



W.P.No.11843 of 2021

M.DHANDAPANI, J.

This Court, vide order dated 12.08.2024, allowed the writ petition. The relevant portion of the order is as follows:

"Accordingly, the Writ Petition is allowed and the matter is remanded to the third respondent for passing fresh orders after fixing the proper amount towards wages along with the breakup details within a period four(4) weeks from the date of receipt of a copy of this order. Alternatively, liberty is granted to the petitioner to submit fresh application for availing the benefit under the aforesaid Scheme before the first respondent and on such application, the first respondent shall pass appropriate order afresh as expeditiously as possible, in line with the observation made by this Court above and fixation of amount in the G.O to be issued in line with the observation made by this Court above and fixation of amount in the G.O. to be issued in pursuance to this order."

2. The matter was posted for reporting compliance on 09.09.2024. On 09.09.2024, when the matter is taken up for consideration, the learned Additional Government Pleader, submitted that a scheme in which the petitioner sought financial assistance is no more available. Therefore, the first respondent was directed to file an affidavit containing the following details:

"1. How much amount has been sanctioned under the Moovalur Ramamirtham Ammaiya Ninaivu Marriage Assistance Scheme for the Financial Years 2017-2018, 2018-19, 2019-20 and 2020-2021?"

2. However much amount was disbursed to the beneficiaries under the



said scheme during the aforesaid period?

3. Whether the funds provided for welfare scheme, referred to supra, by the Central Government/State Government as the case may be has been utilised?

4. What is the amount that was returned back to the appropriate Government during the aforesaid period?"

3. The matter was adjourned on 18.09.2024 to enable the learned Government Advocate to file an affidavit as directed above.

4. An affidavit of one Jayashree Muralidaran, Secretary to Government, Social Welfare and Women Empowerment Department affirmed on 18.09.2024 has been filed.

At para No.3, it is stated that the Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Scheme was later restructured into the Moovalur Ramamirtham Ammaiyar Higher Education Assurance Scheme" effective from August 2022 vide G.O.Ms.No.46 Social Welfare & Women Empowerment Department, dated 02.08.2022. This change has been brought in with noble object of increasing the enrollment ratio of female students from government Schools into higher education. In short, the fund allotted for marriage of those poor families, has been diverted for higher education of students belonging to the lower strata of the society.

5. The subsequent Government Order changing the nomenclature of the scheme into one supporting higher education was issued on 02.08.2022. However, the application of the petitioner for issuing income certificate was made on 25.03.2021. The third respondent has



issued the impugned certificate on 16.04.2021, much prior to the Government Order dated 02.08.2022.

6. This Court has struck down the impugned income certificate issued by the third respondent and allowed the writ petition. The learned Government Pleader has produced a copy of the letter dated 06.09.2024, written by the Commissioner of Social Welfare. At para No.10 of the said letter, it is stated that the Director of Social Welfare has sent a letter to the Senior Technical Director, National Information Centre in ROC. No.29857/WW1(1)/2019, dated 22.03.2022 wherein it is stated that with reference to the Budget announcement on 18.03.2022, marriage assistance applications for Moovalur Ramamirtham Ammaiyar memorial marriage assistance scheme shall not be accepted. Even this letter issued by the Director of Social Welfare dated 23.02.2022 which is much later to the impugned income certificate issued by the third respondent.

7. When this Court has struck down the income certificate issued by the third respondent and effectively allowed the writ petition, in all fairness, the respondents ought to have submitted a positive report to render financial assistance to the petitioner. This Court is not going into the merits of the subsequent G.O. Cancelling the financial assistance given to marriages and diverting those funds for higher education purpose. The attempt, no doubt,

M.DHANDAPANI, J.

is laudable. However, the respondents ought to have consider the case of the petitioner in a sympathetic manner; more especially, when the application of the petitioner was in March



2021 and impugned income certificate issued by the third respondent was in April 2022.

Almost more than a year before the Government Order cancelling the financial assistance was passed. Therefore, the first respondent is hereby directed to consider the case of the petitioner as a special case and render financial assistance treating this as an application pertaining to the financial year 2020-2021.

8. The first respondent is directed to pass a positive order within a period of four weeks from the date of receipt of a copy of this order, failing which, this Court will take a serious view in this matter.

18.09.2024

rli

W.P.No.11843 of 2021