

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.16245 of 2026

Shayee Nisha

..Petitioner(s)

Vs

1.The Registrar General,
High Court of Madras, Chennai.

2.The Principal District Judge
Villupuram District, Villupuram.

3.The Additional Sub Court
Tindivanam, Villupuram District.

4.The Motor Accident Claims Tribunal
Tindivanam, Villupuram District.

..Respondent(s)

calling for the entire records connected with the rejection of maternity leave dated 27.03.2026 passed by the 2nd respondent which is confirmed and asked petitioner to rejoin on 27.04.2026 by the 4th respondent and quash the same as illegal and arbitrary and consequently directing the respondents to grant petitioner maternity leave from 2.02.2026 to 1.02.2027 and its benefits to petitioner by considering petitioner representation dated 30.01.2026 within the stipulated time.

For Petitioner(s): Ms.K.Swetha

For Respondent(s): Mr.Arun Anbumani

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

Prayer sought herein is for a writ of certiorarified mandamus, to call for the entire records connected with the rejection of maternity leave dated 27.03.2026 passed by the second respondent, which is confirmed and asking the petitioner to rejoin on 27.04.2026 by the fourth respondent and quash the same as illegal, arbitrary and consequently direct the respondents to grant maternity leave from 02.02.2026 to 01.02.2027 and its benefits by considering the representation dated 30.01.2026.

2. The writ petitioner sought maternity leave for her third pregnancy, which was refused or rejected through the order impugned dated 27.03.2026 passed by the Principal District Judge, Villupuram, by citing G.O.(Ms.)No.18, Human Resources Management (FR-III) Department dated 13.03.2026.

3. Heard *Ms.K.Swetha*, learned counsel for the petitioner and *Mr.Arun Anbumani*, learned Standing Counsel for the respondents.

4. It is to be noted that the issue is as to whether the pregnant woman/employee would be entitled to get full maternity benefits, that is full leave, even for third pregnancy. That issue is no more *res integra*, as

the Hon'ble Supreme Court has already taken up the issue and decided it in the case of **Umadevi vs. Government of Tamil Nadu and Ors.**¹

5. This was followed by a Division Bench of this Court, where one of us (RSKJ) is a party, in the case of **B.Ranjitha Vs. The Registrar General, High Court of Madras, Chennai and Ors.**². Despite these orders, since yet another case has also come before another Division Bench of this Court, where one of us (RSKJ) is a party, in the case of **P.Mangaiyarkkarasi Vs. The Registrar General, High Court of Madras, Chennai and Anr.**³, where the following orders are passed:

"This writ petition has been filed challenging the order dated 15.12.2025 passed by the second respondent by which the plea raised by the petitioner for grant of Maternity Leave for third confinement or third pregnancy of the petitioner has been turned down.

2. The reasons stated by the second respondent for passing the said impugned order dated 15.12.2025 is that, the Secretary to Government of Tamil Nadu Human Resources Management (F.R.III) Department, vide letter dated 25.08.2025 has clarified that, there is no provision in the Tamil Nadu Fundamental Rules for grant of Maternity Leave to permanent / not permanent married woman Government Servants for their third child / confinement.

3. In this context, it is to be noted that, already the issue had come up for consideration before a Division Bench of this Court in W.P.No.33559 of 2025, where one of us (RSKJ) is a party. In the said writ petition also, similar facts were confronted and the Division Bench passed a final order in the said writ petition on 04.09.2025 where after following the decision of the Hon'ble Supreme Court in the case of **Umadevi Vs. Government of Tamil Nadu and others** reported in **2025**

¹ 2025 SCC OnLine SC 1204

² W.P.No.33559 of 2025; Dated: 04.09.2025.

³ W.P.No.705 of 2026; Dated: 21.01.2026.

SCC OnLine SC 1204, the Division Bench had allowed the said writ petition.

4. However, in the impugned order dated 15.12.2025, the second respondent has stated that, the order passed by this Court in W.P.No.33559 of 2025 is applicable only to the petitioner therein.

5. This kind of interpretation of the judicial order which is an order *in rem* as the principle as enunciated by the Hon'ble Supreme Court in **Umadevi's case** cited *supra* since having been followed in the said judgment, it cannot be stated as if that, the said judgment would apply only to the said petitioner, by stating the same, the officer concerned, i.e., second respondent is trying to give her own interpretation as if that the said judgment is judgment *in personam*. That kind of interpretation sought to be given by the second respondent cannot be appreciated.

6. It is further to be noted that, yet another case has come before this Bench in W.P.No.48656 of 2025 almost confronting the very similar facts and that writ petition was also allowed by order dated 17.12.2025 following the dictum of the Hon'ble Supreme Court in **Umadevi's case** cited *supra* as well as in the case of **B.Rajintha Vs. The Registrar General, High Court of Madras, Chennai and others** in **W.P.No.33559 of 2025** and the said writ petition, i.e., W.P.No.48656 of 2025 has also been allowed.

7. When two Division Benches successively passed orders on the same issue with the similar facts where also the respective writ petitioners request for sanctioning of the Maternity Leave for the third pregnancy since has been turned down has been dealt with and accordingly, the said writ petitions were allowed, we expect that, the present respondents, i.e., High Court Registry and also the District Judiciary should understand the legal principle enunciated in those decisions and pass appropriate orders.

8. Despite the orders having been passed and having taken note of the orders with full knowledge of the import of the order passed already in W.P.No.33559 of 2025, the second respondent still wanted to overcome the same by giving credence only to the letter given by the Secretary to Government of Tamil Nadu Human Resources Management (F.R.III) Department, dated 25.08.2025 and also by stating that, the order passed by the Court would only an order *in personam* and would be made

applicable only to the petitioners therein alone.

9. This kind of pedantic approach being adopted by the officers concerned, especially, the present second respondent cannot be appreciated.

10. In that view of the matter as the issue raised herein is fully covered with the aforesaid decisions, we are inclined to pass the following orders in the writ petition:

that the impugned order is set aside. As a sequel, there shall be a direction to the respondents to extend the benefit of Maternity Leave to the writ petitioner as per her entitlement especially for a period between 08.08.2025 to 07.08.2026 with all attendant and service benefits available to the employee concerned and necessary orders to that effect be passed by the respondents within a period of one week from the date of receipt of a copy of this order.

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 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 to 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.

13. *With these directions, this Writ Petition is allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed."*

In the said order dated 21.01.2026, the Division Bench has given

directions to the Registry to communicate the said order to the Government and the Heads of the Department for strict compliance.

6. Having receipt of the order dated 21.01.2026 and having referred so, the Government has come forward to issue G.O.(Ms.)No.18, Human Resources Management (FR-III) Department, dated 13.03.2026, whereby, though maternity leave has been allowed for third pregnancy, it has been restricted only to twelve weeks, that is three months. This kind of restriction made by the Government by issuing Government Orders under its executive power vested in them under Article 162 of the Constitution against the dictum of the Hon'ble Supreme Court as well as this Court cannot be approved by this Court.

7. For restricting the period to twelve weeks, absolutely, there is no justification on the part of the Government. If it is a pregnancy, maybe the first pregnancy or the second or the third, suffering would be the same and the pre-delivery as well as the post-delivery care must be taken by the mothers and this equal to all such pregnancies, whether it is the first or second or third. Therefore, no discrimination could be shown by the Government in approving the maternity benefits, especially maternity leave for the third pregnancy to the employees.

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 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.

12. With these observations and directions, the writ petition stands allowed. No costs. Consequently, W.M.P.Nos.17442 and 17473 of 2026 are closed.

(R.S.K.,J.)

(N.S.,J.)

28-04-2026

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

Note: Issue order copy on 29.04.2026.

(drm)

To:

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High Court of Madras, Chennai.
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