



WEB COPY



WA No.3866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2026

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THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G. ARUL MURUGAN

WA No.3866 of 2025

1.The Principal Secretary to Government,
Social Welfare & Nutritious Meal Programme Department,
Chennai 600 015

2.The Commissioner of Social Welfare,
Social Welfare & Nutritious Meal Programme Department,
Chennai 600 015 : Appellants

versus

1.S.Chitra

2.Zonal Deputy Tahsildar,
Ayanavaram Taluk, Chennai District
No.25, United India Colony,
1st Main Road, Ayavanavarm
Chennai 600 023 : Respondents

Prayer: Appeal filed against the order of this Court in WP No.11843 of 2021 dated 12.08.2024.

For Appellants : Mr. P.S.Raman,
Advocate General
Assisted By Mr. S.John J.Raja Singh
Additional Government Pleader

For Respondents : No Appearance.



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JUDGMENT

(was delivered by the Hon'ble Chief Justice)

Heard the learned Advocate General for the appellants. Though the first respondent/ writ petitioner was served, she has chosen not to appear nor engage any counsel.

2. When the case was taken on the last date of hearing, this Court granted one more opportunity to the first respondent. Today also, none appears for the first respondent.

3. Assailing the correctness and validity of the order passed by the learned Single Judge, the learned Advocate General, assisted by Mr.S.John J. Raja Singh, learned Additional Government Pleader, would contend that the Moovalur Ramamirtham Ammaiyar Ninaivu Marriage Assistance Scheme (for short, 'the Marriage Assistance Scheme') was promulgated to benefit girls during their marriage, subject to the condition that the income of the applicant should not be more than Rs.6,000/- per month i.e. Rs.72,000/- per year. The first respondent's claim was rejected because as per her income certificate issued by the



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third respondent viz., the Zonal Deputy Tahsildar, her yearly income was Rs.1,08,000/-, meaning thereby, on an average, she was earning Rs.9,000/- per month. Therefore, the first respondent was not entitled to the benefit of the scheme.

4. The second limb of submission of the learned Advocate General is that the learned Single Judge, while examining the merits of the claim of the first respondent, exceeded beyond the scope of the writ petition and went on to hold that the scheme ought to be extended to all those who were entitled to minimum wages. It is argued that the scheme promulgated by the State in exercise of its executive power could not be changed, varied or modified by a judicial order. He would submit that challenge to the policy was permissible only on limited grounds of violation of law or constitutional provisions. He would submit that in any case, the policy was not under challenge; nor any relief was sought to extend the benefit of the policy to those who are earning more than Rs.6,000/- per month; but the claim of the first respondent was confined only to rejection of her claim on the basis that irrespective of the income certificate issued in her favour, she was actually earning only Rs.6,000/- per month.



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5. On a perusal of the pleadings made in the writ petition and also the relief sought, undoubtedly, the scope of the writ petition was only whether the claim of the first respondent/ writ petitioner was rightly rejected or not. The first respondent did not make any prayer, much less based on any ground that sweep of the scheme was required to be extended to a larger class of persons earning income more than Rs.6,000/-.

6. The first respondent's claim that she was entitled to the benefit of the marriage assistance scheme was dependent on proof of the fact that she was earning Rs.6,000/- or less, per month. The income certificate of the first respondent which was issued by the Zonal Deputy Tahsildar, recorded her income as Rs.1,08,000/- per year, meaning thereby, the average income was Rs.9,000/- per month. On the face of such certificate, the first respondent, could get relief only in the event of being successful in challenging the correctness of the certificate. There was no material basis to challenge the correctness of the income certificate. Perhaps, the only direction which could be given in the case was to consider the first respondent's



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representation for fresh inquiry into the income by the concerned Zonal Deputy Tahsildar, who had issued the certificate.

7. However, the learned Single Judge without declaring the income certificate illegal, proceeded to hold that the benefit of the scheme was required to be extended to a larger class of those who were earning income equivalent to or less than the then prevailing rates of minimum wages as per the notification issued under the provisions of the Minimum Wages Act.

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. In the absence of there being any law of the land that the benefit of marriage assistance shall be extended to those who are earning minimum wages or less, extension of that benefit to a larger class is only in the realm of the executive function and could not be ordered in exercise of judicial power under Article 226 of the Constitution of India. It is well settled legal position requiring no authority to be referred to that there is a limited scope of judicial



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review in the matter of challenge to any executive policy. In the present case, the only basis for the learned Single Judge to hold that the policy was bad, is a comparison with the minimum wages. We do not think that was the correct approach to be adopted. In any case, the policy was not under challenge before the Court. Therefore, on the other count also, we are of the view that the direction of the learned Single Judge cannot be sustained in law.

9. We are informed that the marriage assistance policy in any case stands discontinued with effect from 02.08.2022.

10. In the circumstances, we are inclined to allow the appeal and set aside the order passed by the learned Single Judge.

11. Even though the scheme may have discontinued, we observe, if the first respondent is able to get the income certificate modified under a fresh inquiry by the Zonal Deputy Tahsildar to prove that during the relevant period when the scheme was in force, her income was less than Rs.6,000/-, she would be entitled to the benefit of the policy. The direction is confined only to the case of the first



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respondent/writ petitioner and shall not be treated as a general direction.

12. In the result, the appeal stands allowed and the writ petition is disposed of with observation as above. There will be no order as to costs. Consequently, CMP No.31589 of 2025 is closed.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G. ARUL MURUGAN, J.)
19.02.2026

Index : Yes/No
Neutral Citation : Yes/No
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