



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2016

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.8653 of 2011

B.Packialakshmi

.. Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Joint Director,
Department of Public Health,
Palani, Dindigul District.

3. The Block Medical Officer,
K.Keeranur Primary Health Centre,
K.Keeranur, Ottanchatram Taluk,
Dindigul District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuance of the second respondent's order in O.Mu.No.822/A6/2011, dated 08.06.2011, and to quash the same and to direct the respondents to sanction and disburse the Dr.Muthulakshmi Reddy Maternity Scheme Benefit to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.Kumar

Additional Government Pleader

O R D E R

The Writ petitioner has filed this Writ petition against non-grant of the benefits disbursed by the Government under Dr.Muthulakshmi Reddy Maternity Benefit Scheme.

2. The petitioner married one Paulraj on 08.03.2009 and her matrimonial home is at Ramji Nagar, Haribaskar Colony, Trichy. After the marriage, in the month of July 2009 the petitioner was living with her parents. Her husband used to visit her then and



3. The Writ petitioner had conceived a baby and periodically consulted the third respondent for medical check-up and on 16.01.2011, a male child was born to her. Thereafter, she had taken post natal care under the third respondent. The third respondent administered all the immunization to the baby and issued MCH Care Record book for the same. The petitioner completed the entire maternity care and treatment, delivery and further subsequent follow up without any break from the third respondent.

4. Pursuant to the misunderstanding, the petitioner's husband did not turn up. The petitioner was living as a refugee in her parents house. Therefore, as per the norms, she is eligible to receive the benefits of the Dr.Muthulakshmi Reddy Maternity Benefit Scheme. The Writ petitioner made an application to the third respondent and also submitted a certificate of permanent residence obtained from the Village Panchayat. The third respondent orally rejected the request and stated that the Writ petitioner was not eligible as per the norms governing the scheme. Thereafter, the petitioner made a representation to the respondent Nos.1 and 2 on various occasions and finally to the Chief Minister Cell on 29.03.2011 and on 28.04.2011. Pursuant to the same, the second respondent passed a rejection order in proceedings O.Mu.No.822/A6/2011, dated 08.06.2011. Aggrieved by the same, the above Writ petition has been filed.

5. The third respondent has filed a counter affidavit stating that the petitioner was not a resident of the village. As per G.O.(Pt)No.184 Public Health and Family Welfare Department, dated 11.09.2006, the benefit of Rs.6,000/- is being disbursed under the scheme. As per the conditions of the scheme, a beneficiary must be poor below the poverty line and the annual income of the family must not exceed Rs.12,000/-. There must be proof of permanent residence from the Village Administrative Officer and the beneficiary's name should have been registered in the Ante-natal Register maintained by the Village Health Nurse in the locality.

6. According to the official respondents, she was not having proof of residence of the Village Panchayat and she was living permanently with her parents house at Ramji Nagar, Trichy. She was only a visitor to K.Keeranur Primary Health Centre and delivered a male child on 16.01.2011. Her parents are Government servants and their income exceeds the prescribed eligible limit of Rs.12,000/- per annum. Moreover, the Writ petitioner had not produced any residential certificate or income certificate of her husband. Therefore on the basis of the certificate issued by the Village Administrative Officer that the petitioner had left the native village after the marriage and living with her parents, at Trichy, the application for the scheme was rejected. Further, according to the official respondents, the Writ petitioner was not below the poverty line and therefore she is not entitled to claim the benefits of the Dr.Muthulakshmi Reddy Maternity Benefit Scheme.



7. Heard both sides.

8. When the matter was taken up for arguments, there was no denial to the fact that the parents of the Writ petitioner were employed in the Government service and they were drawing more than Rs.12,000/- per annum. The scheme is the beneficiary scheme given to the poor persons below the poverty line living in villages and other places. The Writ petitioner has not produced any evidence controverting her residential status and that she visited the village only for her maternity care. In view of the financial status of her husband and also in view of the income received by the parents, the Writ petitioner is considered to be above poverty line and hence, she is not entitled to the benefit of the Dr.Muthulakshmi Reddy Maternity Benefit Scheme. The Government comes out with social welfare schemes to help the poor and needy. It cannot be permitted to be exploited by unscrupulous elements like the petitioner. Hence, the writ petition merits no consideration.

9. Accordingly, the Writ petition is dismissed as devoid of merits. There is no order as to costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Dindigul District, Dindigul.
2. The Joint Director,
Department of Public Health, Palani, Dindigul District.
3. The Block Medical Officer,
K.Keeranur Primary Health Centre,
K.Keeranur, Ottanchatram Taluk, Dindigul District.

+One cc to Mr.A.Haja Mohideen, Advocate, SR.No.73657
+One cc to The Special Government Pleader, SR.No.73712
pmu
RL/6C/3P/SKN/23.3.2017

ORDER MADE IN