



Women Can take 2 Maternity Leaves in 2 Years

Why in News?

On June 16, 2022, the Allahabad High Court has given a major verdict to give 2 maternity leave in 2 years to women employees in the matter of maternity leave.

Key Points

- The High Court said that there is no such restriction in the Maternity Benefit Act that maternity leave benefits should be given only after two years. This benefit can also be given within two years. It is against the law not to give a woman employee the benefit of two maternity leave in two years.
- Justice Siddhartha passed the order while admitting a petition filed by Sunita Yadav, assistant teacher posted at Nagla Baalu, an upper primary school in Firozabad.
- She had taken 180 days of paid maternity leave in 2020. She then applied to the BSA in May 2022 for a second maternity leave. The BSA rejected the application on the ground that a gap of two years between the two maternity leave was necessary.
- It is known that as per the Maternity Benefit (Amendment) Act, 2017, a pregnant woman is eligible for maternity leave for 26 weeks i.e., up to six and a half months. It can start 8 weeks before the estimated date of delivery. However, there is a condition associated with this leave that any woman can take this leave for her first two pregnancies. It also includes a provision to give maternity leave for 12 weeks if you have a third child.
- The court said that according to the Maternity Benefit Act, it is in accordance with justice to grant maternity leave to the petitioner. The rules in the Financial Handbook cannot nullify the provisions of the Maternity Benefit Act. The court quashed the BSA's order and ordered to grant 180 days of paid maternity leave to Chichi.

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