration
Directorte Municipal Administration
MRC Nagar, Chennai-600 028
2. The Commissioner
Chidambaram Municipal corporation
Chidambaram, Cuddalore District



WEB COPY

WP No. 11472 of 2



P.T.ASHA, J.

MRP

WP No. 11472 of 2026

26-03-2026