



W.P.(MD)No.5656 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.04.2023

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.5656 of 2016
and
W.M.P.(MD).Nos.5081 and 5082 of 2016

Muthumurugesan

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep by its Principal Secretary,
Social Welfare Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The District Collector,
Trichy District,
Trichy.

3.The Block Development Officer,
Thiruverumbur Panchayat Union,
Thiruverumbur,
Trichy District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in Na.Ka.2036/A3/2015, dated 07.12.2015, quash the same and direct the



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respondents to disburse the marriage assistance to the petitioner under Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme for the marriage of petitioner's daughter Revathy conducted on 15.11.2013.

For Petitioner :Mr.M.Saravanan

For Respondents :Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioner challenges an order dated 07.12.2015 by which the request for marriage assistance under the Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme (the scheme) was rejected.

2. The petitioner states that he is an agricultural coolie residing in a village. He has one daughter called Revathy. By asserting that the family income is less than Rs.15,000/-, the petitioner states that he had applied for assistance under the Scheme by submitting an application on 12.11.2013. In spite of receiving the said application, the petitioner states that no acknowledgement was provided to him. Upon following up with the third respondent, it is stated that the petitioner was orally informed that all such



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applications are pending and that assistance would be disbursed en-mass at a Government function. Since such assistance was provided on 08.01.2015 to similarly placed persons but not to the petitioner, a representation was submitted by the petitioner on 06.04.2015. The said representation did not elicit a response. Therefore, W.P.(MD).No.9615 of 2015 was filed and this Court directed the respondents to consider the representation and dispose of the same on merits. By the impugned order dated 07.12.2015, the petitioner's representation was rejected. Hence, this writ petition.

3. Learned counsel for the petitioner invited my attention to the terms and conditions relating to the scheme and contended that the petitioner's family satisfies the said conditions. By inviting my attention to the application, he submitted that the said application was signed by the petitioner's daughter on 11.11.2013 and that the necessary certificate from the Village Administrative Officer was also obtained. He relied on an earlier order of this Court in W.P.No.1225 of 2020, (*B.Hemavathy v. The secretary, Government of Tamil Nadu, Department of Social Welfare & Nutritious Meal Program, Chennai and another*), order dated 10.02.2020, by which this Court directed the second respondent therein to disburse benefits under



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the same Scheme.

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4. Learned Additional Government Pleader refutes the above contentions. His first submission is that the petitioner did not submit an application under the Scheme on 12.11.2013. By placing for my consideration a register maintained by the third respondent in respect of applications received under the Scheme, learned Additional Government Pleader contended that there are three entries on 12.11.2013 but the register does not disclose the receipt of an application from the petitioner. In the absence of an application from the petitioner, he submits that the request of the petitioner could not be considered. His second submission is without prejudice to the first submission and is to the effect that the petitioner's daughter was employed in a school and was drawing a monthly salary of Rs. 3,000/-. Therefore, he submits that the petitioner does not satisfy the income limit fixed under the Scheme. The third contention of learned Additional Government Pleader is that the relevant scheme was modified under G.O. (Ms).No.46, Social Welfare and Women Empowerment [SW3(2)] Department dated 02.08.2022 and that, under the modified scheme, assistance is provided only in respect of higher education and not marriage.



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In view of the modification of the Scheme, learned Additional Government Pleader submits that it is no longer possible to consider the petitioner's application.

5. The terms of the Scheme have been placed before me for consideration. The time limit specified therein for the submission of the application is at least one day prior to the marriage. In this case, the marriage is said to have been taken place on 15.11.2013. Therefore, the application should have been submitted to the third respondent on or before 14.11.2013. The application appears to have been signed by the petitioner's daughter on 11.11.2013. It bears the signature of the jurisdictional Village Administrative Officer. However, no date is specified beneath his signature. I also examined the register produced by learned Additional Government Pleader. The said register pertains to applications received under the Scheme. On examining the entries relating to 12.11.2013 and the dates immediately prior to or subsequent thereto, I do not find any entry relating to the application submitted by the petitioner. The non-receipt of the application by the third respondent should ordinarily have been conveyed to this Court when W.P.(M.D).No.9615 of 2015 was filed. On examining the



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order dated 16.06.2015 in the said writ petition, I find that the writ petition was disposed of at the time of admission.

6. After the alleged date of submission of the application in November 2013 the first representation from the petitioner is on 06.04.2015. Based on the aforesaid discussion, I conclude that the petitioner failed to establish that the application was submitted to the third respondent on or before 14.11.2013. Therefore, no interference is warranted as regards the impugned order.

7. The impugned order indicates only one reason for rejection, i.e. non-receipt of the application. Therefore, I am unwilling to consider the other reason mentioned by learned Additional Government Pleader, namely, that the family income is in excess of Rs.24,000/-. If the scheme had continued in existence, I would have been inclined to direct the respondents to consider the petitioner's application. Unfortunately, in view of modification of the scheme, such course of action stands foreclosed.



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8. For reasons set out above, W.P.(MD).No.5656 of 2016 is disposed of by leaving it open to the petitioner to submit an application if any other scheme for marriage assistance is currently in force. There shall be no order as to costs. Consequently, W.M.P(MD).Nos.5081 and 5082 of 2016 are closed.

10.04.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

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To

- 1.The Principal Secretary,
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Social Welfare Department,
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Chennai-600 009.
- 2.The District Collector,
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Trichy.
- 3.The Block Development Officer,
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SENTHILKUMAR RAMAMOORTHY, J.

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