



WP (MD) No.11844 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Subbulakshmi

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondents to consider the petitioner's representation dated 29.05.2017 seeking fund under the marriage assistance scheme.

For petitioner : Mr.S.Gokul Raj

For Respondents : Mr.M.Siddharthan,

Additional Government Pleader

ORDER

This writ petition is filed for a writ of mandamus, directing the respondents to consider the petitioner's



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representation dated 29.05.2017 seeking the the marriage assistance fund under the Marriage Assistance Scheme.

2.The case of the petitioner's marriage was solemnised on 22.04.2015 and before her marriage she has applied for marriage assistance fund under the Marriage Assistance Scheme. However, the respondents had directed her to produce the income certificate and to file the application. Accordingly she with great difficulty obtained the income certificate only after the marriage. By referring this delay the petitioner's application was not considered and therefore, the petitioner had made a representation to the respondents on 29.05.2017 and filed this writ petition in the year 2017.

3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner has submitted the application only after 22 days of the marriage and as per the scheme the application should be made prior to the marriage. However, the scheme under which the petitioner sought marriage assistance has already been



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abolished by the Government and therefore, there is no possibility for granting the relief sought for by the petitioner.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The petitioner claims that she is eligible to get the the benefits under the Moovalur Ramamirtham Ammaiya Ninaivu Marriage Assistance Scheme. The applicants should make applications along with necessary documents prior to the marriage. However, there was a delay in obtaining the income certificate before the marriage and she has submitted the application after 22 days of the marriage. By referring this delay the petitioner's application was not considered and it is also stated that the scheme is now changed as Higher Education Assurance Scheme.

6.The learned Counsel for the petitioner has relied on the orders of this Court in WP(MD)No.36242 of 2016 dated 15.07.2022 and submits that in similar circumstances this



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Court has granted the relief and the relevant portion is extracted hereunder

"9.I am therefore of the opinion that being a Welfare Scheme, the respondents should not deny the benefits of such Welfare Scheme to the petitioner, more so, when it is not the case of the respondents that she is not entitled to the benefits of the Scheme. Hence, taking a sympathetic and lenient view and considering the fact that the Scheme itself is for providing financial assistance for marriage of girls belonging to economically weaker section, I am of the opinion that the Government should be more magnanimous in its approach rather than going by letter of law. 10. Hence, this writ petition is allowed. The order impugned is set aside. There will be a direction to the respondents to provide assistance to the petitioner under the Moovalur Ramamirtham Ammaiyar Marriage Assistance Scheme, if the petitioner is found to be otherwise entitled to within a period of eight weeks from the date of receipt of a copy of the order. No costs."

7.Considering that there was a delay in getting the income certificate and the petitioner had also got married,



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the delay in making the application need not be given much importance. Though the scheme is not in existence now, at the time of marriage of the petitioner the scheme was in existence.

8. In view of the above discussion and in view of the above cited order, this Court directs the respondents to consider the case of the petitioner sympathetically and take a decision on the petitioner's representation dated 29.05.2017 in the light of the above discussions within a period of twelve weeks from the date of receipt of a copy of this order.

9. This writ petition is disposed of on the above terms.
No costs.

21.06.2023

dsk



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To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Social Welfare Officer,
Tirunelveli District,
Tirunelveli.



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B.PUGALENDHI, J.

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