

NEXT DATE OF HEARING 08-04-2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 30<sup>TH</sup> DAY OF MARCH 2021

PRESENT

THE HON'BLE MRS. JUSTICE B.V.NAGARATHNA  
AND

THE HON'BLE MR. JUSTICE J.M.KHAZI  
WRIT PETITION NO. 2366/ 2021 [EDN-RES-PIL]

**PETITIONERS:**

1. RADHA M  
AGED ABOUT 32 YEARS, W/O V KUMAR  
R/O BANNIKUPPE (B), BIDADI HOBLI  
RAMANAGARA TALUK AND DISTRICT,  
GANAKAL POST, KARNATAKA 562109
2. CHIKKANNA N  
AGED ABOUT 43 YEARS, S/O T NAGAPPA  
R/O THONDEBHAVI RAILWAY STATION,  
THONDEBHAVI POST, GOURIBIDHANUR TALUK,  
CHIKKABALLAPURA DISTRICT, KARNATAKA 561213
3. GANGARAJU TL,  
AGED ABOUT 37 YEARS, S/O LAKSHMI NARASAPPA  
R/O THONDEBHAVI VILLAGE AND POST,  
GOURIBIDHANUR TALUK,  
CHIKKABALLAPURA DISTRICT KARNATAKA 561213



By Sri. ROHAN KOTHARI, ADV.,  
V/s

**RESPONDENTS:**

1. STATE OF KARNATAKA  
DEPARTMENT OF PRIMARY & SECONDARY EDUCATION  
6TH FLOOR, M.S. BUILDING, DR AMBEDKAR VEEDHI  
BENGALURU-560001. REP. BY ITS PRINCIPAL SECRETARY
2. STATE OF KARNATAKA  
DEPARTMENT OF WOMEN AND CHILDREN  
M S BUILDING, DR AMBEDKAR VEEDHI  
BENGALURU-560001. REP. BY ITS PRINCIPAL SECRETARY
3. COMMISSIONER OF PUBLIC INSTRUCTION  
NEW PUBLIC OFFICE, NEAR-RBI,  
NRUPATHUNGA RD, AMBEDKAR VEEDHI,  
SAMPANGI RAM NAGAR, BENGALURU-560001

AGA FOR R1 TO R3.

Whereas, a Writ Petition filed by the above named petitioner under Article 226 & 227 of the constitution of India, has been registered by this Court.

...(2)

After hearing, the Court made the following:

**ORDER**

(COPY OF THE ORDER DATED 30.03.2021 IS ENCLOSED SEPARATELY)

RA



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**.



COPT

M. V. Sushrutha 31/3/2021

Assistant Registrar  
High Court of Karnataka  
Bangalore

Sd/-  
JUDGE

Sd/-  
JUDGE

**BVNJ & JMKJ:**  
**30/03/2021**

**W.P.No.2366/2021**

**ORDER**

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.

