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WP-49798-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

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HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 10th OF FEBRUARY, 2026WRIT PETITION No. 49798 of 2025*PARAS SAKLECHA**Versus**STATE OF MADHYA PRADESH THROUGH CHIEF SECRETARY AND
OTHERS*

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Appearance:

Shri Vibhor Khandelwal - Advocate for the petitioner.

Shri Sudeep Bhargava - Dy.A.G with Shri Pradyumna Kibe - G.A for
the respondent/State.

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ORDER

Per. Justice Vijay Kumar Shukla

Heard on I.A No.846/2026, which is an application for ignoring
defects.

2. Office objection regarding legible copies is exempted as they were
not referred in the petition.

3. The present petition is filed in the nature of *pro bono publico*
invoking the jurisdiction under Article 226 of the Constitution of India in
illegal, arbitrary and discriminatory implementation of *Mukhyamantri Ladli
Behna Yojana, 2023* (hereinafter referred to as the 'Policy of 2023').

4. The policy of 2023 was introduced by the respondents on



01.03.2023 with an object of women empowerment by improving health and nutrition of women and to promote their economic independence, and strengthening their role in family decisions. As per clause 6.1 of the policy of 2023, the respondents agreed to pay Rs. 1,000/- per month to every woman domiciled within the State of Madhya Pradesh in their bank accounts, who has registered herself in accordance with the norms of the policy of 2023. The amount of Rs. 1,000/- was further increased by the respondents to Rs. 1,250/- per month by administrative orders. The eligibility criteria for being beneficiary of the policy of 2023 has been provided under clause 3 of the said policy; according to which a woman should be domiciled within the State of Madhya Pradesh, she must be a married woman (including widow, divorced and abandoned women) and she must belong to the age group between 23 to 60 years on the date of application. The respondent vide order dated 19.07.2023 changed the aforesaid age-related eligibility criteria by decreasing the age of women from 23 years to 21 years, and therefore, the women belonging to the age group between 21 years to 60 years on the date of application are now eligible to get benefit of the policy of 2023.

5. Counsel for the petitioner argued that the stoppage of fresh registrations under the scheme of 2023 by the respondents w.e.f 20/8/2023 despite policy being of continuing nature, is illegal, arbitrary and discriminatory. He argued that the scheme was introduced to promote women empowerment and economic independence and has over 1.26 crore beneficiaries. However, the respondents have unlawfully closed both online and offline registrations for newly eligible women without any statutory



backing. He vehemently argued that denial of benefit to the similarly placed women is arbitrary and amounts to hostile discrimination. He further argued that fixation of minimum age of 21 years and maximum age of 60 years under clause 3.3 of the Policy, 2023 is arbitrary and unreasonable and denial of benefits to the other eligible women is violative of Article 14 of the Constitution of India. Therefore, a direction has been sought to reopen registration, amend the age of criteria and extending the benefits of the scheme to all women during subsistence of policy.

6. On being confronted with the question that whether policy of the State Government can be examined in a public interest litigation. He argued that the said judicial review is permissible. In support of his submission, he has placed reliance on the judgment passed in the case of *Delhi Development Authority & Anr. Vs. Joint Action Committee, Allottee SFS Flats & Ors.* reported in (2008) 2 SCC 672. He referred para 65 of the said judgment. He also placed reliance on the judgment passed in regard to *Citizenship Act, 1955 Section 6(A), IN RE* reported in (2024) 16 SCC 105.

7. Counsel for the State argued that it is a policy decision of the State Government and none of the aspirants claiming benefit under the scheme has come before this Court challenging the said policy decision and, therefore, the policy cannot be examined in a public interest litigation. In support of his submission, he has placed reliance on the judgment of Punjab and Haryana High Court passed in the case of *Vyom Yadav vs. Union of India & Ors.* passed in *CWP No.16520-2023 (O&M)* against which an SLP has also been dismissed.



8. We have heard learned counsel for the parties.

9. So far, the judicial review against a policy decision is concerned, in the case of *Balco Employees Union vs. Union of India* reported in 2002 (2) SCC 333, it is held that the Court should not interfere with the economic and policy decision. The judicial review is limited to examining the legality not wisdom. In the case of *Narmada Bachao Andolan vs. Union of India* reported in (2000) 10 SCC 664, it is held that the Courts do not substitute their opinion for that of experts in policy matters. In the case of *State of M.P vs. Nandalal Jaiswal* reported in (1986) 2 SCC 566 it is held that policy decisions can be interfered with only if it is arbitrary, discriminatory or malafide. In the case of *State of Punjab vs. Anshika Goyal* reported in (2022) 3 SCC 633, the Apex Court held that a mandamus cannot be issued directing the State to provide a particular percentage of reservation. It is held that the fixation of percentage of reservation is a discretion of State and if mandamus is issued, it would be open to entering into domain of legislation. The said judgment was relied by the Punjab and Haryana High Court in the case of *Vyom Yadav* (supra). In case of *Villinaur Iyarkkai Padukappu Maiyam vs. Union of India & Ors.* reported in (2009) 7 SCC 561, it is held that the Courts interference is only if the policy is unconstitutional, arbitrary or contrary to the statute. In the case of Delhi Development authority (supra) it has been held that a policy decision shall be subject to judicial review on the following grounds:

- (a) If it is unconstitutional;
- (b) If it is de hors the provisions of the Act and the regulations;



- (c) if the delegatee has acted beyond its power of delegation;
- (d) if the executive policy is contrary to the statutory or a larger policy.

10. Admittedly, the present case does not fall within clause "b" to clause "d" as the submission of learned counsel for the petitioner is that the policy is unconstitutional being violative of Article 14 of the Constitution of India. It is not in dispute that the policy is not a statutory policy. It is an executive policy of the State Government. The submission of learned counsel for the petitioner that the stoppage of fresh registration under the scheme by the State w.e.f 20/8/2023 is arbitrary, we do not find any force in the aforesaid submission. In a policy decision, it is for the State to decide the date of implementation and its continuation. The fixation of the date for commencement and its closure is within the domain of the State.

11. The next submission of learned counsel for the petitioner that the fixation of minimum age of 21 years and maximum age of 60 years under clause 3.3 of the Policy, 2023 is arbitrary and unreasonable, we do not find any merit. The fixation of the age of entitlement of policy prescribing minimum and maximum is also absolutely within the domain of the State Government. Considering the nature of the scheme and the prescription of minimum and maximum age, we do not find any arbitrariness.

12. The third submission that despite the promise made by the respondent, the amount in the scheme has not been enhanced. The same we are not inclined to consider at the instance of the petitioner who is admittedly not an aspirant or beneficiary of the scheme and the same cannot be considered in a PIL.



13. In view of the aforesaid, we do not find any case for entertaining a PIL.

14. Accordingly, petition is dismissed.

No order as to cost.

(VIJAY KUMAR SHUKLA)
JUDGE

(ALOK AWASTHI)
JUDGE

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