

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI  
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL  
TWO THOUSAND AND TWENTY THREE



PRESENT

HONOURABLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE  
AND

HONOURABLE MR. JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 10556 OF 2023

Between:

1. The Teacher, Gullepalle Anganwadi Center, Kuppm Municipality, Chittoor District.
2. The Tahsildar, Kuppmamandal, Chittoor District.
3. The Project Director, DW and CDA, Chittoor District.
4. The Child Development Project Officer, Kuppm Mandal, Chittoor District.
5. The Assistant Project Director, DW and CDA, Chittoor District.
6. The District Collector and District Magistrate, Chittoor District.
7. The Principal Secretary, Women and Child Welfare Department, Secretariat, Velagapudi, Guntur District.
8. The Supervisor, Gullepalle Anganwadi Center and other centers within Kuppm Mandal, O/o Child Development Project Officer, ICDS Project, Opposite Lakshmipuram Cross, Kuppm, Chittoor District.
9. The Collector and District Magistrate, Chittoor District.
10. The Chief Secretary, Government of Andhra Pradesh, Secretariat, Velagapudi, Guntur District

AND

...PETITIONERS

1. Muregesh (Father), S/o Appadharaiah, aged 30 above, R/o. Gullepalle Village, Kuppm Mandal, Chittoor District.
2. Saritha ( Mother), R/o Gullepalle Village, KuppmMandal, Chittoor District.
3. The Director General of Police, Police Head Quarters, Mangalagiri, Amaravathi, Guntur District.
4. The Superintendent of Police, Chittoor District.
5. The State Human Right Commission of Andhra Pradesh, Kurnool, Rep by its Secretary.  
(No relief against Respondent Nos.3 and 4)

...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 to issue an appropriate Writ Order or orders or Direction more particularly one in the nature of Writ of Certiorari by declaring the impugned order dt.31.01.2023 passed in H.R.C.No.192 of 2022, S.R.No.599 of 2022 and S.R.No.1644 of 2022 on the file of the Hon'ble State Human Rights Commission, Andhra Pradesh, Kurnool District is as illegal, contrary to the spirit and object of Human Right Act, 1993 and regulations under the Hon'ble State Human Rights Commission.

**IA NO: 1 OF 2023**

Petition under Section 151 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 suspend the impugned order dt:31.01.2023 passed in H.R.C.No.192 of 2022, S.R.No.599 of 2022 and S.R.No.1644 of 2022 pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner(s): SRI. GP FOR WOMEN DEV CHILD WELFARE**

**Counsel for the Respondents 1 & 2 : NONE APPEARED**

**Counsel for the Respondents 3 & 4 : GP FOR HOME**

**Counsel for the Respondent No.5 : SRI P RAJASEKHAR, SC FOR HRC**

**The Court made the following : ORDER**

**IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**HON'BLE Mr. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE**

**&**

**HON'BLE Mr. JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.10556 of 2023**

The Teacher, Gullepalle Anganwadi Center, Kuppam Municipality, Chittoor District, and others

... Petitioners

Versus

Muregesh (father), S/o. Appadharaiah, aged 30 above, R/o. Gullepalle village, Kuppam Mandal, Chittoor District, and others

... Respondents

**ORDER (ORAL)**

**Dt:26.04.2023**

***(Prashant Kumar Mishra, CJ)***

Petitioners have called in question the order dated 31.03.2023 passed by the State Human Rights Commission, Andhra Pradesh, in H.R.C.No.192 of 2022 (S.R.No.599 of 2022) & (S.R.No.1644 of 2022) directing them to pay compensation of Rs.8,00,000/- to the petitioners therein, who are the legal heirs of the deceased Deeksha, who died in the Anganwadi Centre, Kuppam Municipality, Chittoor District, on 17.02.2022 after consuming the eggs served to the children in the Anganwadi Centre.

2. The Human Rights Commission has taken up the matter *suo motu* on the basis of newspaper item published in Andhra Jyothi Telugu daily newspaper on 18.02.2022. Upon notice issued by the HRC, the 3<sup>rd</sup> respondent, Project Director, District Women and Child Development Agency, submitted counter and the 12<sup>th</sup> respondent-S.P. of Police submitted action-taken report. According to the Project Director, there is

an Anganwadi Centre in Gullepalle, hamlet of Ekarlapalle Revenue Village, where one S. Bhavani is working as Teacher and D. Amaravathi is working as Helper. The house of the petitioners (before HRC) who are the parents of the girl Deeksha alias Deekshitha is nearby the Anganwadi Centre and on the fateful day, they had sent their child to the Anganwadi Centre. During break time, i.e. around 10.30 a.m., Anganwadi worker distributed boiled eggs to all the children including Deeksha and also provided water. Around 12 noon, other children noticed that white froth was coming out of the mouth of Deeksha. Knowing of the same, the teacher came to the centre along with some other persons and took the girl to BRD Memorial Hospital, Kuppam, where she was declared 'brought dead'. Doctors issued a death declaration that the girl Deeksha probably died of seizure or choking under shortness of breath. However, no autopsy could be done as the girl was buried. The body was subsequently exhumed to ascertain the cause of death, which was found to be due to 'neurogenic shock due to vagal shock'.

3. The HRC after discussing the entire sequence of events together with the statement of the persons present in the Anganwadi Centre at the time of occurrence of the incident, concluded that the girl Deeksha died due to consumption of boiled egg distributed in the Anganwadi Centre; therefore, the respondents therein (present petitioners) are responsible for paying compensation to the parents of the child.

4. Learned Government Pleader for Women Development and Child Welfare has referred to an order dated 02.11.2022 passed by this Court in ***W.P.No.5036 of 2005 (Ch. Syamala Rao v. Chief Secretary, State of A.P. and others)*** to submit that Human Rights Commission has no jurisdiction to direct payment of compensation. It is also argued that petitioners or the Department of Women Development and Child Welfare, in particular, cannot be held responsible for the death of the girl child Deeksha; therefore, on merits also, the order of the Human Rights Commission deserves to be set aside.

5. We have heard the learned Government Pleader for the petitioners at length and are of the considered view that this writ petition must fail for the simple reason that it is undisputed that the girl child Deeksha attended Anganwadi Centre and was served boiled egg around 10.30 a.m. Thereafter, froth started coming out of her mouth around 12 noon and she was taken to hospital where she was declared 'brought dead'. A young girl aged about 2 ½ years died in Anganwadi Centre. It is the duty and responsibility of the persons present in the Anganwadi Centre to take care of the children throughout the time when the children are present in the Centre. It has come in the counter submitted by the Project Director before the HRC that when Deeksha fell ill around 12 noon, other children noticed froth coming out of her mouth; meaning thereby, the Anganwadi worker or helper were not present at that point of time. If the children in the Anganwadi Centre are not properly taken care of, all the blame shifts

to the Department, who should properly compensate the family for not taking due care and attention in running the Anganwadi Centre.

6. Reliance placed by the learned Government Pleader on the order of this Court in ***W.P.No.5036 of 2005 (Ch. Syamala Rao v. Chief Secretary, State of A.P. and others)*** would not be of any avail to him for the reason that in the said matter, neither a death had taken place nor a child was involved. It was a case where Police officers were involved in causing injuries to a person; in that view of the matter, action against the Police officers concerned was held impermissible directly under the orders of the Human Rights Commission. It was held that Human Rights Commission could recommend to the Government about such action. In the case at hand, Human Rights Commission has not recommended for any action against any officer of the Government and had only awarded compensation considering human rights perspective and keeping in view the financial position of the family members of the deceased girl Deeksha.

7. In that view of the matter, no interference with the order of the Human Rights Commission is warranted.

8. Writ petition is, accordingly, dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

**SD/- B. CHITTI JOSEPH  
ASSISTANT REGISTRAR**

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*[Signature]*  
**SECTION OFFICER**

To,

1. One CC to GP FOR WOMEN DEV CHILD WELFARE [OPUC]
2. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
3. One CC to SRI P RAJASEKHAR, SC FOR HRC [OPUC]
4. Two CD Copies

MSR

*Ch. Pandharanathi*

**HIGH COURT**

**DATED:26/04/2023**

**ORDER**

**WP.No.10556 of 2023**

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**DISMISSING OF WP  
WITHOUT COSTS**

