



W.P.No.705 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.P.No.705 of 2026
and
W.M.P.No.865 of 2026**

P.Mangaiyarkkarasi ... Petitioner

-Vs-

1. The Registrar General,
High Court of Madras,
Chennai.
2. The Registrar (Management),
High Court of Madras,
Chennai. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari and Mandamus, to call for the entire records connected with the rejection of maternity leave vide proceedings Roc.No.131981/2025-Estt.IV dated 15.12.2025 passed by the second respondent and quash the same as illegal and arbitrary and consequently directing the respondents to grant all maternity benefits to the petitioner for a period of one year, i.e., from 08.08.2025 to 07.08.2026 by annulling the medical leave, earned leave and other leaves availed by the petitioner during the period from 28.07.2025 to 30.10.2025 (Earned Leave), 03.11.2025 to 19.12.2025 (Medical Leave) and 26.12.2025 to 09.01.2026 (Un-earned Leave) within the stipulated time fixed by this Court.



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For Petitioner : Mr.M.Dinesh

For Respondents : Mrs.Karthika Ashok

ORDER

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

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



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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 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



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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.



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

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10. In that view of the matter as the issue raised herein is fully covered with the aforestated 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



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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.

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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.

(R.S.K., J.) (S.S.A., J.)
21.01.2026

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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Note : i) Issue order copy by 23.01.2026.

ii) The copy of this order shall be communicated to the Chief Secretary, Government of Tamil Nadu, Fort St.George, Chennai.



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To

1. The Registrar General,
High Court of Madras,
Chennai.
2. The Registrar (Management),
High Court of Madras,
Chennai.
3. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai.



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R.SURESH KUMAR, J.
and
SHAMIM AHMED, J.

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