

W.P.(MD) No.12390 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.12390 of 2026

Syed Ali Fathima Sarkkarai Mohammed

... Petitioner

Vs.

- 1.The Directorate of Medical
Education and Research,
Represented by its Director,
Kilpauk, Chennai.
- 2.The Directorate of Medical
and Rural Health Services,
Represented by its Director,
359, Anna Salai, Chennai.
- 3.The Joint Director of Health Services,
District Collectorate,
Sivagangai District.
- 4.The Chief Medical Officer,
Government Hospital,
Manamadurai,
Sivagangai District.
- 5.The Dean,
KAPV Medical College,
Trichy.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to grant maternity leave with full salary and service benefits and to include the said leave period as part of the petitioner's bond service.

For Petitioner : Mr.K.Vignesh

For Respondents : Mr.B.Ramanathan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to grant maternity leave with full salary and service benefits and to include the said leave period as part of the petitioner's bond service.

2. Heard Mr.K.Vignesh, learned counsel appearing for the petitioner and Mr.B.Ramanathan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner herein, while taking admission to the Postgraduate Degree course in M.D.Anaesthesiology at Government KAPV Medical College, Tiruchirappalli, executed a bond undertaking to serve in a

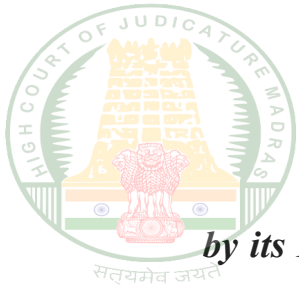


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Government Hospital for a period of two years after completion of her postgraduate degree course. Accordingly, the petitioner was posted at the Government Hospital, Manamadurai, Sivagangai District, in terms of the bond executed by her and pursuant to the appointment order dated 19.05.2025.

4. While she was serving as such, she conceived and the same was confirmed on 06.03.2026 through medical examination. Thereafter, she submitted a representation dated 15.04.2026 to the respondents seeking grant of medical leave for a period of 365 days, i.e., from 01.05.2026 to 30.04.2027, with payment of salary and all attendant service benefits. Since the said request has not been considered, the petitioner has approached this Court by filing the present Writ Petition.

5. When the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel for the petitioner that the very same issue, namely, whether a candidate working pursuant to a bond executed by her is entitled to avail maternity leave, had earlier fallen for consideration before the Hon'ble Division Bench of this Court in W.A. (MD) No.860 of 2023 [***Dr. E.Krithikaa vs. The State of Tamil Nadu rep.***



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by its Principal Secretary, Health and Family Welfare Department and

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others] and the Hon'ble Division Bench of this Court, by order dated 19.06.2025, held that maternity leave is to be counted towards the period of service to be rendered by a postgraduate student under bond and therefore, the petitioner is also entitled to the said benefit.

6. This Court, having perused the said order, is convinced that the facts of the present case are identical to those in W.A.(MD) No.860 of 2023 [***Dr. E.Krithikaa vs. The State of Tamil Nadu rep. by its Principal Secretary, Health and Family Welfare Department and others***].

Paragraphs 8 to 10 of the said order read as follows:

“8.As per the conditions set out in the prospectus, the appellant has to serve the Government of Tamil Nadu in one of their hospitals for a period of two years. This condition has to give way to the rights conferred on the women under the provisions of the Maternity Benefit Act, 1961. This is all the more so because the Hon'ble Supreme Court had declared that any woman has a fundamental right to the benefits arising out of her situation of maternity. Maternity leave is integral to maternity benefit and forms a facet of Article 21. The appellant no doubt is not a government employee. She is only obliged to render bond service to the Government of Tamil Nadu for a period of two years. But a regular State government employee is entitled to avail maternity leave for twelve months as per the



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amended Service Rules. We are of the view that the appellant is also entitled to the very same treatment applicable to any government employee. The fact that the appellant was only in the service of the government without being a regular employee is irrelevant. When the fundamental right of the appellant is involved, she is entitled to the protective umbrella of not only Article 21 but also Article 14.

*9. John Milton in “Paradise Lost” sang “They also serve who only stand and wait”. The second half of the bond service turned out to be maternity period for the appellant. Applying the legal fiction laid down in **Kavita Yadav**, the appellant must be taken to have served the Government of Tamil Nadu even during her maternity period. In other words, the maternity period of twelve months has to be counted as part of the bond period.*

10. In this view of the matter, the order passed in the writ petition is set aside. This writ appeal stands allowed. The respondents are directed to return the petitioner's original certificates within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”

7. Mr.B.Ramanathan, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents have implemented the said order dated 19.06.2025 passed by this Court in W.A.(MD) No.860 of 2023.



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8. In the light of the above decision of the Division Bench, the relief sought for by the petitioner, insofar as it relates to grant of maternity leave and inclusion of the said leave period as part of the petitioner's bond service, deserves to be allowed. Accordingly, the respondents are directed to grant maternity leave to the petitioner and to count the said period of maternity leave towards the bond service of two years.

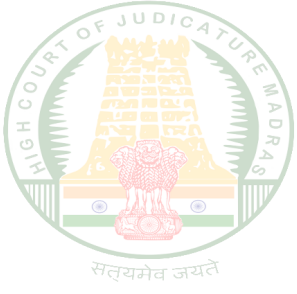
9. Accordingly, this Writ Petition is allowed to the extent indicated above. No costs.

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NCC : Yes / No

Index : Yes / No

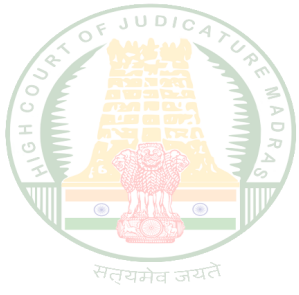


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MUMMINENI SUDHEER KUMAR, J.

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