



W.A.(MD).No.2628 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2024

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**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2628 of 2024
and
C.M.P.(MD).No.18275 of 2024

The Director,
Dr.Ambedkar Foundation,
Ministry of Social Justice and Empowerment,
Government of India,
No.15, Japath, New Delhi - 110001.

... Appellant/1st Respondent

Vs.

1.Santhosh Govindaraj

... 1st Respondent/Petitioner

2.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai.

3.The District Collector,
Karur District,
Thanthonimalai, Karur.

... Respondents 2 & 3/
Respondents 2 & 3

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the appeal and set aside the order of this Court made in W.P.(MD).No. 9752 of 2023 dated 21.06.2023.



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For Appellant : Mr.K.Govindarajan
Deputy Solicitor General of India
for Mr.S.Pon Senthil Kumaran
For R-2 & R-3 : Mr.S.Shaji Bino
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.9752 of 2023 dated 21.06.2023.

2. The first respondent herein, who belonged to a non-scheduled caste community, had married one R.Monisha, who belongs to Scheduled Caste community, on 21.06.2021. Under the Dr.Ambedkar Scheme for social integration through inter-caste marriage, the couple would be entitled for financial incentive of Rs.2.50 lakhs. The eligibility conditions, *inter alia*, provides that a proposal claiming the incentive should be submitted within one year of marriage to the Ministry. The Scheme also envisages for the application to be forwarded with the recommendation of the concerned District Magistrate/District Collector/Deputy Commissioner/Social Welfare Department of the concerned State Government/Union Territory to the Director, Dr.Ambedkar Foundation, New Delhi.



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3. In the instant case, the first respondent herein, who had entered into an inter-caste marriage on 21.06.2021, had submitted his application before the State Government officials on 29.04.2022. However, it appears that the State Government had kept the application pending for more than one year from the date of marriage and had thereafter, forwarded the proposal to the Ministry of Social Justice and Empowerment. The application came to be rejected on 29.12.2022, predominantly on the ground that the same was received in the Ministry after one year of marriage. When the said order was put under challenge before this Court in W.P.(MD).No.9752 of 2023, the learned Single Judge, through order dated 21.06.2023, had set aside the rejection order, together with cost of Rs.10,000/-. The said order is assailed in this intra-Court appeal.

4. Clause (III) of the Scheme prescribes the eligibility criteria for release of incentive for inter-caste marriages. Clause (III)(5) reads as follows:

“5. Proposal would be treated as valid if submitted within one year of marriage.”

Under Clause (V)(3), the norms for release of incentive have been prescribed, as per which the Chairperson of Dr.Ambedkar Foundation and HMSJE may relax any provisions of the Scheme in deserving cases. In view of the power of



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relaxation provided under the Scheme to the Chairperson, it requires to be necessarily held that Clause (III)(5), which requires the application to be made within one year, is only directory in nature and not mandatory.

5. Even otherwise, the Scheme treats a proposal as valid, if submitted within one year of marriage. In the instant case, the first respondent had made his application on 29.04.2022 after he got married on 21.06.2021, which is within a period of one year. As per Clause (III)(5), whenever an application is submitted within one year of marriage, the consequential proposal is treated as a valid one. It is not the case of the appellant that the applicant had presented his application after a period of one year. On the other hand, it is the State Government, who had kept the application made on 29.04.2022 in cold storage and had chosen to forward the proposal after the expiry of one year of marriage. The lapse on the part of the State Government cannot be put against a person, who is otherwise eligible to seek for the benefit of the Scheme. On this ground also, the impugned order of rejection cannot be sustained. The learned Single Judge had taken note of all these aspects and had rightly quashed the rejection order. We do not find any reason to interfere with the same.



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6. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
20.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
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Secretariat, Chennai.

2.The District Collector,
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