

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

903 WRIT PETITION NO.6586 OF 2023

Sachin s/o Narayan Nikalje ... **Petitioner**
Age 31 years, Occu: Private Job
R/o M1/3/5, Near Vitthal Chowk,
Ram Nagar, N-CIDCO, Aurangabad

VERSUS

1. The Union of India,
Through the Secretary of Social Justice
and Empowerment, Government of India,
New Delhi
2. The Director,
Dr. Ambedkar Foundation,
Through Social Justice
and Empowerment, Government of India,
New Delhi
3. The State of Maharashtra, ... **Respondents**
Through the Secretary to the Government
of Maharashtra, Department of Social
Justice, Mantralaya, Fort, Mumbai 32.
4. The District Social Welfare Officer,
District Social Welfare Office,
Z.P. Aurangabad
5. The District Collector,
Aurangabad

...

Mr. Shirish M. Kamble, Advocate for Petitioner
Mr. S. W. Munde, Advocate for Respondents 1 and 2
Mr. S. B. Yawalkar, AGP for Respondents 3 & 5:
Mr. V. C. Patil h/for Mr. U. B. Bondar, Advocate for respondent No.4

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 18th July, 2023

JUDGMENT (*Per Ravindra V. Ghuge,J*)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties

2. On 19th June 2023, we had passed the following order:

"1. Leave to add District Collector, Aurangabad as Respondent No.5. Addition be carried out forthwith.

2. The Petitioner is a person who belongs to the SC category. He has married a girl who is from the open category. A scheme is floated by the State of Maharashtra, which is implemented through Respondent No.2. The Petitioner got married on 17.06.2021 and tendered his application to the Assistant Commissioner, Social Welfare, Aurangabad on 20.05.2022, since the scheme requires recommendation from the District Magistrate/District Collector/Deputy Commissioner or Social Welfare Department of the concerned State Government. These facts are undisputed. The application of the Petitioner for financial assistance is not being entertained.

3. Issue notice to the Respondents, returnable on 10.07.2023. This matter would appear in the "Urgent Admissions Category".

4. The Standing Counsel for Union of India waives service of notice on behalf of Respondent Nos. 1 and 2. The learned AGP waives service of notice on behalf of Respondent Nos. 3 and 5 and Mr. Bondar waives service of notice on behalf of Respondent No.4.

5. We direct Respondent No.2 as well as Respondent No.5 to submit a list of pending applications for seeking benefits under the Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages.

3. The Petitioner has put forth prayer clauses (B) and (C) as under:

(B) By issuing Writ of Mandamus or any other appropriate Writ, Order or direction, the Respondent No.2 may kindly be directed to accept the Application of the Petitioner dated 20.05.2022 for availing the benefits of Scheme Dr. Ambedkar Scheme for Social Integration through intercaste marriages-reg.

(C) The Respondent No.2 may be directed to decide Application of the petitioner dated 20.05.2022 for availing the benefits of Scheme Dr. Ambedkar Scheme for Social Integration through intercaste marriages-reg. within the stipulated period."

4. The petitioner submits that the Central Government has introduced a scheme known as Dr. Ambedkar Scheme for 'Social Integration through Inter-Caste Marriages'. It prescribes an application form to be filled up along with documents as required and to be forwarded with the recommendation from the District Magistrate /District Collector /Deputy Commissioner/Social Welfare Department of the concerned State Government/Union to the Director, Dr. Ambedkar Foundation, New Delhi.

5. At Clause 7 of the Application Form, the information required to be entered into is as regards, whether the application for incentive was submitted within one year of marriage. Annexure -1 to the Application form requires a declaration of one spouse of belonging to the Scheduled Caste Category and the other spouse belonging to Non Scheduled Caste Category. It is undisputed that the petitioner, who belongs to a Scheduled Caste, got married to a lady belonging to the Non Scheduled Caste Category, on 16.06.2021. It is also undisputed that the petitioner tendered an application on 20.05.2022 to the Assistant Commissioner, Social Welfare at Aurangabad. As such, the application was filed within one year.

6. The learned Advocate for the petitioner submits that though the petitioner had initially filed an application for acquiring the benefit available through the State GR dated 30.01.1999 and GR dated 01.02.2010, he subsequently withdrew his application for seeking the State Government benefits. Since the petitioner has given up this application, there is no issue of dealing with the said aspect of the matter.

7. The learned Standing counsel for the Union of India has drawn our attention to the affidavit in reply filed by Mr. Vikas Trivedi, Director, Dr. Babasaheb Ambedkar Foundation, New Delhi. He points

out from the scheme titled as 'Dr. Ambedkar Scheme for Social Integration Through Inter-Caste Marriages', that Sub clause 5 of Clause (III) of the Scheme requires a proposal to be treated as valid if submitted within one year of marriage. Sub clause 6 of Clause (III) indicates that if the couple has already received any incentive from the State Government/UT Administration for this purpose, the amount approved/released to the couple under the Central scheme will be adjusted from the total incentive that could be released to them under this scheme. Clause (IV) of the Scheme deals with 'Extent of Incentive' indicating that such a couple would be eligible for assistance of Rs.2.50 lakhs. Below Clause (V)- Norms for Release of Incentive, it is provided under Sub-clause 4 that the proposal under the scheme is required to be forwarded with recommendation from the concerned District Magistrate/District Collector/Deputy Commissioner/Social Welfare Department of the concerned State Government/Union Territory to the Director, Dr. Ambedkar Foundation, New Delhi.

8. The only issue for debate in this petition is that though the petitioner has tendered his application within the period of one year, the said application was not processed by the competent authority at Aurangabad.

9. We find from Paragraph No.3 of the affidavit filed by Mr. Vikas Trivedi that the proposal needs to be recommended by an MP or MLA and then forwarded to the foundation through the District Magistrate/District Collector/State Welfare Department. We find such statement to be an aberration. This was a requirement earlier under the Revised Scheme of 30th May, 2016. The Scheme annexed to the affidavit of Mr. Vikas Trivedi is revised in January, 2020 and the earlier condition to seek the favourable recommendation by an MP or MLA, has been done away with.

10. Considering the above, we do not have any hesitation in concluding that the petitioner cannot be faulted for any delay or laches on the part of the District Administration. The obligation cast upon the petitioner was that he should move the application within one year from the date of his marriage, to the District Magistrate/District Collector/Social Welfare Department. He has admittedly done so. It is not within his control to ensure that the Assistant Commissioner, Social Welfare, Aurangabad/District Collector immediately clears the file and the proposal is transmitted to the Director, Dr. Ambedkar Foundation, New Delhi within one year. So also, it is not a requirement of the scheme that the proposal of the candidate should reach Director, Dr. Ambedkar Foundation, New Delhi within one year. The only

requirement is that the application should be filed within one year of marriage which has been done in the instant case.

11. In view of the above, **this petition is allowed.**

12. We direct Respondent No.2 to clear the proposal of the petitioner within 45 days and ensure that the payment of the amount as prescribed under the Scheme, is made within thirty days thereafter.

13. Rule is made absolute in the above terms.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan