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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.26517 OF 2015

S.Natarajan

...Petitioner

-Vs-

1. The State of Tamil Nadu
rep by its Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat, Chennai 600 009.
2. The District Collector,
Perambalur District.
3. The Commissioner of Social Welfare,
Chennai 600 002.
4. The District Social Welfare Officer,
Perambalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining the order passed by the 4th respondent in her proceedings Na.Ka.No.731/A1/2014 dated -11-2014 and quash the same and direct the respondents to disburse 4 gram 22 carat gold coin and financial assistance of Rs.50,000/- to the petitioner's daughter N.Indira as per G.O.Ms.No.43, Social Welfare and Nutritious Meal Programme Department dated 17.05.2011, G.O.Ms.No.46, Social Welfare and Nutritious Meal Programme Department dated 08.07.2011 and G.O.Ms.No.49, Social Welfare and Nutritious Meal Programme Department, dated 26.07.2011.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.C.Selvaraj
Additional Government Pleader



O R D E R

With the consent of both the parties, this writ petition is taken up for final disposal.

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2.The Government in G.O.Ms.Nos.46, Social Welfare and Nutritious Meal Programme (SW-3) Department, dated 08.07.2011 had introduced financial assistance of Rs.50,000/- to the Beneficiaries, who are Graduates/Diploma Holders under "Dr.Muthulakshmi Reddy Ninaivu Inter-caste Marriage Assistance Scheme". The requirement for receiving this assistance is that the Beneficiary should have completed a Degree in a College through Correspondence or through an Open University recognized by the Government.

3.The petitioner's daughter Ms.N.Indira had completed her final semester in B.E. Degree examination in April 2012 and her results were published on 27.06.2012. When her marriage was proposed to be performed on 29.06.2014, the petitioner has made an application prior to the marriage of his daughter. The 3rd respondent in the impugned order passed in November 2014, have rejected the petitioner's request on the ground that the petitioner's application was not supported by the Provisional Certificate of her degree and that the Provisional Certificate itself was later issued on 10.07.2012, which is after the marriage of his daughter. Therefore, the benefits of the Scheme cannot be extended to the petitioner.

4.The learned counsel appearing for the petitioner submitted that as per the Scheme, there is no such stipulation with regard to the belated issuance of Provisional Certificate and therefore prayed that the impugned order passed by the 4th respondent in November 2014 requires interference.

5.The learned Government Advocate placed reliance on paragraph Nos.3 and 5 of the counter affidavit and submitted that the Scheme under the Government Order envisages that the essential certificates ought to be attached along with the application for the candidate to claim Rs.50,000/-, which also requires the enclosure of the relevant Degree Certificate. Since admittedly the petitioner's daughter was issued with the Provisional Certificate after the date of marriage, she is not entitled to seek for the marriage assistance amount.

6.The Marriage Assistance Scheme is a beneficial and welfare scheme which provides financial assistance to the Degree Holders



for a sum of Rs.50,000/- (Rupees Fifty Thousand only) and as per the Scheme, the only requirement is that prior to the marriage, the Beneficiary should have completed a Degree. There is no reference to the belated issuance of a Provisional Certificate. As such, what requires to be considered is as to whether the Beneficiary had completed the Degree prior to her marriage or not. A mere issuance of Provisional Degree Certificate belatedly, after the marriage, will not render or declare that such Beneficiary had completed her Degree only from the date of the issuance of Provisional Certificate.

7. It is pertinent to point out that, though the Provisional Certificate are issued belatedly, the fact would remain that the candidate had completed the course on publication of the results in the final semester of such course. It is not in dispute that the petitioner's daughter herein has completed her final semester in B.E. Degree from Anna University in the month of April 2012 and the results were published on 27.06.2012 and a copy of the Degree Certificate is also produced before this Court. As such, it requires to be held that the petitioner's daughter had completed B.E. Degree Examination as on 27.06.2012 itself. As stated earlier, the delay in the issuance of Provisional Certificate cannot be put against the petitioner, which is not the object of the Welfare Scheme. Since the petitioner's daughter had already completed her B.E. Degree prior to her marriage, the impugned order of rejection passed by the 4th respondent cannot be sustained.

8. In the result, the impugned order passed by the 4th respondent in proceedings Na.Ka.No.731/A1/2014 dated November 2014 is hereby quashed. Consequently, there shall be a direction to the 3rd respondent to pass orders granting Rs.50,000/- (Rupees Fifty Thousand only) as financial assistance to the petitioner under G.O.Ms.No.43, Social Welfare and Nutritious Meal Programme Department dated 17.05.2011, G.O.Ms.No.46, Social Welfare and Nutritious Meal Programme Department dated 08.07.2011 and G.O.Ms.No.49, Social Welfare and Nutritious Meal Programme Department, dated 26.07.2011 and disburse the said sum within a period of four weeks from the date of receipt of a copy of this order. In case, the respondents have already disbursed a sum of Rs.25,000/- as stated in the impugned order, the said amount of Rs.25,000/- shall be adjusted in the present Rs.50,000/- to be granted to the petitioner. It is needless to point out that the petitioner's daughter would also be entitled for receiving all other benefits under this Scheme, including four grams of gold for making 'Mangalyam'.



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9. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vkr

To:

1. The Secretary,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat, Chennai 600 009.
2. The District Collector,
Perambalur District.
3. The Commissioner of Social Welfare,
Chennai 600 002.
4. The District Social Welfare Officer,
Perambalur District.

+1cc to M/s.P.Ganesan, Advocate, S.R.No.5319

+1cc to the Government Pleader, S.R.No.4910

W.P.No.26517 of 2015

SVI (CO)

RLP(10/02/2022)