

WP(MD) No.3093 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 05.02.2026

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.3093 of 2026

N.Thiviya Barathi

... Petitioner

Vs

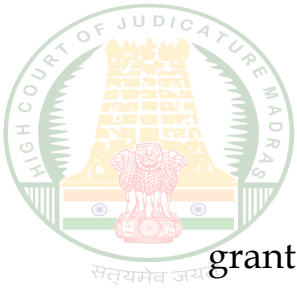
1.The Government of Tamilnadu
Rep.by Secretary to Government
School Education Department,
Fort St.George, Chennai-09.

2.The Joint Director (Personnel) of
School Education,
College Road, Nungambakkam,
Chennai-06.

3.The District Educational Officer,
(Private Schools),
Madurai District-02.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the third respondent dated 15.12.2025 bearing Na.Ka.No. 2774/ A1/2025 and quash the same and direct the respondents to



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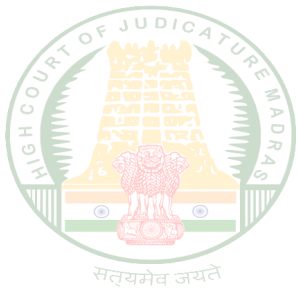
grant the petitioner maternity leave from 01.12.2025 to 30.11.2026 and its benefits to the petitioner and consequently to treat the loss of pay from 01.12.2025 to 30.06.2026 as maternity leave.

For Petitioner : Mr.R.Saravanan

For Respondents: Mr.M.Sarangan,
Additional Government Pleader.

ORDER

The petitioner is working as a Assistant in the third respondent office. She joined the service on 05.08.2024. Even prior to joining of service, she gave birth to two children. Now, third child was born on 03.01.2026 and therefore, she applied for maternity leave. However, by impugned order dated 15.12.2025, the request of the petitioner for grant of maternity leave has been rejected that this is the third child and therefore, she is not entitled for maternity leave for the third child. Challenging the same, the present writ petition has been filed.

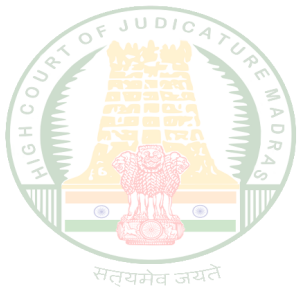


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2.This Court, in W.P.(MD)No.23455 of 2024, by order dated 21.01.2025, allowed the writ petition by setting aside the order rejecting the grant of maternity leave for the third child and also directed the authorities to confer eligible maternity leave to the petitioner therein. In a similar issue, the Hon'ble Supreme Court, in the case of *Uma Devi vs. Government of Tamil Nadu and others*, reported in 2025 8 SCC 263, has held that maternity leave and maternity benefits can be granted for a third pregnancy under FR101(a). Following the Judgment of the Hon'ble Supreme Court in *Uma Devi's case* (cited supra) a Division Bench of this Court in *B.Ranjitha vs. Registrar General, High Court of Madras and others*, reported in 2025 SCC Online Mad 6176, held as under:

“11. The very basis for granting such maternity reliefs to the women employees/staffs/officers concerned including the maternity leave and maternity benefits is based on a sound policy that in order to shoulder and withstand the pain and sufferings undergoing by the mother at the time of pre-delivery as well as post-delivery of the child.



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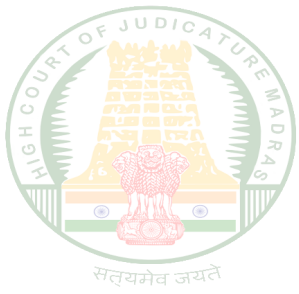


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12. *When that being so, it does not restrict to pregnancy or second pregnancy and it cannot be stated that, she would not be entitled to get the relief to third pregnancy which would have no logic at all and thoroughly unreasonable. Therefore, we do feel that, in this case also since the petitioner though has given birth to two children already and she is under third pregnancy now, merely because it is the third pregnancy, such benefits of maternity leave and maternity benefits cannot be denied to the mother.*

13. *In that view of the matter following the dictum of the Hon'ble Supreme Court in Umadevi's case cited supra, we are inclined to accept the plea raised by the writ petitioner herein, thereby the order impugned passed by the third respondent vide his written memo dated 19.08.2025 is liable to be set aside, accordingly, it is set aside and as a result of which, there shall be a direction to the respondents, especially, third respondent to sanction maternity leave atleast from today, i.e., 04.09.2025 to the petitioner for the whole period for which she is otherwise entitled to under the Rules and such a leave sanction shall immediately be made by the third respondent.*

14. *With these directions, this writ petition is allowed to the extent indicated above. However, there*



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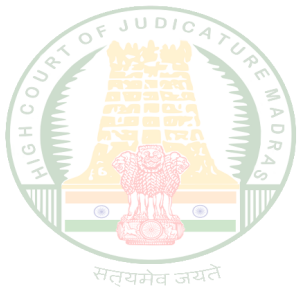


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shall be no order as to costs. Consequently, connected miscellaneous petitions are closed."

3.Further, in a recent Judgment, a Division Bench of this Court, in W.P.No.705 of 2026 dated 21.01.2026, came down heavily and issued a direction to the Government to strictly adhere the principles laid down in in ***Uma Devi's case*** as well as ***B.Ranjitha's case***. The relevant paragraphs are extracted as under:

"11. Before parting with the case, we would like to state that, since repeatedly orders though had been passed by this Court and having knowledge over the orders, the officers like the respondents have not understood the principle underlying in those orders and repeatedly rejecting the plea being made by the employees seeking such maternity benefits for third pregnancy would be agonizing fact and therefore, in order to avoid such kind of recurrence of the orders like the present one (impugned order), we deem it appropriate to give a direction to the Registrar General, Madras High Court to circulate this order to all the judicial officers, who are the head of the



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unit in the District Judiciary throughout the State, for strict compliance regarding the similar case in future.

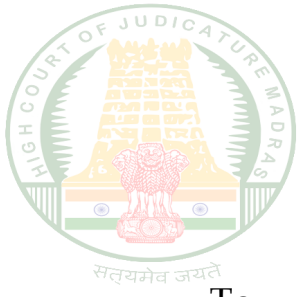
*12. Similar direction is issued to the Chief Secretary, Government of Tamil Nadu, Fort St. George, Chennai, is strictly adhere the principles laid down in the decisions referred above in **Umadevi's case as well as B.Ranjitha's case and G.Umanandhini's case** cited supra and the copy of this order shall be communicated to the Secretaries to Government and the Heads of Department for strict compliance and follow up."*

4.In view of the above Judgments, this writ petition is allowed and the impugned order passed by the third respondent in Na.Ka.No.2774/A1/2025 dated 15.12.2025 is hereby set aside. The respondents are directed to grant eligible maternity leave and maternity benefits as requested by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No
Index: Yes/No
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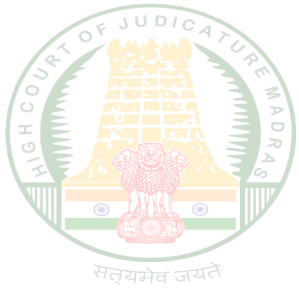
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B.PUGALENDHI, J.

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