



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.2899 of 2019

WEB COPY

K.Rajaguru

... Petitioner

Vs.

1.The District Social Welfare Officer,
Tirunelveli District, Tirunelveli.

2.The Director of Social Welfare,
Social Welfare Department,
Garment Complex, Sidco Corporate Office,
2nd Floor, Guindy, Chennai - 600 032.

3.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 09.

4.The Director, Ambedkar Foundation,
(an autonomous Body under the Ministry
of Social Justice and Empowerment),
15, Janapath, New Delhi - 110 001.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to forward the petitioner's application dated 27.07.2017 to the fourth respondent for sanctioning of incentive under Dr.Ambedkar Scheme for Social Integration through Intercaste Marriage.

For Petitioner

: Mr.S.Vikram

For R1 to R3

: Mr.R.Sethuraman,

Special Government Pleader

For R4

: Mr.V.Murali Ganesh

ORDER

Heard the learned counsel on either side.

2.The writ petitioner belongs to Thuluva Vellalar community. The petitioner got married to one M.Renuga Devi who belongs to Scheduled Caste community. The petitioner applied for financial assistance in terms of "Dr.Ambedkar Scheme for Social Integration through Intercaste Marriage". The writ petitioner's request was not accepted so far. The first respondent must forward the petitioner's application to the fourth respondent. Since the first respondent has not done so, this writ petition came to be



filed.

2. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner is not entitled for getting financial assistance under the aforesaid scheme. He drew my attention to Clause (iii) 5 of the revised scheme issued by the Ministry of Social Justice and Empowerment, Government of India which states that a couple who have already received incentive from the State Govt/UT Administration are not be eligible for incentive from the Foundation under the Scheme.

4. This Court posed a specific question to the learned Special Government Pleader for the respondents 1 to 3, as to whether any assistance was given to the petitioner. It is seen that the said assistance was given to the writ petitioner's mother in law namely Samuthirakani. The Government of Tamil Nadu gives financial assistance for performing marriages under the scheme known as "Moovalur Ramamirtham Ammaiya Ninaivu Marriage Assistance Scheme".

5. I am of the view that disbursement of financial assistance under the said scheme cannot be a ground for disqualification. The said scheme was introduced by the Government of Tamilnadu to extend financial assistance to all poor people. On the other hand, the scheme in question was specially introduced for encouraging intercaste marriages. In any event, neither the petitioner nor his wife received any financial assistance from the State Government for having undergone intercaste marriage.

6. Therefore, this Court holds that the petitioner is not disqualified from availing incentive under the scheme in question. Hence, the respondents 1 to 3 are directed to forward the petitioner's application dated 27.07.2017 to the fourth respondent within a period of three weeks from the date of receipt of a copy of this order. The fourth respondent thereafter shall disburse the financial assistance to the writ petitioner speedily.

7. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

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**+2 CC to M/s.S.VIKRAM, Advocate (SR-49720,50065[F] dated
26/02/2019)**

+1 CC to M/s.SPL GP (SR-49769[F] dated 26/02/2019)

SKM

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