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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.27464 of 2023

Shanthi

... Petitioner

Vs

- 1.The Director,
Dr.Ambedkar Foundation,
Ground Floor, Narcotics Control Bureau Building,
West Block-I, Wing No.VII,
R.K.Puram, New Delhi - 110066.
- 2.The District Collector and District Magistrate,
Villupuram District,
Villupuram.
- 3.The Social Welfare Officer,
Villupuram District,
Villupuram.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling the records of the 1st respondent issued Vide E.O. No.43826 dated March 30, 2023, and quash the same insofar as it relates to the petitioners' inter-caste marriage, and accordingly direct the 1st respondent to make payment of Rs.2.50 lakhs to the petitioner under the Dr.Ambedkar Scheme for Social Integration through Inter-Caste Marriages, together with interest at the rate of 12% p.a., award exemplary costs.



For Petitioner

: Mr.K.Anand

For Respondents

: Mr.B.Rabu Manohar (for R1)
Senior Central Government Standing CounselMr.M.R.Gokul Krishnan (for R2 & R3)
Additional Government Pleader**ORDER**

This Writ Petition has been filed challenging the order passed by the Director, Dr.Ambedkar Foundation/R1 rejecting the request for financial assistance under the Dr.Ambedkar Scheme for Social Integration through intercaste marriage (in short 'Scheme').

2. The brief facts relating to this Writ Petition have been captured in an order passed on 10.06.2024 after hearing both parties and is extracted below:

Heard Mr.K.Anand, learned counsel for the petitioner, Mr.Rabu Manohar, learned Senior Central Government Counsel for R1 and Mr.M.R.Gokul Krishnan, learned Additional Government Pleader for R2 and R3.

2. The petitioner and one Jayachandran were married on 11.03.2021. The petitioner belongs to Adi Dravidar Community and her husband to the Hindu Agamudaiyar Community. The former is a Notified Scheduled Caste, while the latter is not. The marriage was registered under the Hindu Marriage Act, 1955 at Acharapakkam Registrar Office on 23.12.2021.

3. On 10.02.2022, within a year from marriage, an application had been filed before the Social Welfare Officer, Villupuram/R3 for grant of incentive under Dr.Ambedkar Scheme for Social Integration through intercaste marriage. The application is complete in all respects and contained all requisite documents.



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4. *The communication of the District Collector and District Magistrate, Villupuram/R2 bearing Ref.No.M8/28362-12/2021 dated Nil.12.2022 (signed on 01.12.2022) makes reference to application dated 10.02.2022. There is thus no dispute that the application has been received within a year from the date of marriage. Reference No.2 in the same letter refers to a report from the District Social Welfare Officer, Villupuram dated 22.07.2022 and the application has been forwarded to R1 by R2 only on 01.12.2022.*

5. *The scheme requires the application for grant of financial aid to be made within a year from the date of marriage. The application of the petitioner submitted through District Collector has come to be rejected vide order dated 30.03.2023 on the ground that it has not been submitted within one year of marriage.*

6. *A perusal of the dates in the paragraphs supra makes it clear that the application has been submitted by the petitioner to the office of the District Collector on 10.02.2022, which is within one year from the date of marriage, being 11.03.2021. There has been a delay only at the end of the authorities i.e., five months to receive the report from the District Social Welfare Officer and five months thereafter at the instance of the District Collector to forward the application to R1 (on 01.12.2022).*

7. *This Court is of the categorical view that the couple cannot be made to suffer for the delay/inaction on the part of the authorities. At this juncture, while this Court is poised to allow this Writ Petition, Mr.M.R.Gokul Krishnan, learned Additional Government Pleader would seek a short date to ascertain what had caused the delay at the end of the authorities and file a status report.*

8. *In the interests of natural justice, he is granted a weeks' time. List on 19.06.2024 at the end of admission list. Registry is directed to remove the caption.*

3. Mr.Gokul Krishnan, learned Additional Government Pleader appearing



the end of R2 and R3. However, he would point out that the petitioner's application has itself been filed only on 10.02.2022 at the fag end of the period of one year which left the authorities with hardly any time to cause enquiry as required.

4. It is true and it would have been preferable had the application been made proximate to the date of marriage in order to afford the authorities sufficient time to cause enquiry and forward the application with the required enclosures and report to R1.

5. Be that as it may, there was period of one month left to the authorities, within which time the enquiry could have been expedited and the application forwarded to R1. Instead, R3 had taken five months to send a report to R2, who, in turn took a further five months to forward the application to R1.

6. Clearly, there has been a substantial delay on the part of the authorities. In such circumstances, I reiterate my observations in paragraph 7 of order dated 10.06.2024 to the effect that the couple cannot be prejudiced by virtue of the delay that has been occasioned by the authorities. The authorities are cautioned to ensure that this should not be repeated in future instances, as the very purpose of the Scheme would then stand defeated.

7. For the aforesaid reasons, impugned order dated 30.03.2023 is quashed. R1 is directed to process the application on merits treating the same as having been received within time and extend the financial assistance subject to all other terms



of the Scheme being satisfied, within a period of four (4) weeks from date of receipt of a copy of this order.

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8. This Writ Petition is allowed. No costs.

20.06.2024

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes

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Dr.ANITA SUMANTH,J.

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