

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM:

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

Writ Petition No.31812 of 2013

Geetha

... Petitioner

Vs

1. The District Collector,
Vellore District.
2. The District Social Welfare Officer,
District Social Welfare Department,
Vellore-09.
3. The Block Development Officer,
Kandhili, Vellore District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order in Na.Ka.No.10608/E/2013 dated 25.9.2013 and quash the same as illegal arbitrary in -operative in law and consequently, to direct the 2nd respondent to allocate fund under two girl children protection scheme to petitioner.

For petitioner : Mr.M.Ravi

For Respondents : Mr.P.Karthikeyan, GA-R1&R2
Mr.R.Ravichandran for R3

ORDER

The petitioner has come forward with the present Writ Petition, challenging the order, dated 25.09.2013 passed by the second respondent, in and by which, the claim for extending benefit under 'Two girl children Protection Scheme' to the petitioner has been rejected.

2. The petitioner is an illiterate Scheduled Tribe lady having blessed with two female children. The above said scheme has been formulated in the year 1992 with an object of encouraging the birth and development of female children to keep up the sex ratio, which is admittedly still in force. As per the said scheme, certain benefits have been extended for the protection of female child. The petitioner's second child was born on 30.04.2002 and a recommendation was made by the 3rd respondent to the 2nd respondent on 28.05.2005 which was received on 30.08.2005. However, it came to be rejected on the ground that it was made belatedly since the time has been extended from one year to three years for the girl children who were born after 1.4.2005 only.

3. As rightly submitted by the learned counsel appearing for the petitioner, there is no indication about the date of application. On the contrary, it merely indicates that there is no date. Even otherwise, the avowed object behind the scheme has to be seen. Admittedly, the scheme is still in vogue. The period fixed for making the application is extended by three years for the girl children who were born after 1.4.2005. The petitioner being an illiterate Scheduled Tribe lady, cannot be expected to knock the doors of the revenue authorities in time instead they should go to her. There is no dispute that the petitioner has got two female children and a technicality cannot stand on the way of a poor illiterate Scheduled Tribe lady from getting the benefits of the scheme. In fact, it is only for a person like the petitioner, the scheme itself is meant for. Therefore, it is for the authorities to extend the benefits to the beneficiaries without harping on technicalities.

4. In the light of the above, the impugned order, dated 25.09.2013 passed by the second respondent is hereby set aside. Accordingly, the second respondent is directed to consider the claim of the petitioner and extend the benefits of the scheme to her as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

suk

To

1. The District Collector,
Vellore District.
2. The District Social Welfare Officer,
District Social Welfare Department,
Vellore-09.
3. The Block Development Officer,
Kandhili, Vellore District.

W.P.No.31812 of 2013

RSI (CO)
CA(15/12/2015)



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