

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

WEDNESDAY, THE EIGHTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WP(PIL) NO: 47 OF 2023



Between:

Keethineedi Akhil Sri Guru Teja, S/o, K Pattabhi Ramarao Aged 29 years, R/o. D.No.9-116, Jayaprakash Nagar, Turangi, Kakinada Rural, Kakinada District.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Department of School Education, Secretariat of Velugapudi, Amaravathi.
2. State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Social Welfare, Secretariat of Velagapudi, Amaravathi.
3. State of Andhra Pradesh, Rep. by its Principal Secretary, Department of B.C Welfare, Secretariat of Velagapudi, Amaravathi.
4. Director of School Education, State of Andhra Pradesh, Ibrahimpatnam, Vijayawada.
5. Director of Social Welfare Department, State of Andhra Pradesh, T.G.Plaza Building, Tadepalli, Guntur District.
6. The Andhra Pradesh Tribal Welfare Residential Educational Institutions Society, Rep. by its Secretary, 3rd floor, Moksha Sai Plaza, Tadepalli, Guntur District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased may be pleased to issue a writ, order or direction more particularly in the nature of a Writ of Mandamus and/or any other appropriate Writ(s) declaring the action of the Respondents in not following The Regulatory Guidelines For Hostels of Educational Institutions for Children, 2018, Rules of Procedures for Regulating Stand-Alone Hostels For Children, 2019 and not providing the mandatory infrastructure facilities in the hostels maintained by the State Government as illegal, arbitrary, high handed and

violative of Fundamental Rights guaranteed to the children under Article 21 of the Constitution of India and consequently to direct the Respondents to provide the basic infrastructural facilities as mandated under The Regulatory Guidelines For Hostels of Educational Institutions for Children, 2018, Rules of Procedures for Regulating Stand-Alone Hostels For Children, 2019.

IA NO: 1 OF 2023 :

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to submit a detailed report of compliance of the hostels as on date that are maintained by the State Government in pursuance to Regulatory Guidelines for Hostels of Educational Institutions for Children, 2018, Rules of Procedures for Regulating Stand-Alone Hostels For Children, 2019, before this Hon'ble Court to issue necessary directions, Pending disposal of WP(PIL) 47 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI ARUN SHOWRI G Advocate for the Petitioner and of GP FOR SCHOOL EDUCATION for the Respondents 1 & 4 and of GP FOR SOCIAL WELFARE for the Respondent Nos.2, 3 & 5, the Court made the following

ORDER:

The present petition has been filed highlighting the inadequacies in various hostels being run by the State Government known as Dr. B. R. Ambedkar Gurukulams.

The Social Welfare Department controls the functioning of these hostels, which are approximately 1051 in number and are spread all over the districts throughout the State of Andhra Pradesh. It is not denied that the guidelines prescribed by the National Commission for Protection of Child Rights (N.C.P.C.R.) are accepted and required to be implemented by the State Government for the benefit of the children who are studying in these hostels. The age of the children range up to 16 years and below. There are approximately 90,000 students, who are stated to have been housed in these hostels and belong to the marginalised and poor sections of the society.

In the petition, the petitioner states that through the information under the Right to Information Act, 2005, information was collected in regard to 14 hostels and the information provided to the petitioner suggests gross gaps

between what has been prescribed as per the guidelines prescribed by the N.C.P.C.R. and what is actually available on the spot.

It is stated by the petitioner that the children in most of the schools were not provided with pillows, mosquito nets, mosquito repellents, hot water facility for bathing etc., It is also highlighted, as per the information provided, that in some hostels, there were no dormitories and separate rooms for children to sleep and were being made to sleep in the classrooms only. In some hostels, it is stated that no mattresses were provided to the children and the children were made to sleep on the floor on dhurries.

Smt S. Pranathi, learned Special Government Pleader, states that within the economic capacity of the state, funds are provided to the Social Welfare Department with a view to maintain the hostels, which are approximately 1051 in number, housing thousands of children. It is also stated that whereas in the year 2018-19, approximately Rs.20,00,00,000/- was made available for upkeep and maintenance of such hostels but in 2019-2020, the same was reduced to Rs.12,12,18,000/-. From the counter affidavit, it can be further seen that the budgetary allocation had been reduced considerably from 2018-2019 to 2022-2023 and 2023-2024.

The following table reflects the position as regards the budgetary allocation:-

Year	Budget Allocation
	HoA:2225-01-277-00-07-270/272 (Maintenance/Repairs)
2018-19	Rs.20,00,00,000
2019-20	Rs.12,12,18,000
2020-21	Rs.10,00,00,000
2021-22	Rs.24,61,000
2022-23	Rs.2,45,21,000
2023-24	Rs.2,69,31,000
2024-25	Rs.143,00,00,000

From the aforementioned table, it appears that there is gross inadequacy in the budget allocation till 2023-24, which has been increased in 2024-2025 to Rs.143,00,00,000/-. The budget allocation was at its lowest when for the year 2021-22 an amount of Rs.24,61,000/- alone was allocated, we fail to establish as to how 90,000 students, who were housed in these hostels throughout the State of Andhra Pradesh, could have been maintained with such a paltry sum. Although for the year 2024-2025, the Government appears to have allocated an amount of Rs.143,00,00,000/-, the same may also be inadequate considering the facilities which are required to be furnished to children to be brought up and shaped as future of this country.

With a view to assess the exact condition of the hostels in regard to their infrastructure as also the facilities which are individually made available to children in terms of bedding, mosquito nets, drinking water, washroom, toilets etc., we direct the Commissioner, Social Welfare Department to provide data in a systematic form with reference to each hostel and the students housed therein with regard to the facilities which are being provided and the facilities which ought to be provided but have not been provided. The information be collected and furnished at the earliest and preferably, within three (3) weeks from today.

The affidavit which will be filed by the concerned officer shall also reflect the funds which are additionally required. Details be furnished as regards funds utilized till now out of the allocation of Rs.143,00,00,000/- and in case the amount has not been fully utilized, the reasons there for. The affidavit shall also assess the actual requirement to run these hostels in total compliance with the guidelines prescribed by the N.C.P.C.R.

We also direct the District Legal Services Authorities in all the districts to inspect at least five such hostels in the first instance and submit reports as regards the facilities provided and the deficiencies in the context of the guidelines prescribed by the N.C.P.C.R. The reports also be furnished on or before the next date of hearing.

The District Legal Services Authorities shall also interact with the students residing in the said hostel and get first hand information with regard to their problems and the deficiencies especially with regard to food, bedding, toiletries and other essentials. It shall also verify as to whether they are getting the meals in accordance with the prescribed guidelines during the course of each day.

For the purposes of submitting the report, we would advise the officers from the District Legal Services Authorities to go through the prescribed guidelines to understand the context in which the report has to be submitted, especially the guidelines as prescribed under Clause 10 dealing with Nutrition and Diet Scale, Clause 11 dealing with Mental Health, Clause 12 dealing with Recreational Facilities, Clause 17 (1) dealing with Physical Infrastructure and Clause 17(2) dealing with Minimum Standards for Clothing, Bedding, Toiletries and other Articles.

Copy of this order be communicated to the A.P. State Legal Services Authority to be communicated further to all the District Legal Services Authorities.

List on 29.01.2025.

SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

Fc

To,

1. The Member-Secretary, A.P.State Legal Services Authority, H.No.2-273/54-A, B.S.R.Commercial Complex, Near A.P.Secretariat, Amaravati, Opp: Traffic Police Station, Malkapuram Village, Thulluru Mandal, Guntur District-522238.

2. The Principal Secretary, Department of School Education, State of Andhra Pradesh, Secretariat of Velugapudi, Amaravathi.
3. The Principal Secretary, Department of Social Welfare, State of Andhra Pradesh, Secretariat of Velagapudi, Amaravathi.
4. The Principal Secretary, Department of B.C Welfare, State of Anadhra Pradesh, Secretariat of Velagapudi, Amaravathi. **[2 to 4 by SPL. MESSENGER]**
5. The Director of School Education, Stale of Andhra Pradesh, Ibrahimpatnam, Vijayawada.
6. The Director of Social Welfare Department, State of Andhra Pradesh, T.G.Plaza Building, Tadepalli, Guntur District.
7. The Secretary, Andhra Pradesh Tribal Welfare Residential Educational Institutions Society, 3rd floor, Moksha Sai Plaza, Tadepalli, Guntur District **(5 to 7 by SPEED POST)**
8. One CC to SRI. ARUN SHOWRI G Advocate [OPUC]
9. Two CCs to GP FOR SCHOOL EDUCATION ,High Court Of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR SOCIAL WELFARE, High Court of Andhra Pradesh. [OUT]
11. **One spare copy**
ER

HIGH COURT

HC, J

&

RC, J

DATED:08/01/2025

LIST ON 29.01.2025

ORDER

WP(PIL).No.47 of 2023

DIRECTION

