

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WRIT PETITION No.7640 of 2026

Between:

Smt. Jadi Swarupa Rani

...Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Department of Scheduled Castes Development (Social Welfare) and others

...Respondents

JUDGMENT PRONOUNCED ON: 15.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE K.SARATH

1. Whether Reporters of Local : Yes/No
newspapers may be allowed to see
the Judgment ?
2. Whether the copies of judgment : Yes/No
may be marked to Law
Reports/Journals
3. Whether Their Lordship/Ladyship : Yes/No
wish to see the fair copy of
judgment

JUSTICE K.SARATH

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...Respondents

! Counsel for Petitioner : Sri Gattu Vinay Kumar

^ Counsel for Respondents : Learned Assistant Government Pleader for Services-III,
Sri Bhanothu Hussain, learned Standing Counsel for TGSWREIS

< GIST :

> HEAD NOTE :

? Cases referred :

1. (2025) 8 SCC 263
2. 2010 SCC OnLine Mad 5221
3. (2023) 13 SCC 681
4. 2024 SCC OnLine Del 4987

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ORDER:

The instant Writ Petition has been filed by the petitioner seeking a direction to the respondents to consider her case for grant of maternity leave for her second delivery, without taking into account of the condition relating to two surviving children, since her first delivery resulted in the birth of twins.

2. Heard Sri Gattu Vinay Kumar, learned counsel for the petitioner, the learned Assistant Government Pleader for Services-III appearing for the respondent No.1 and Sri Bhanothu Hussain, learned Standing Counsel for the

Telangana Social Welfare Residential Educational Institutions Society (TGSWREIS) appearing for the respondent Nos.2 and 3. Perused the material available on record.

CONTENTIONS OF THE PETITIONER:-

3. Learned counsel for the petitioner submits that the petitioner was appointed as Junior Lecturer (English) in the respondent No.2 Society on 27.09.2019 and she is a married woman. The first pregnancy of the petitioner resulted in the birth of twins on 09.11.2023 which was a single biological event. Consequently, she was sanctioned 180 days maternity leave for that delivery as recorded in her service book. Thereafter, the petitioner became pregnant for the second time and submitted an application seeking maternity leave for her second delivery. However, the respondents rejected her application. During the pendency of the writ petition, the petitioner delivered her third child.

4. Learned counsel for the petitioner further submits that the petitioner submitted her representation dated 19.02.2026 and subsequent thereto, the respondent No.3-Principal replied by Outward No.17 dated 28.02.2026 stating that the

office of the Principal has no authority to sanction leave exceeding 30 days as per the proceedings *vide* Rc.No.TSWRES-GAD/GEMT/1/2025 and the competent authority for long-term maternity leave is the respondent No.2-Secretary. The respondents have mechanically applied the “two-child norm” and counted the twins from her first delivery as two separate confinements, thereby denying maternity leave for the second pregnancy of the petitioner. In view of the same, learned counsel for the petitioner requested this Court to allow the Writ Petition by directing the respondents to consider the representation of the petitioner dated 19.02.2026 and to treat the petitioner’s first pregnancy, which resulted in birth of twins as a single delivery for the purpose of maternity leave and consequently to sanction 180 days of maternity leave with all attendant benefits for the petitioner’s second pregnancy.

5. Learned counsel for the petitioner, in support of his contentions, relied upon the following Judgments:

(i) K. Umadevi vs. Government of Tamil Nadu¹,

¹ (2025) 8 SCC 263

***(ii) J. Sharmila vs. Secretary to Government,
Education Department².***

CONTENTIONS OF THE RESPONDENTS:-

6. Learned Standing Counsel appearing for the respondent Nos.2 and 3 basing on the counter affidavit submits that the petitioner delivered twins on 09.11.2023 and she was sanctioned 180 days maternity leave as recorded in her service book. The petitioner sought maternity leave for her second pregnancy. As per Rule 101(a) of the Telangana Fundamental Rules and G.O.Ms.No.50, Social Welfare (RS.1) Department, dated 17.05.2014, maternity leave is admissible only to a female government servant having less than two surviving children. The petitioner is having two surviving children i.e., the twins and therefore, she is not eligible for grant of maternity leave. Further, as per the proceedings of the respondent No.2 *vide* Procgs.Rc.No.G/TS/1510/2016 dated 07.01.2025, the power of sanctioning maternity leave as per the Telangana Fundamental Rules are delegated to principals of the respondent-Institution and sanction of

² 2010 SCC OnLine Mad 5221

maternity leave to the petitioner is contrary to the Rules and would attract audit objections and irregular draw of pay and allowances. In view of the same, learned Standing Counsel appearing for the respondent Nos.2 and 3 requested to dismiss the Writ Petition.

CONSIDERATION AND FINDINGS:-

7. After hearing both sides and on a perusal of the entire material on record, this Court is of the considered view that the petitioner is working as Junior Lecturer (English) in respondent No.2-Society. The petitioner delivered twins at the time of her first pregnancy and she made application for maternity leave from 14.04.2026 to 11.10.2026 for her second delivery. The said application was not considered by the respondent authorities solely on the ground that she has two surviving children by virtue of the birth of twins during her first pregnancy. The respondents rejected the case of the petitioner as per Rule 101 (a) of the Telangana Fundamental Rules as well as G.O.Ms.No.50, Social Welfare (RS.1) Department, dated 17.05.2014.

8. Now the point of consideration is whether a woman Government servant is entitled for maternity leave for her second delivery if she delivered twins in her first delivery or not?

9. The Rule 101 (a) of the Telangana Fundamental Rules states that the Government may make rules regulating the grant of maternity leave to female Government servants is under its control.

The then Government issued G.O.Ms.No.254, Finance and Planning (FW. FRI) Department, dated 10.11.1995 and the same is as follows:

“ORDER: *In the G.Os. first and second read above, orders are issued to the effect that married female Govt. servants, temporary or permanent, may be granted maternity leave for a period of 90 days.*

2. *In the reference 4th read above, Government of India have restricted the grant of maternity leave to female Government servants with less than two surviving children.*

3. *Government after careful consideration, have decided that maternity leave in cases of confinement shall be granted to female Government servant with less than two surviving children.*

4. *Government hereby order that the competent authority may grant maternity leave on full pay to a married female Govt.*

servant for a period of 120 days subject to the condition that, it shall be granted to those with less than two surviving children.

5. *These orders shall come into force with immediate effect.*

6. *The existing provision of grant of maternity leave not exceeding six weeks in cases of miscarriage (including abortion) and medical termination of pregnancy will continue without any change.*

10. In the combined State of Andhra Pradesh, the Government has enhanced the maternity leave from 120 days to 180 days by issuing G.O.Ms.No.152, Finance (FR.I) Department, dated 04.05.2010, while retaining the condition relating to less than two surviving children and the relevant portion is as follows:

“5. After careful consideration of the report, Government decided to accept the recommendations of the Pay Revision Commissioner and hereby order that the grant maternity leave on full pay to married women employees of State Government is enhanced from 120 days to 180 days on par with the employees of the Government of India subject to the condition that it shall be granted to those with less than two surviving children only.”

11. The above said G.O.Ms.No.152, Finance (FR.I) Department, dated 04.05.2010 was adopted by the

respondent No.2-Society through G.O.Ms.No.50, Social Welfare (RS.1) Department, dated 17.05.2014.

12. All the above G.Os specifically stated that maternity leave is ordinarily admissible only to a married female Government servant having less than two surviving children. The dispute in the instant case, however, is not with regard to the existence of the said condition, but with respect to its interpretation in a case where the first pregnancy results in the birth of twins. The issue, therefore, is whether the expression “less than two surviving children” should be construed literally so as to disentitle a woman employee from maternity leave for her second pregnancy merely because her first pregnancy resulted in the birth of twins.

13. In this regard, the Rule 101(a) of the Telangana Fundamental Rules has to be compared with the Rule 43 of the Central Civil Services (Leave) Rules, 1972. The said rules dealt with the maternity leave of a woman employee respectively.

The said Rule 43 of the Central Civil Services (Leave) Rules, 1972 is as follows:

“43. Maternity Leave.-(1) A female government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of (180 days) from the date of its commencement.”

It clearly shows that the above Rule has same verbatim as in the Rule 101 (a) of the Talangana Fundamental Rules.

14. The Rule 43 of the Central Civil Services (Leave) Rules, 1972 falls for consideration by the Hon’ble Supreme Court in ***Deepika Singh v. Central Administrative Tribunal and others***³ and the High Court of Delhi in ***Commissioner of Police and another v. Ravina Yadav and another***⁴

The relevant portion of ***Deepika Singh v. Central Administrative Tribunal and others (supra-3)*** is as follows:

“21. Under Article 15(3) of the Constitution, the State is empowered to enact beneficial provisions for advancing the interests of women. The right to reproduction and child rearing has been recognised as an important facet of a person's right to privacy, dignity and bodily integrity under Article 21. Article 42 enjoins the State to make provisions for securing just and humane conditions of work and for maternity relief.

³ (2023) 13 SCC 681

⁴ 2024 SCC OnLine Del 4987

26. *Unless a purposive interpretation were to be adopted in the present case, the object and intent of the grant of maternity leave would simply be defeated. The grant of maternity leave under the 1972 Rules is intended to facilitate the continuance of women in the workplace. It is a harsh reality that but for such provisions, many women would be compelled by social circumstances to give up work on the birth of a child, if they are not granted leave and other facilitative measures. No employer can perceive childbirth as detracting from the purpose of employment. Childbirth has to be construed in the context of employment as a natural incident of life and hence, the provisions for maternity leave must be construed in that perspective.”*

The relevant portion of **Commissioner of Police and another v. Ravina Yadav and another (Supra-4)** is as follows:

“19. *It would be crucial to remember that physiological and physical changes coupled with psychological turbulence that a pregnant woman undergoes remain the same, be it the first two occasions of pregnancy or third one or any further thereafter. Besides, on examining the issue from angle of child rights, we find that Rule 43 CCS(Leave) Rules creates an unreasonable distinction between rights of first two children born to a lady government servant and the third or the subsequent child, making the third and the subsequent child suffer deprivation of motherly care, which first two children had received. We are of prima facie view that classification of lady government servants on the basis of number of surviving children they have lacks intelligible differentia. However, we*

must add a rider that our this view is only prima facie view, because vires of Rule 43 were not challenged before us, and only in order to arrive at just and fair decision, we have examined the logic, if any behind Rule 43 of CCS(Leave) Rules.

22. *In order to achieve success in population control, the Government may take any appropriate innovative steps in order to dissuade the citizens from giving birth to more than two children. But once third child comes into existence even in womb, her rights cannot be trampled over.”*

The above findings of the Hon’ble Supreme Court and the High Court of Delhi clearly shows that the respondents in the instant case cannot deny the maternity leave of the petitioner for her second delivery as the same is in violation of the Article 21 of the Constitution of India.

15. The Judgments relied by the learned Counsel for the petitioner in ***K. Umadevi’s case (Supra 1)*** and in ***J. Sharmila’s case (Supra-2)*** squarely apply to the facts of the instant case.

16. The Hon’ble Supreme Court extensively dealt with the Fundamental Rules as well as the Maternity Benefit Act, 1961 in ***K. Umadevi’s case (Supra 1)*** and the relevant portion is as follows:

“29. *By judicial interpretation, it has been held that life under Article 21 means life in its fullest sense; all that which makes life more meaningful, worth living like a human being. Right to life includes all the finer graces of human civilisation, thus rendering this fundamental right a repository of various human rights. Right to life also includes the right to health. Right to live with human dignity and the right to privacy are now acknowledged facets of Article 21.*

38. *The objective of maternity leave has been expounded by this Court in B. Shah v. Labour Commr. This Court observed that maternity leave legislation is intended to achieve the object of doing social justice to women workers. It enables a woman worker not only to subsist but also to make up her dissipated energy, nurse her child, preserve her efficiency as a worker and maintain the level of her previous efficiency and output.*

50. *Thus, as can be seen from the above, through various international conventions, the world community has recognised the broad spectrum of reproductive rights which includes maternity benefits. Maternity leave is integral to maternity benefits. Reproductive rights are now recognised as part of several intersecting domains of international human rights law viz. the right to health, right to privacy, right to equality and non-discrimination and the right to dignity.*

64. *Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two-child norm as part of the measures to control population growth in the country and the object of providing maternity benefit to*

women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonised in a purposive and rationale manner to achieve the social objective.”

The above Judgment of the Hon’ble Supreme Court held that maternity leave to the employee who has two surviving children in first marriage is also entitled for maternity leave for first child in second marriage. In the instant case, the petitioner is having twins in first delivery and seeking maternity leave for second delivery. The findings of the Hon’ble Supreme Court in the above case squarely apply to the instant case as the maternity leave of the petitioner is a Fundamental Right under Article 21 of the Constitution of India.

17. In similar circumstances, the High Court of Madras passed Judgment in **J. Sharmila’s case (Supra-2)** and the relevant portion is as follows:

“7. The matter could have been dealt with on technical ground, i.e. intention of the rule is only the grant of maternity leave for the second delivery and not really based upon two children norm. The petitioner had delivered during her first delivery twins and the second delivery was a single child. Therefore, maternity leave was confined only to the second delivery and not based on the third child norm. Therefore, the

petitioner should have been granted maternity leave with full pay. If it is not construed in this way it may produce ridiculous result. To cite an example, if during the first delivery a woman Government servant delivers a single child and by the second delivery if she delivers twins or triplets, then should she be disqualified?

27. *In the present case, it is suffice to state that if the intention of the State Government is to afford protection of the woman for her second delivery, then it should not be based upon the number of children she delivers during those two deliveries. The importance has to be seen only from the health point of the woman Government servant and not the number of children one delivers during each delivery. Hence this court is not inclined to accept the reasons found in the impugned order based upon the so-called Explanation 1 to Rule 101(a) of the Fundamental Rules. The petitioner who had availed maternity leave for the period from 16.10.2006 to 11.01.2007 during her second pregnancy, is entitled to be paid full salary for that period.”*

The above finding squarely apply to the instant case. In the instant case also, the Rules or instructions are not clear that if during the first delivery a woman Government servant delivers a single child and by the second delivery she delivers twins or triplets, then the Rule of maternity leave is applicable only up to the two surviving child or not. Normally, the woman employee delivers twins or

triplets in the second delivery, she is entitled for maternity leave, but the same is not applying in the instant case.

18. After the Judgment of the High Court of Madras in ***J.Sharmila's case (Supra-2)***, the Government of Tamil Nadu amended their Fundamental Rules and issued G.O.Ms.No.149, Personnel and Administrative Reforms (FR.II) Department, dated 31.10.2018 and amendment is that “in the case of a woman government servant with two surviving children born as twins in the first delivery, maternity leave shall be granted for one more delivery”.

19. After bifurcation of the State of Andhra Pradesh, the Government of Andhra Pradesh has also amended the Fundamental Rules by issuing G.O.Ms.No.21, Finance (HR-IV, FR, LR) Department, dated 05.05.2025 and modified the G.O.Ms.No.152, Finance (FR.I) Department, dated 04.05.2010 and the amendment is that “the condition of less than two surviving children for availing the maternity leave is removed with immediate effect. The GO referred above will stand modified to that extent”.

20. The respondent authorities rejected the claim of the petitioner for grant of maternity leave for second delivery. The Central Civil Services (Leave) Rules, 1972 have been framed under the proviso to Article 309 of the Constitution of India and the same was also considered by the Hon'ble Supreme Court in ***Deepika Singh's case (Supra-3)*** and declared that there is no restriction of the delivery of the woman employee and in the Indian Society, a woman only cannot take a decision with regard to the birth of their children. It can also influenced by the family members by taking into account of their social and economic conditions. In the instant case, the biological occurrence of birth of a single child or twins is not under control of the petitioner.

21. In spite of several Judgments of the Hon'ble Supreme Court and various High Courts, the respondents contending that a woman employee cannot be entitled for maternity leave for second delivery in view of delivery of twins during first delivery and basing on that condition, maternity leave cannot be granted for woman employee who has two surviving children. The said contention of the respondents is not

acceptable in the light of peculiar circumstances as the petitioner delivered twins in her first pregnancy.

22. The respondents are relying on G.O.Ms.No.152, Finance (FR.I) Department, dated 04.05.2010 which was modified by the State of Andhra Pradesh by issuing G.O.Ms.No.21, Finance (HR-IV, FR, LR) Department, dated 05.05.2025 and also relied on G.O.Ms.No.50, Social Welfare (RS.1) Department, dated 17.05.2014. The said GOs are contrary to the findings of the Hon'ble Supreme Court and various High Courts. In spite of not challenging G.O.Ms.No.152, Finance (FR.I) Department, dated 04.05.2010 and also G.O.Ms.No.50, Social Welfare (RS.1) Department, dated 17.05.2014 by the petitioner in the instant writ petition, this Court under Article 226 of the Constitution of India can declare that the petitioner is entitled for maternity leave for her second delivery in spite of petitioner having two surviving children through her first delivery as twins in the light of settled law.

23. Basing on the above circumstances, the respondent authorities have to grant maternity leave to the petitioner for

her second delivery by considering her leave application submitted to the respondent No.3 on 19.02.2026.

24. In view of the above findings, the writ petition is allowed by declaring that the petitioner is entitled for maternity leave for her second delivery from 14.04.2026 to 11.10.2026 and the respondents are directed to pay full pay and allowance to the petitioner during that period.

25. Miscellaneous applications, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

JUSTICE K.SARATH

Date: 15.07.2026.

Note: LR Copy to be marked.

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