



W.P(MD)No.9752 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9752 of 2023

Santhosh Govindaraj

... Petitioner

Vs

1. The Director,
Dr.Ambedkar Foundation,
Ministry of Social Justice and Empowerment,
Government of India, No.15, Japath,
New Delhi-110001.
2. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Govt. of Tamil Nadu,
Secretariat, Chennai-600 009.
3. The District Collector,
Karur District, Thanthonimalai, Karur.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first Respondent in E.O.No. 43826 dated 29.12.2022 and quash the same and consequently directing



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the first respondent to make payment of Rs.2.50 Lakhs to the Petitioner under Dr.Ambedkar Scheme for Social Integration through Inter-Caste Marriages together with interest at the rate of 12 percent per annum.

For Petitioner : Mr. Suresh.K
For R1 : Mr.K.Manikandan
Central Government Standing Counsel
For R2 to R5 : Mr.J.Ashok
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, to interfere with the order of the first Respondent/ Director, Dr.Ambedkar Foundation, Ministry of Social Justice and Empowerment, Government of India, No.15, Japath, New Delhi-110001, in E.O.No.43826, dated 29.12.2022 and direct the first respondent to make payment of Rs.2.50 Lakhs to the petitioner under Dr.Ambedkar Scheme for Social Integration through Inter-Caste Marriages together with interest.

2.In the affidavit filed in support of the writ petition, the petitioner, Santhosh, S/o.Govindaraj, No.13 Arasu colony, Kariyali



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Nagar, Panchamadevi, Manmangalam, Karur had stated that he belongs to Hindu Vettuva Gounder community. He married R.Monisha on 21.06.2021. She belongs to Hindu Paraiyar Community, which is a notified Scheduled Caste Community in the State of Tamil Nadu. The requisite community certificate had also been enclosed. His marriage is a Inter-caste marriage. It had been performed in accordance with Hindu Marriage Act, 1955, and the marriage was also duly registered in the Office of Registrar of Marriages. The first respondent had introduced Dr.Ambedkar Scheme for social integration through Inter-caste marriage. They had stated that if there is an inter-caste marriage, an incentive of Rs.2.50 lakhs will be given. The conditions are as follows.

- 1. An intercaste marriage, for the purpose of this scheme means a marriage in which one of the spouse belongs to Scheduled Caste and the other belongs to a Non-Scheduled Caste.*
- 2. The marriage should be valid as per the law and duly registered under the Hindu Marriage Act, 1955. An affidavit of their being legally married and in matrimonial alliance would be submitted by the couple.*
- 3. No incentive is available on second or subsequent marriage.*



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4. Proposal would be treated as valid if submitted within one year of marriage.

3.In the instant case, the marriage between the petitioner and his wife is an intercaste marriage. His wife belongs to Hindu Paraiyar Community, which is a Scheduled Caste community. The marriage is valid in the eye of law and registered under the Hindu Marriage Act, 1955. The proposal for consideration of grant of incentive was forwarded by the petitioner on 29.04.2022 to the third respondent. The third respondent had forwarded the said representation to the first respondent on 06.09.2022. Holding that the particular date of 06.09.2022 was beyond the period of one year, the first respondent had rejected grant of incentive to the petitioner. This order is impugned in the writ petition.

4.The impugned order suffers from absolute lack of application of mind. Probably the official, who passed the order had closed his eyes to reality. The date of marriage was 21.06.2021. The date on which the application was forwarded by the petitioner was 29.04.2022, which is within a period of one year. The first respondent



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has to consider only the crucial dates ie., the date of marriage and the date on which application is made by the petitioner for grant of incentive, whereas, the first respondent has considered the date on which it was forwarded by the third respondent. The first respondent had passed an order, which is violative of principles of their own ministry namely Social Justice and Empowerment.

5.I hold that the official, who had passed the order, is not a fit person to hold the particular post. He should be aware of the objective for which the incentive is granted. He should be aware that the marriage of the petitioner and his wife is lawful and duly registered under the Act. The reason for denying grant of incentive is only because the application was forwarded at a later date by the third respondent. Therefore, the impugned order is set aside.

6.A direction is given to the first respondent to grant incentive to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



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7.Since by this order the first respondent had violated their own principles under which Social Justice and Empowerment function, a cost of Rs.10,000/- (Rupees Ten Thousand only) is imposed on the first respondent, namely Vikas Trivedi, Director DAF/DAIC, who had passed the order. He has to pay the costs within a period of two weeks from the date of receipt of a copy of this order, to the Member Secretary, Legal Services Authority attached to this Bench, who in turn, may utilise the same to any beneficial party, who is in need of legal aid. If he is of the opinion not to pay the costs, he need not pay the costs, because the petitioner and his wife are not dependent on the costs paid by him.

8.With the above directions, this writ petition stands allowed. No costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No
PNM



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To
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Ministry of Social Justice and Empowerment,
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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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