



W.P(MD)No.17379 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17379 of 2026

S.Faleelama

... Petitioner

Vs

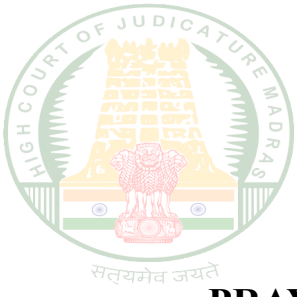
1.The Director General (Highways),
Office of the Director General (Highways),
Integrated Chief Engineers Office,
Highways Research Station (HRS) Campus,
76, Sardar Patel Road, Guindy,
Chennai – 600 025.

2.The Superintending Engineer (Highways),
Construction and Maintenance,
Office of the Superintending Engineer (Highways),
718/3B, Reddiarpuram Road,
Thirunagar,
Perumalpuram Post,
Tirunelveli – 627 007.

3.The Divisional Engineer (Highways),
Construction and Maintenance,
Collectorate Complex,
Virudhunagar - 626 002.

4.The Assistant Divisional Engineer (Highways),
Construction and Maintenance,
Thiruchuzhi,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Declaration that the return of the petitioner's maternity leave application dated 18.05.2026 by the fourth respondent without passing any order in Ka.No.126/2026/A1 dated 18.05.2026 as illegal and arbitrary and consequently directing the respondents to grant the maternity leave to the petitioner for the birth of her third child from 18.05.2026 to 17.05.2027 (365 days) and to regularize her leave taken from 18.05.2026 with full pay and all attendant benefits.

For Petitioner : Mr.V.Baskaran

For Respondents : Mr.M.Dinesh Hari Sudharsan
counsel for State

ORDER

The present Writ Petition has been filed seeking a direction, directing the fourth respondent to return the maternity leave application dated 18.05.2026 without passing any order in Ka.No.126/2026/A1 dated 18.05.2026 as illegal and arbitrary and consequently directing the respondents to grant maternity leave to the petitioner of the birth of her third child and to regularize the leave period with full pay and all attendant service benefits.



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2.The petition is already blessed with two children.

WEB COU 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



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consonance with the consistent policy taken by the State Government, nor it is 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



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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, this Court is directing 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.

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

23.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

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S.SRIMATHY, J.

ps

Order made in
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23.06.2026