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W.A.No.764 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WA No.764 of 2026
and CMP No.7879 of 2026

1. Government of Tamil Nadu
Rep by its Secretary to the Government,
Social Welfare and Women's Empowerment
Department, Chief Secretariat,
Fort St.George, Chennai – 600 009.
2. The Director of Social Welfare
O/o. Directorate of Social Welfare,
SIDCO Corporate Office Old Building,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai – 600 032.
3. The District Collector
District Collector Office, Sathuvancheri,
Vellore District – 632 009.
4. The District Social Welfare Officer
O/o. District Social Welfare Office, B-Block,
4th Floor, District Collector Office,
Sathuvanchery, Vellore District – 632 009.
5. The Block Development Officer
O/o. Block Development Office,
Pooranampattu, Gudiyatham Taluk,
Vellore District – 635 810.



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6. The Tahsildar
Peranampattu Tahsildar Office,
Peranampattu Taluk, Vellore District - 810.

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Appellant(s)

Vs

J. Praveena
W/o. R. Siva,
Ramalai Village, Gudiyatham Taluk,
Vellore District - 632 601.

Respondent(s)

PRAYER: Appeal under Clause 15 of the Letters Patent to set aside the order dated 17.09.2025 made in WP No.35378 of 2025 and allow this appeal.

For Appellant(s): Mr. P.S.Raman
Advocate General
Assisted by Mr. K.Karthik Jagannath
Government Advocate

For Respondent(s): Mr. A.Suresh Sakthi Murugan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Questioning the legality of the order dated 17.9.2025 passed by the learned Single Judge in W.P.No.35378 of 2025, the present appeal is filed.



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2. The respondent herein submitted an application dated 29.7.2019 under the "Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme" seeking to avail the benefits provided thereunder. Qua said application, the respondent sent a representation on 3.9.2024 and the fourth appellant, vide order dated 28.10.2024, informed the respondent that the benefits of the said scheme cannot be extended to the respondent, as the said Scheme has been restructured as "Moovalur Ramamirtham Ammaiyar Higher Education Assurance Scheme". Seeking quashment of the said order, the respondent filed the writ petition. The respondent herein also sought a consequential direction to the appellants herein to provide the welfare fund of Rs.50,000/- and 8 gram gold coin to the respondent.

3. The learned Single Judge, vide order dated 17.9.2025, which is impugned in this appeal held thus:

"6. It is only because of the lethargic and inaction on the part of the revenue authorities that the petitioner was not extended the benefit of the scheme. The petitioner has made online application in the year 2019 and she has produced all the relevant records that are necessary to avail such benefit of the



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said scheme. Even then, the petitioner was not provided any benefits. The learned Special Government Pleader is also not in a position to explain as to why the petitioner's application is kept pending for more than 6 years. **The Government order dated 28.11.2023 suggest that the marriage assistance scheme has been converted into higher education assurance scheme. However, the petitioner made her application in the year 2019. No satisfactory explanation has been made by the Government. In the absence of the same, the petitioner cannot be burden with the defects now raised by the Government.**

7. Therefore, this Court holds that the petitioner is entitled for 8 grams of Gold and a sum of Rs.50,000/- as provided in the erstwhile scheme viz., Moovalur Ramamirthammaiyar Ninaivu Marriage Welfare Fund scheme. **Accordingly, the first respondent is directed to give or release 8 grams of Gold and deposit a sum of Rs.50,000/- to the account of the petitioner within a period of one week from the date of receipt of a copy of this order, failing which, serious view will be taken in this matter."**

[emphasis supplied]



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4.1. Learned Advocate General appearing on behalf of the appellants submitted that a policy decision has been taken by the Government to transform the Marriage Assistance Scheme into Higher Education Assurance Scheme and, therefore, no further financial sanction under the marriage assistance scheme shall be given for the pending applications from the year 2018-2019 to 2021-2022. He added that a welfare scheme does not give rise to any vested or enforceable right to immediate receipt of benefits and benefits of such schemes are strictly subject to annual budgetary allocations and seniority of applications.

4.2. To bolster the aforesaid argument, he placed heavy reliance on a decision of the Supreme Court in *Ritu Maheshwari v. Promotional Club*¹, and the decisions of this Court in (i) *The Commissioner and others v. Sithammal*²; (ii) *The Principal Secretary to Government and others v. S.Chitra and another*³.

¹ MANU/SC/0585/2022

² Judgment dated 21.11.2025 in W.A.No.2993 of 2023

³ Judgment dated 19.2.2026 in W.A.No.3866 of 2025



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5. Learned counsel for the respondent reiterated the reasons that weighed with the learned Single Judge and prayed for dismissal of the writ appeal.

6. We have heard learned counsel for the parties and perused the order passed by the learned Single Judge.

7. Any policy formed by the Government is based on consideration of various factors and law, including constraints based on its resources. It is also based on expert opinion. It would be perilous if courts are asked to test the utility, beneficial effect of the policy or its appraisal based on facts set out in affidavits. The Court should dissuade from entering into this fiefdom which belongs to the executive.

8. In the case on hand, the respondent has not challenged the decision taken by the government to restructure the scheme. The Apex Court, while considering a policy decision to terminate a benefit that was extended previously, in *Ritu Maheshwari v. Promotional Club* (supra), held thus:



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"17. It is well established that when a policy decision like the closure or termination of a benefit available to a class of persons, is not challenged, the consequence of such closure (which is the impact on the pendency of those wishing to be considered) cannot ordinarily be subject matter of a grievance. What the club had was a right to be considered for allotment of the plots its applied for, so long as the old scheme subsisted.

...

19. In the absence of any ambiguity - in the law, and the scheme, the writ Petitioner club, in this Court's opinion could not have insisted that after the closure of the old scheme (which went unchallenged by it), nevertheless, it had a right to allotment. In holding otherwise, and proceeding to direct Noida to consider the club's applications the impugned judgment erred in law."

[emphasis supplied]

9. In the case on hand, the direction issued by the learned Single Judge to grant benefit under a scheme, which no longer



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exists, runs athwart the decision of the Supreme Court, referred supra.

10. Under identical circumstances, while considering the very same scheme, a Co-ordinate Bench of this Court in the *Commissioner and others v. Sithammal* (supra), held thus:

"6. The Government scheme is a policy decision and Court cannot extend the scope of the scheme for the purpose of considering the application submitted prior to the abolition, which would not fall under the realm of the powers of judicial review conferred under Article 226 of the Constitutional of India. Thus, the direction issued by the Writ Court to consider the representation would be of no assistance to the 1st respondent, since the scheme itself was abolished by the Government with effect from 18.02.2022 and it cannot be considered by the authorities as no such scheme was in force."

[emphasis supplied]



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11. This Court in the *Principal Secretary to Government and others v. S.Chitra and another* (supra), while considering a similar issue raised based on the same scheme, held as under:

"8. We are of the considered view that the direction issued by the learned Single Judge was not only beyond the scope of the writ petition but also amounts to substituting one executive policy for the other."

12. In the instant case, the Government has taken a policy decision to remodel "Moovalur Ramamirtham Ammaiyar Memorial Marriage Assistance Scheme" into "Moovalur Ramamirtham Ammaiyar Higher Education Assurance Scheme" considering the low enrollment ratio of girl students from government schools in higher education and, according to the government, such policy decision was taken in order to enhance women empowerment. Nothing has been placed on record by the respondent to show that the restructuring of the old scheme was arbitrary. Moreover, it is not as if the respondent's application has been solely rejected on unreasonable grounds. No financial sanction was given to all pending applications from the year 2018-2019 to 2021-2022. Therefore, no mala fides or discrimination can be alleged.



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13. In such circumstances, the learned Single Judge ought to have exercised judicial restraint, rather than extending the benefit of a non-extant policy to the respondent. We are unable to subscribe to the view taken by the learned Single Judge.

Writ appeal is allowed and the order passed by the learned Single Judge is set aside, while dismissing the writ petition. There shall be no order as to costs. Consequently, interim application stands closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
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Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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