

April 2026

## **From threshold to equity: Judicial reinterpretation of the eighty-day rule for maternity benefits**

In the recent case of *Dr. Priti Saket vs. State of Madhya Pradesh and Ors*<sup>1</sup>, a single judge bench of the High Court of Madhya Pradesh (“MP HC”) considered the scope of mandatory 80 (eighty) days eligibility requirement for availing maternity benefits. It held that in the context of State government employment, the statutory threshold of 80 (eighty) days cannot be applied rigidly and may effectively stand dispensed with, given the overarching welfare objective of the State. At the same time, the judgment categorically underscores that such relaxation does not automatically extend to private sector employment, where the 80 (eighty) days requirement continues to operate with greater force.

For context, section 5(2) of the erstwhile Maternity Benefit Act, 1961 (“**Maternity Act**”) (corresponding to section 60(2) of the Code on Social Security, 2020) stipulates that a woman is entitled to maternity benefits only upon completion of at least 80 (eighty) days of work in the 12 (twelve) months immediately preceding her expected delivery. The explanation to the sub-section expands the scope of ‘actually worked’ to include days of lay-off and statutorily recognised paid holidays.

### **Brief facts**

The petitioner was engaged as a guest faculty member (on a contractual basis) in a government college. She was initially granted maternity leave with payment of honorarium. However, this was subsequently withdrawn by the Principal, Government Tilak PG College, Katni, and her leave was treated as unpaid on grounds that she had not satisfied the 80-day service requirement under the Maternity Act. The petitioner challenged this action before the MP HC.

### **Issue**

The primary issue before the MP HC was whether the State could deny maternity benefits by relying on the 80 (eighty) days eligibility threshold under Section 5(2) of the Maternity Act, particularly in the case of a contractual employee engaged in a government establishment?

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<sup>1</sup> W.P. 9877/2026 (decided on March 24, 2026)

## Findings and analysis

The MP HC emphasised upon the beneficial nature of maternity legislation and noted that such provisions must be interpreted in a manner that furthers their underlying objective of protecting the dignity and health of women employees. It observed that the State needs to promote the welfare of its people and needs to direct its policy towards securing health and strength of workers. Accordingly, the MP HC ruled in favour of the petitioner employee by permitting statutory paid leave entitlements. Interestingly, the court said the order will apply to all State establishments, and the rigour of 80 (eighty) days threshold in previous 12 (twelve) months for availing maternity benefit will apply over other establishments (which includes private establishments), thereby creating a distinction between government and private sector employees vis-à-vis statutory threshold qualification. In other words, the MP HC directed that the qualifying threshold of 80 (eighty) days for grant of maternity benefits will not be applicable to establishments of the State Government.

The recent judgment of the MP HC has reignited critical debate on the applicability of the 80 (eighty) day threshold for maternity benefits in private establishments. This question assumes particular significance for short-term and contractual employees, for whom compliance with statutory requirement is often structurally elusive when compared to permanent staff. Against this backdrop, a close examination of judicial reasoning and interpretive trends becomes essential to understand the evolving contours of maternity benefit eligibility under law.

Earlier, in the case of *Harshita Yadav vs. State of Rajasthan and Ors*<sup>2</sup>, the Rajasthan High Court emphasised upon strict adherence to the statutory threshold of 80 (eighty) days for entitlement towards statutory maternity benefits. The petitioner in this case joined a governmental educational institute as a senior teacher (maths) shortly after delivery of her child and applied for maternity leave with effect from her next date of joining and sought salary and consequential benefits for such period. While the court had acknowledged that the State Government is bound by provisions of Maternity Act, it cannot be oblivious of the fact that the petitioner employee had not completed 80 (eighty) days of service in preceding 12 (twelve) months, and that the court should balance equities. The court had ruled that since the petitioner had not completed 80 (eighty) days, maternity benefits cannot be granted to her.

While the court acknowledged the centrality of maternal welfare, it emphasised that entitlement remains conditional upon satisfaction of the statutory qualifying period, thereby affirming a baseline of strict compliance on which employers may legitimately rely in the absence of genuine service.

Departing from the rigid approach seen in *Harshita Yadav*, the Punjab and Haryana High Court adopted a beneficial approach in the case of *Arti Thakur vs. Union of India and Ors*<sup>3</sup>. The question before the court was whether the petitioner employee was entitled to maternity leave. Her claim for maternity benefit had been rejected on the ground that she had completed only 78 (seventy-eight) days of service prior to seeking such maternity benefit, and therefore did not qualify for entitlements under the Maternity Act. However, upon perusal of records, it was discovered that the petitioner had in fact served 115 (one hundred and fifteen) days. The ground for denial was that the petitioner had served only 78 (seventy-eight) days when the respondents sought to dispense with her services. However, owing to the interim orders passed by the court, her termination was stayed. Despite this, she was not entitled to maternity leave. The court ruled that it is immaterial whether the 80 (eighty) period requirement was completed due to interim orders passed by the court. As long as the employee has completed the said period uninterruptedly, she is entitled to maternity leave.

Here, the decision of Punjab and Haryana High Court is reflective of courts' willingness to look beyond formal gaps to the reality of continuous service. Building on this principle, the *Kerala High Court in Naziya B. and Ors vs. State of Kerala*<sup>4</sup> dealt with employees on successive short-term contracts separated by brief artificial breaks. The court held that such breaks cannot be used to defeat continuity of service and categorically emphasised that eligibility should be assessed based on the substance of engagement rather than formal technicalities.

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<sup>2</sup> CW Case No. 11833 of 2014

<sup>3</sup> CWP-35806-2019

<sup>4</sup> 2023 (I) CLR 610

## Conclusion

Although rooted in the State-welfare context, the reasoning by the MP HC carries instructive value for the private sector. Courts are likely to insist on strict adherence to the 80 (eighty) day threshold for entitlement towards maternity benefits, yet may equally resist its mechanical application where employment is substantively continuous. For private employers, the lesson lies in precision; clear contractual terms, meticulous record-keeping, and principled eligibility assessments are indispensable. Equally, technical or contrived interruptions cannot be permitted to erode statutory maternity protections where continuous service can be credibly demonstrated.

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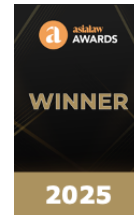
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