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**CASE COMMENT: K. UMADEVI V. STATE OF MAHARASHTRA (2025)**

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**Kirti Goyal\***

## **INTRODUCTION**

The ruling in *K. Umadevi v. State of Maharashtra (2025)* once again brings into focus a recurring concern in Indian constitutional and service law—whether employees who have served for years in temporary, contractual, or ad hoc positions can legitimately claim regularisation in government service. This question has its roots in the 2006 *Umadevi* judgment, where the Supreme Court emphasised that government appointments must be made through a fair and transparent selection process to uphold the principle of equal opportunity.

In the 2025 matter, the Court had to weigh two competing perspectives. The petitioners, having served the State for several years without job security, argued that fairness required regularisation. The government opposed this demand, arguing that granting regularisation in such cases would weaken the system of open recruitment and effectively permit an unfair “backdoor entry” into public employment.

This case is significant because it highlights the constant struggle between legal principles that protect merit-based hiring and the social realities of workers who remain in insecure positions for decades.

## **FACTS**

The appellant’s life has experienced several pivotal moments. She first married A. Suresh in 2006, and they had two children—one in 2007 and the other in 2011. By 2012, she had started working as an English Teacher at the Government Higher Secondary School in P. Gollapatti, Dharmapuri District, Tamil Nadu. But in 2017, the marriage ended in divorce, with her former husband getting custody of both children.

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In September 2018, she remarried, this time to M. Rajkumar. A few years later, she became pregnant again and applied for maternity leave from 17 August 2021 to 13 May 2022, covering the months before and after childbirth.

Her request was turned down on 28 August 2021. The authorities relied on Fundamental Rule 101(a), which allows maternity leave only for women with fewer than two surviving children. Since she already had two children from her first marriage, her unborn child was counted as a “third child.” The rule, as it stood, did not make exceptions for remarriage.

Believing this to be unfair, she approached the High Court by filing W.P. No. 22075 of 2021. On 25 March 2022, a Single Judge decided in her favour, holding that the denial was unwarranted and instructing the authorities to grant her leave as per G.O.Ms. No. 84, issued on 23 August 2021.

The State of Tamil Nadu challenged this decision through W.A. No. 1442 of 2022. On 14 September 2022, a Division Bench set aside the Single Judge’s order, holding that she was not entitled to maternity benefits in these circumstances.

A similar situation had come before the court in *Deepika Singh v. PGIMER*, where a woman’s first biological child was treated as her “third child” because her husband already had two from an earlier marriage—leading to a denial of maternity leave.

## ISSUES

- Maternity leave is a woman’s right, not a workplace favour - The Supreme Court reminded everyone that maternity leave isn’t a “gift” an employer can choose to give or withhold. It’s rooted in a woman’s right to health, dignity, equality, and privacy—protections guaranteed under Article 21 of the Constitution.
- Counting children shouldn’t cancel the right - The state said Umadevi couldn’t get leave because she already had two children from a previous marriage. The Court disagreed—having more than two children might reduce the leave period, but it can’t erase the entitlement altogether.
- What “surviving children” really means - The judges explained that this term refers to children a woman is actually raising, not just those she’s biologically connected to. Since Umadevi didn’t have custody of her two older children, the rule shouldn’t have been used to block her leave.

- Policy and personal rights can live side by side - Population control rules are important, but they can't come at the cost of a woman's freedom to decide about her own body and family. The Court urged a fair, balanced approach—where government policies respect personal rights and human dignity.

## **ARGUMENTS**

### **Petitioners Arguments:**

I never imagined I would have to fight in court for something as basic as the right to care for my own child.

Before this job, I had two children from my first marriage. Life took a different turn, and their custody was given to their father. They don't live with me; I don't make their daily meals, take them to school, or tuck them into bed. That chapter of my life ended painfully, but I moved forward.

Years later, I found happiness again. I remarried, and soon, my husband and I were expecting our first child together. It was a moment filled with hope and dreams—until my maternity leave request was rejected.

The authorities told me, coldly, that this was my “third child,” and the rules allow maternity leave only for the first two living children. To them, it was a number. To me, it was my first chance to hold my baby in my arms and raise them from the very beginning.

The Maternity Benefit Act exists to protect women like me—to ensure we can bring life into the world without fear of losing our jobs or our health. It was never meant to punish someone for a past marriage or deny them the chance to be there for their newborn.

I asked the Court to see the truth behind the paperwork—that “living child” should mean a child you actually care for, not simply one who exists somewhere else. Denying me this leave stripped me of dignity and went against the very spirit of equality and fairness promised under our Constitution.

All I wanted was compassion and a law that understands real lives, not just statistics.

**Respondent Arguments:**

The respondents were not faceless names on a court file—they were people who had been showing up to work for years, sometimes decades, giving their time, skill, and loyalty to the government. They worked in classrooms, managed office duties, repaired equipment, and carried out vital responsibilities. Still, the system continued to label them as “temporary.”

These individuals never deliberately sought insecure or short-term employment. They accepted daily wage jobs and short contracts simply to provide for their families. Each time their tenure expired, it was silently extended, but their conditions remained unchanged—wages were meagre, benefits were absent, and the constant anxiety of losing work lingered.

They approached the Court with a simple plea: this was unjust. Though they performed the very same duties as regular employees—often working alongside them—they received lower wages and lacked stability. It was as if they were deemed capable enough to carry out the tasks, yet not worthy of the equal treatment and protection given to others.

They reminded the judges that many of them worked in posts that were officially recognised as necessary. The only reason they weren’t permanent was that the State hadn’t gone through the formal hiring process. Now, that failure was being used against them.

They pointed to earlier cases where courts had ordered regularisation and to examples where other departments had made workers permanent. Denying them the same, they argued, was like saying their years of service didn’t matter.

They weren’t asking for charity. They were asking for recognition—for the dignity of a secure job, the peace of knowing they could plan their future, and the fairness that comes from being treated the same as those who work alongside them every day.

**PRECEDENT ANALYSIS**

The matter reached the Supreme Court by way of a special leave petition. A notice was issued on 28 November 2022, and on 11 February 2025, leave to appeal was granted.

The appellant contended that the ruling in *Deepika Singh v. Central Administrative Tribunal* (2023) was directly applicable. The High Court, however, observed that under the State service rules, maternity leave is limited to women with not more than two surviving children. It

reasoned that since maternity leave is a benefit created by statute and not a fundamental right, the appellant could not claim entitlement. Referring to *Deepika Singh*, it ultimately held that the decision supported the State's stand and therefore dismissed the appeal.

The question now before the Supreme Court is whether this interpretation withstands scrutiny under the Constitution, the statutory framework, and international norms.

Under Tamil Nadu's Fundamental Rule 101(a), women in government service are entitled to a maximum of 365 days of maternity leave on full salary, which includes both pre-natal and post-natal periods. Notably, if the first childbirth results in twins, an additional delivery is permitted despite the general two-child restriction.

As explained in *B. Shah v. Presiding Officer, Labour Court, Coimbatore* (1978), the very objective of maternity leave is rooted in social justice, ensuring a mother's recovery, adequate child care, and the promotion of efficiency in her professional duties.

Indian jurisprudence has also recognised reproductive rights as part of Article 21. In *Suchita Srivastava v. Chandigarh Administration* (2009), the Court held that reproductive choice—whether to conceive, abstain, or use birth control—is protected under personal liberty. *Devika Biswas v. Union of India* (2016) linked reproductive health to the right to life, stressing State responsibility. In *X v. Principal Secretary, Health and Family Welfare* (2023), the Court confirmed that these rights include broader freedoms tied to dignity and healthcare.

The Delhi High Court in *Commissioner of Police v. Raveena Yadav* (2024) explained that maternity benefits protect women against discrimination during motherhood, safeguarding both the mother's and the child's health, making them a constitutional guarantee.

In *Deepika Singh*, the Supreme Court clarified that Rule 43 of the 1972 Rules, being beneficial, must be interpreted liberally. It ruled that childbirth is a natural event and that protections cannot be denied because a spouse has children from a previous marriage. Availing child care leave for stepchildren does not curtail a woman's separate entitlement to maternity leave.

The underlying principle is that maternity benefits should be interpreted in a manner that furthers their objective—safeguarding health, dignity, and equality in employment—rather than restricting them.

## JUDGEMENT

The Court emphasised that Article 21 of the Constitution goes far beyond the mere protection of life. Judicial interpretations over time have expanded it to include the right to live with dignity, maintain good health, safeguard privacy, and secure all necessities that make life fulfilling. Within this wider understanding, the Court observed, maternity care forms an integral part of the right to health and a life of quality.

Article 42 reinforces this by asking the State to ensure humane working conditions and provide maternity relief. While the Maternity Benefit Act, 1961, does not technically cover State government employees, its principles are still valuable. It grants up to 26 weeks of leave for women with fewer than two surviving children, and 12 weeks for those with two or more. This means maternity leave is never completely refused—it's only the length of leave that changes.

To highlight how widely accepted these rights are, the Court pointed to international commitments. The Universal Declaration of Human Rights recognises that mothers and children deserve special protection. The International Covenant on Economic, Social and Cultural Rights calls for paid maternity leave and proper healthcare before and after childbirth. CEDAW prohibits discrimination related to maternity and supports women's freedom to choose the number and spacing of their children. The ILO Maternity Protection Convention ensures at least 14 weeks of leave and protects women from losing their jobs during pregnancy.

The Court noted that these safeguards fall within the larger framework of reproductive rights, which cover the autonomy to decide if and when to have children, the right to use contraceptives, access to safe abortion, and comprehensive reproductive healthcare, all without external pressure or undue influence. This perspective had earlier been affirmed in *Suchita Srivastava v. Chandigarh Administration*.

Although the government's two-child policy was recognised as a legitimate measure for population control, the Court clarified that it must not undermine maternity entitlements. It emphasised that both objectives—family planning and protection of maternity rights—can be harmonised when implemented in a balanced and just manner.

In the end, the Court reminded that maternity leave is not a favour from an employer. It is a legal and human right, protected by the Constitution, strengthened by Indian law, and supported

by global agreements. Protecting it safeguards the dignity, health, and equality of women, while allowing the State to meet its wider social objectives.

## CONCLUSION

A woman working in government service has the right to maternity leave if she has fewer than two surviving children. In this case, the appellant first went to the Central Administrative Tribunal in Chandigarh, but her request was turned down. She then approached the High Court, which also rejected her claim, stating that the Tribunal's decision was free from any legal flaw. After carefully going through the matter, we are unable to agree with the reasoning given by the Division Bench of the High Court. At the same time, although the Single Judge had ruled in her favour earlier, we do not fully agree with the reasoning in that order either. Therefore, we set aside the judgment of the Division Bench dated 14.09.2022 and hold that the appellant is indeed entitled to maternity leave under Fundamental Rule 101(a). The concerned authorities are directed to release her maternity benefits within two months. The appeal is allowed, though no order is made regarding costs.