

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2026

CORAM

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

WP No. 22455 of 2026

Aparna.P

..petitioner(s)

Vs

1. State of Tamil Nadu
Represented by its Secretary,
health and Family Welfare Department,
Fort St George, Chennai 600 009
2. The Director of Medical Education
Kilpauk, Chennai 600 010
3. The Director of Medical and Rural Health
Services
Anna Salai, Chennai
4. The Director of Public Health and Preventive
Medicine
Anna Salai Teynampet,
Chennai 600 086
5. The Dean
Madras Medical College,
Park Town, Chennai 600 003
6. The Hospital Superintendent
Kalaighar Centenary Super Speciality
Hospital,
Guindy
Chennai 600 032

..Respondent(s)



Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of mandamus directing the Respondents to grant the petitioner maternity leave for a period of one year with full pay / salary and all consequential service benefits and to treat the period of maternity leave as part of the petitioner's compulsory bond service.

For petitioner(s): Mr. S.Shanmitha

For Respondent(s): Mr. A.R.Balaji
Government Advocate

Order

This writ petition is filed for the following relief:

“To direct the Respondents to grant the petitioner maternity leave for a period of one year with full pay / salary and all consequential service benefits and to treat the period of maternity leave as part of the petitioner's compulsory bond service.”

2. The case of the petitioner is that she secured admission to D.M. (Medical Gastroenterology) Super Speciality Course at Madras Medical College and joined the course in the month of January 2023. At the time of admission, the petitioner executed a bond undertaking to serve the



Government of Tamil Nadu for a period of two years upon completion of the course and deposited her original educational certificates with the authorities.

3. The petitioner would submit that on successful completion of the course in the month of January 2026, she was posted as Assistant Professor, Department of Medical Gastroenterology, Kalaignar Centenary Super Speciality Hospital, Guindy, Chennai, by proceedings dated 13.02.2026. The petitioner joined the duty on 02.03.2026 and has continuously rendered service without interruption.

4. The petitioner would further submit that she is presently in the ninth month of pregnancy, with an expected date of delivery on 23.06.2026. She requested maternity leave with pay from the concerned authorities. However, she was orally informed that Non-Service Post Graduate Doctors undergoing compulsory bond service are not entitled to maternity leave benefits and that she would have to discontinue service and subsequently complete the remaining bond period. Therefore, the petitioner is before this Court for the aforesaid relief.



5. Heard the learned counsels on the either side and perused the records.

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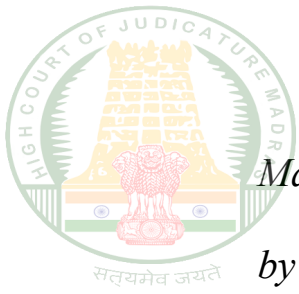
6. The Division Bench of this Court in a writ appeal in **WA.No.12 of 2026** challenging the order passed in **WP.No.43710 of 2025**, arising out of very same issue had held as follows:

“20. In that view of the matter, this writ appeal is disposed of with the following orders:

(a) The appellants are entitled to get maternity leave for a maximum period of one year which is equivalent to the benefit being extended to any other government employee of the State Government including the doctors who are in service at the respondent department. Therefore, such a benefit be extended to these appellants also.

(b) During the maternity leave period of one year, these appellants are entitled to claim the stipend / salary as the case may be as applicable to them as Post Graduate Doctors even during the bond period.

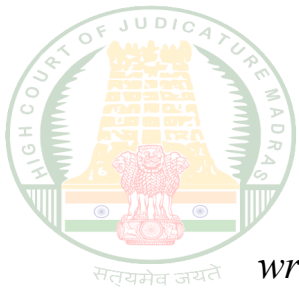
(c) Since it is purely a leave arising out of the



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Maternity Benefit Act as well as various judgements passed by the Courts of law like Kavita Yadav Vs. State (NCT of Delhi) (2024) 1 SCC 421, K.Uma Devi Vs. Government of Tamil Nadu (2025 SCC Online SC 1204), where since it has been declared to be a constitutional right within the meaning of Article 21 of the Constitution of India, the said maternity leave period also has to be calculated as service period being exhausted during the bond period and therefore, one year maternity leave period be taken as service of bond period out of the total years by these appellants / writ petitioners. Therefore, no further period or extension of the bond period be insisted because of the availing of one year maternity leave by these appellants.

(d) A copy of this judgement be forwarded to the Principal Secretary to the Government, Health and Family Welfare Department, Government of Tamil Nadu, Director of Medical and Rural Health Services and Directorate of Medical Education, Government of Tamil Nadu for strict compliance of these orders in all future cases of similar nature.



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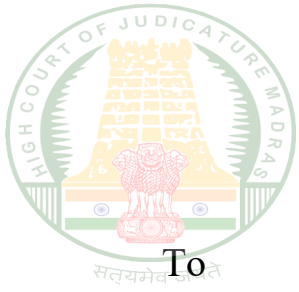
21. With the above directions, the order passed by the writ court dated 17.11.2025 made in WP.No.43710 of 2025 is modified accordingly and thereby the writ appeal is disposed of to the extent indicated above. No costs.

7. The above judgement squarely applies to the facts of the instant case and accordingly this writ petition is allowed on the same lines of the judgement passed in **WA.No.12 of 2026** dated **04.02.2026**. No costs.

19-06-2026

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

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To

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