

[← back](#)**Status: Pending**Case Number: **WP 2366/2021**  
(KAHC010054412021)Classification: **EDN RES**Date of Filing: **03/02/2021**  
**14:25:57**Petitioner: **RADHA M**Pet. Advocate: **ROHAN**  
**KOTHARI**Respondent: **STATE OF**  
**KARNATAKA**

Resp. Advocate:

Filing No.: **WP 2166/2021**Judge: **REGISTRAR (PROTOCOL**  
**AND HOSPITALITY)**Last Posted For: **ORDERS**Last Date of Action:  
**22/04/2022**Last Action Taken:  
**ADJOURNED**Next Hearing Date:  
**10/06/2022****Daily Orders: WP 2366/2021**

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| 1 | RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR<br>MAGADUM  | <u>09/12/2021</u> |
|   | Finally two weeks' time is granted to the State Government to come up with a compliance report with regard to midday meals concerning anganawadis. List on 19.01.2022.  |                   |
| 2 | RITU RAJ AWASTHI(CJ) AND SACHIN SHANKAR<br>MAGADUM  | <u>09/11/2021</u> |
|   | <p>Learned Additional Advocate General informed that the schools have already been opened in the State of Karnataka in two sessions i.e., pre-lunch and post-lunch sessions. Therefore, prayers (A) and (B) do not survive for consideration. So far as prayer (C) is concerned, it is submitted that since Anganwadis are opened for two hours, hot cooked midday meals is not provided. It is submitted that she will seek instructions with regard to the resumption of distribution of hot cooked midday meals to the children of Anganawadis.</p> <p>Learned counsel for the petitioners submits that even if the Anganawadis are opened for shorter duration, then also, nutrition to the children is required and they cannot deny the hot cooked midday meals.</p> <p>Learned Additional Government Advocate shall report compliance as to within what time they will distribute hot cooked midday meals to the children of Anganawadis.</p> <p>List on 09.12.2021.</p> |                   |
| 3 | SATISH CHANDRA SHARMA(Ag.CJ) AND SACHIN<br>SHANKAR MAGADUM  | <u>20/09/2021</u> |

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|   | <p>Learned counsel for the respondent-State Sri. Sreenidhi has informed that schools have already been opened in the State of Karnataka in two sessions i.e. pre launch and post launch sessions with 50% of the students. It is also stated that State is going to review the situation in the month of October 2021 in respect of schools and in respect of midday meals keeping in view the infection rate on account of Covid-19, he prays for listing of the matter after four weeks. Prayer is allowed.</p> <p>The report filed by the Karnataka State Legal Services Authority is taken on record.</p> <p>List the matter on 8.11.2021.</p>  |                   |
| 4 | SATISH CHANDRA SHARMA AND SACHIN SHANKAR<br>MAGADUM   | <u>30/08/2021</u> |
|   | <p>Learned counsel for the respondent-State states that today there is a Cabinet meeting for re-opening the remaining classes. She prays for listing the matter next week.</p> <p>Prayer is allowed.</p> <p>List on 20.9.2021.</p>  |                   |
| 5 | B.V.NAGARATHNA AND P.KRISHNA BHAT   | <u>23/08/2021</u> |
|   | <p>ORDER</p> <p>Learned Additional Government Advocate has filed a memo along with a copy of the Circular dated 16.08.2021 indicating that the Government and Aided Schools in the State are re-opening today physically for Classes 9 and 10. The classes would be conducted physically during the first half of the day.</p> <p>The memo is taken on record.</p> <p>Submission of learned Additional Government Advocate is also placed on record.</p> <p>Learned Additional Government Advocate also submitted that option is given to the parents as well as children to attend schools physically or through online classes.</p> <p>Learned Additional Government Advocate to place on record the status report regarding the vaccination programme for teaching and non-teaching staff in Government and Aided Schools on or before 30.08.2021.</p> <p>We have perused the Circular.</p> <p>The Circular incorporates several Standard Operating Procedures to be followed by the Schools so as to ensure prevention of spread of the Covid-19 infection in the Schools.</p> <p>The State and its Officers and Officials are directed that there is a mechanism of inspection and supervision that is taking place in order to ensure that the Standard Operating Procedures are being followed by the educational institutions.</p> <p>In the aforesaid context, we direct the Member Secretary, Karnataka State Legal Services Authority in turn to direct all the Member Secretaries of the District Legal Services Authority to make inspection of the Government and Aided Institutions on a random basis for ensuring compliance of the Standard Operating Procedures in the said Institutions which have been reopened today.</p> <p>The Member Secretary of the Karnataka State Legal Services Authority to seek a report of the respective Member Secretaries of the District Legal Services Authority and to comply the same and to place it before this Court on or before 30.08.2021.</p> <p>A copy of the order shall be made available to the learned counsel for the petitioners, learned Additional Government Advocate as well as to the Member Secretary, Karnataka State Legal Services Authority.</p> <p>A copy of the Circular dated 16.08.2021 to be made available to the Member Secretary, Karnataka State Legal Services Authority.</p> <p>List on 30.08.2021.</p> |                   |
| 6 | B.V.NAGARATHNA AND P.KRISHNA BHAT   | <u>02/08/2021</u> |

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|   | <p>Heard learned Senior counsel for the petitioner.</p> <p>Learned Additional Government Advocate sought for some time to get instructions in the matter.</p> <p>In the meanwhile, State to place on record the data vis-a-vis the vaccination drive conducted for the teaching and non-teaching staff of the Government and Aided Schools throughout the State, District-wise as front line workers.</p> <p>List on 12.08.2021.</p>   |                   |
| 7 | B.V.NAGARATHNA AND P.KRISHNA BHAT  | <u>26/07/2021</u> |
|   | <p>We have heard learned senior counsel for the petitioners and learned Additional Government Advocate appearing for the State.</p> <p>Learned Additional Government Advocate has filed a memo enclosing two documents to bring to the notice of this Court the constitution of a special committee for considering reopening of the schools and the recommendations made by that committee on 15/07/2021.</p> <p>She further submitted that the said recommendations have been placed before the State Government and a decision would be taken with regard to reopening of the schools in the State and that, if some time is granted, the decision would be placed before this Court.</p> <p>Hence, list on 02/08/2021.</p> |                   |
| 8 | B.V.NAGARATHNA AND HANCHATE SANJEEVKUMAR   | <u>15/07/2021</u> |
|   | <p>Learned Additional Government Advocate has filed the status report with regard to providing of midday meals with effect from 15/04/2021 in the Government as well as aided schools in the State.</p> <p>The same is taken on record.</p> <p>We have heard learned senior counsel for the petitioner.</p> <p>List on 22/07/2021 so as to enable the learned Additional Government Advocate to get instructions on whether the schools in the State could open for 9th and 10th standard students only.</p>   |                   |
| 9 | B.V.NAGARATHNA AND HANCHATE SANJEEVKUMAR   | <u>01/07/2021</u> |

Learned senior counsel appearing for the petitioners has filed a memo dated 28/06/2021 enclosing interim report to the Government of Karnataka submitted in June 2021 which contain the recommendations of the High-Level Expert Committee for Prevention and Management of COVID-19 Wave-3, a Task Force constituted by the State Government and various aspects of health care and reopening of schools.

Learned senior counsel appearing for the petitioners drew our attention to the aspect regarding reopening of schools and the suggestions made by the Task Force in that regard; the nutrition recommendation for children and the recommendation with regard to reopening of schools both Government and aided schools as well as private schools. The aforesaid recommendations are at page Nos.15, 21 and 60 to 62 respectively of the said Report. She submitted that the State may be directed to consider the said recommendations with regard to reopening of schools in a phased manner and the preparatory work that have to be undertaken for the said purpose.

Learned Additional Government Advocate responded by submitting that the report is placed before the State Government and the same is being studied and is under consideration, and as and when the decision is taken for reopening of the schools by the State Government, the recommendations would be implemented.

By way of response, learned senior counsel submitted that even before the physical attendance of children in the schools, they have to be prepared inasmuch as sanitization and cleaning of the school premises; orientation for teachers and staff vis-à-vis new standard operating protocols and all safeguards to be taken when the children attend the school physically have to be undertaken. Therefore, the State may be directed to take steps atleast with regard to the preparatory steps to be taken prior to the children attending the schools physically.

Learned Additional Government Advocate submitted that today (01/07/2021) schools have been opened by online mode and as and when the State Government decides to reopen the schools physically, the recommendations would be considered.

In the circumstances, we direct the State to consider the report submitted by the High-Level Expert Committee for Prevention and Management of COVID-19 Wave-3 and submit status report on the action to be taken thereon.  
List on 15/07/2021.

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| 10 | B.V.NAGARATHNA AND HANCHATE SANJEEVKUMAR  | <u>08/06/2021</u> |
|    | Since there is no decision taken as of now with regard to physical opening of the schools owing to the pestering of the Covid-19 Pandemic, matter is adjourned to 01/07/2021. |                   |
| 11 | B.V.NAGARATHNA AND J.M.KHAZI  | <u>08/04/2021</u> |
|    | ADJOURNED   |                   |
| 12 | B.V.NAGARATHNA AND J.M.KHAZI  | <u>30/03/2021</u> |

Learned Additional Government Advocate has filed the status report stating that as far as Anganawadi Centres are concerned, they are kept open from 9.30 a.m. to 12.00 noon and Supplementary Nutrition Programme Food ("SNP Food") is being supplied to the doorstep of Anganawadi beneficiaries. That the attendance of children in Anganwadis is also on rotational basis and SNP Food in the form of Take Home Ration ("THR") is being provided instead of hot cooked meals.

The report further states that as far as 6th standard to 10th standard children are concerned, the State Government has decided to continue with the Food Security Allowance in the form of food grains to be supplied to the students.

The report also states that from 10/04/2021 till 10/06/2021 i.e., for a period for 47 days, Action Plan has been drawn and placed before the Government for necessary financial assistance being sought.

On perusal of the Report, we find that nowhere in the report it is stated, whether steps have been taken for recommencement of mid-day meals for children attending classes from 6th standard to 10th standard. Schools have been kept open and admittedly, students are attending classes. If the schools have been kept open, then necessarily mid-day meals have to be provided to the students who are attending schools. The action plan during the pandemic was to provide for Food Security Allowance in the form of dry ration (food grains) upto 10/04/2021, but we are of the, prima facie, opinion that the said system cannot be continued if the schools are permitted to be kept open.

It is needless to observe that the provision of mid-day meal is a necessary concomitant of the fundamental right under Article 21A of the Constitution of India insofar as the children who are in the age group of six to fourteen years are concerned. But the State has formulated Mid-day Meal Scheme covering all Government and aided schools upto 10th standard. Therefore, it is necessary the students who are attending classes from 6th standard to 10th standard in the Government and aided schools are provided mid-day meal. As noted above, the significance and importance of providing mid-day meals to the students who attend schools cannot be under-estimated, rather, the same has to be under-scored, as health and nutrition of students is very much a necessary concomitant for education. Hence, the State is directed to take a decision with regard to the provision of mid-day meals with effect from 15/04/2021 so long as the schools in respect of 6th standard to 10th standard are kept open for the physical attendance of the students.

The same shall be placed before this Court on or before 08/04/2021.

It is also observed that the proceeding leading to the decision taken in the matter shall be placed before this Court.

A copy of this order shall be made available to the learned senior counsel for the petitioner and learned Additional Government Advocate appearing for the State.

List this matter on 08/04/2021.

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| 13 | B.V.NAGARATHNA AND N S SANJAY GOWDA | <u>16/03/2021</u> |
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|  | <p>We have heard learned senior counsel for the petitioners and learned Addl. Govt. Advocate (AGA) for the State.</p> <p>There are two aspects of the matter to be considered. The first, is with regard to the fact that Anganwadis in the State have been opened and, inter alia, children aged between three years and six years are attending Anganwadis. Therefore, it becomes incumbent to serve hot cooked meals in Anganwadis. It is not known as to whether the system of providing cooked meals to the children in Anganwadis has been reintroduced on opening of Anganwadis subsequent to the lockdown and unlocking period ordered by the State Government.</p> <p>Hence, learned AGA is directed to get instructions as to whether cooked meals are being provided to the children in Anganwadis as well as to the other categories of persons who are entitled to the benefit of meals/nutrition from Anganwadis.</p> <p>Secondly, it has been brought to our notice that the Schools have been reopened in a phased manner and the children are attending classes from sixth standard to tenth standard. The State Government has a system of providing mid-day meals in Government Aided Schools, but owing to festering of the COVID-19 pandemic, it is not known as to whether there is provision of mid-day meals to the students, who are attending the Schools physically. In that regard, learned AGA submitted that till 10th April, 2021 the State Government has planned to provide dry lunch to the children, so that the same could be utilised for the nutrition, but there is no plan for the period subsequent thereto.</p> <p>In the circumstances, learned AGA to get instructions as to whether mid-day meals is to be provided to the children who are attending Schools from sixth standard to tenth standard physically and as to what steps are to be taken in that regard.</p> <p>In order to furnish a Report on obtaining the said instructions, list this matter on 30-03-2021.</p> |
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| 14 | B.V.NAGARATHNA AND N S SANJAY GOWDA | <u>01/03/2021</u> |
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|  | <p>Learned Additional Government Advocate accepts notice for respondent Nos.1 to 3.</p> <p>Office to show learned Additional Government Advocate as counsel for respondent Nos.1 to 3 in the cause list.</p> <p>We have heard the learned Senior Counsel for the petitioners.</p> <p>Learned Senior Counsel for the petitioners submitted that though Schools have commenced from classes 6 to 10, mid-day meals have not been provided to the students up to class eight. She further submitted that there is no decision taken as of now with regard to the re-opening of Schools from 1st standard to 6th standard. She further submitted that though Anganawadis have re-opened mid-day meals were not being provided.</p> <p>By way of response, learned AGA submitted that expert opinion is awaited with regard to re-opening of schools from 1st standard to 5th standard. Also regarding provision of mid-day meals for the children up to 8th standard as well as in Anganawadis, she stated that she would require some time to get instructions. Hence, list this matter on 16.03.2021.</p> |
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| 15 | B.V.NAGARATHNA AND M G UMA | <u>09/02/2021</u> |
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|  | <p>A week's time is granted to remove the objections.</p> <p>Heard learned senior counsel for the petitioners.</p> <p>Issue notice to the respondents.</p> |
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