



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-06-2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 8391 of 2026

R.Vanaja

Petitioner(s)

Vs

1. The Superintendent of Police
Thanjavur District.

2. The Deputy Superintendent of Police
Thiruvaiyaru.

3. The Inspector of Police
Sengipatti Police Station
Thanjavur District.

Respondent(s)

For Petitioner(s): Mr.A.Sivasubramanian

For Respondent(s): Mr.K.K.Udhaya Kumar, Counsel for State

Prayer:

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records pertaining to the impugned order of 1st respondent by in his proceedings in NA.KA.No. N1/37467/2025 dated 30.12.2025 to quash the same and consequently direct the respondents to sanction maternity leave for the period from 02.12.2025 to 01.12.2026 with full pay and all attendant benefits.

ORDER

The present Writ Petition has been filed for the issuance of a Writ of CERTIORARIFIED MANDAMUS, to quash the impugned order of 1st respondent by in his proceedings in NA.KA.No. N1/37467/2025 dated 30.12.2025 and



consequently, to direct the respondents to sanction maternity leave for the period from 02.12.2025 to 01.12.2026 with full pay and all attendant benefits.

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2.The petition is already blessed with two children. Upon the birth of her third child, she submitted an application seeking maternity leave. However, the respondents have not considered the same. Hence, the present Writ Petition.

3.The issue relating to the grant of maternity leave for the birth of a third child has already been considered by the Hon'ble Division Bench of this Court in ***W.P.No.16245 of 2026, dated 28.04.2026 [Shayee Nisha Vs. The Registrar General and others]***, wherein it is held that an employee is entitled to maternity leave in respect of the birth of a third child. The relevant portion of the Judgment is extracted hereunder:

“8. The State Government being a Welfare State and several policy decisions are being taken by the State Government for the welfare of the women folks and several new and novel schemes are also being introduced by the State of Tamil Nadu for the upliftment of the women, the present deviation made by the Government in issuing G.O.(Ms.)No.18, Human Resources Management (FR-III) Department dated 13.03.2026, by restricting the maternity benefits to the pregnant woman only to twelve weeks is not in consonance with the consistent policy taken by the State Government, nor it is



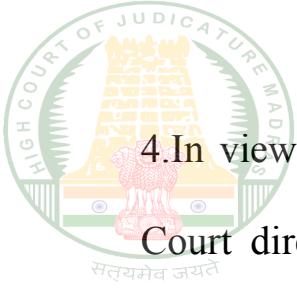
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in consonance with the law settled in this regard by the Hon'ble Supreme Court in the Umadevi's case (cited supra), followed by the Division Bench judgments in the cases of B.Ranjitha (cited supra) and P.Mangaiyarkkarasi (cited supra).

9. Therefore, the import of G.O.(Ms.)No.18 dated 13.03.2026, in our considered view, shall not control the District Judiciary in dealing with these kind of applications from pregnant women for sanction of maternity leave, even for third pregnancy.

10. Even though Sub-Section (3) of Section 5 of the Central Act 53 of 1961 is quoted as a reason for restricting the maternity period to twelve weeks, in our considered view, the rigorous of such provision became otiose in view of the law having been settled by the Hon'ble Supreme Court in the judgment cited supra. Therefore, we think that the said justification given by the Government in restricting the maternity leave benefit only for twelve weeks' period for third pregnancy is unjustifiable.

11. Resultantly, we have no hesitation to hold that the order passed by the Principal District Judge, Villupuram, dated 27.03.2026 is liable to be set aside and accordingly, it is set aside. As a sequel, there shall be a direction to the Principal District Judge, Villupuram, to consider the application submitted by the petitioner and sanction the maternity leave as equal to that of pregnant women of first and second pregnancy, unmindful of G.O. (Ms.)No.18 dated 13.03.2026. The needful shall be undertaken and necessary orders be passed by the second respondent Principal District Judge, Villupuram, within a period of one week from the date of receipt of a copy of this order."



4. In view of the aforesaid Judgment, the impugned order is quashed and this Court directs the respondents to consider the petitioner's claim for grant of maternity leave in respect of the birth of her third child and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The petitioner's maternity leave will be over by 27.06.2026. The respondents are directed to grant further leave as per the order of the Hon'ble Division Bench.

5. With the above direction, this Writ Petition is allowed. No costs.

23-06-2026

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Note: Issue order copy on 25.06.2026.

To

1. The Superintendent of Police
Thanjavur District.

2. The Deputy Superintendent of Police
Thiruvaiyaru.

3. The Inspector of Police
Sengipatti Police Station
Thanjavur District.