

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.27468 OF 2013

ORDER:-

1. The writ petition is filed under Article 226 of the Constitution of India, declaring the action of the respondents in sanctioning the scholarships to Best Available Schools in SPSR Nellore District discriminately very low amounts comparing to BAS schools in other districts and consequently direct the respondents to enhance the scholarships to the total eligible amount i.e. Rs.20,000/- per head per year as recommended by the District Level Committee by crediting all such arrears to the petitioners under ePASS.

2. The petitioners are selected as the Best Available Schools (BAS) in Nellore District as per the scheme, which have been operating since 2008 and are officially recognized by the Departments of Social Welfare and Tribal Welfare for providing education to the tribal communities in the area. The Government of Andhra Pradesh has offered a pre-metric scholarship of Rs. 20,000 per year per student, intended to cover expenses for textbooks, stationery, shelter, food, and overall education and boarding, as per G.O.Ms.No.70 SW (TW Edn.II) Department, dated 01.08.2001. In line with this, the petitioners registered with the District Level Committee to offer high-quality education along with hostelling services to underprivileged tribal

students from Class V to Class X. However, while other schools received the full scholarship amount of Rs. 20,000 metric scholarship from the Tribal and Social Welfare authorities, the petitioners' schools were only allocated between Rs. 8,000/- and Rs.20,000/- seemingly at the discretion of the authorities. Although the District Level Committee submitted recommendations confirming that the petitioners' schools are also maintaining standards in line with the BAS Scheme, but due consideration was not given. Despite the petitioners submitting numerous representations to the authorities requesting the merging of scholarship amounts, no action has been taken. Hence the present writ petition.

3. A counter affidavit is filed on behalf of the respondents. It is submitted that, as per G.O.Ms.No.70 dated 01.08.2001, the amount of scholarships payable for a student will be decided by DLC/SLC as follows:

(i) Upto Class VII	Upto Rs.8,000/- per annum	DLC
(ii) VIII, IX & X	Upto Rs.12,000/- per annum	DLC
(iii) Amount beyond (1) & (2)		SLC

4. It is submitted that, the scholarships were sanctioned to all the schools after conducting thorough verification and as recommended by the District Level Committee by considering the standards in all aspects without any discrimination by the concerned authorities from time to time. The District Level Committee submitted proposals on 12.07.2012 for enhancing the pre-

matric scholarship amount under Best Available Schools scheme as requested by the petitioners. But the State Level Committee did not recommend for enhancement fee as requested by the petitioners.

5. During hearing, Learned counsel for the petitioners, Sri C.L.N. Gandhi, submitted that the official respondents have not included the names of the petitioners' schools which have already been declared as Best Available Schools, for enhancing the pre-matric scholarship amount under scheme on par with other schools, which is clearly discriminatory under Article 14 of the Constitution of India and therefore unconstitutional and unsustainable. He therefore seeks a direction to the official respondents for enhancing the pre-matric scholarship amount to the petitioners' schools as well, under scheme on par with other schools.

6. On the other hand, learned Government Pleader for Social Welfare supported the action of the official respondents in all respects and submitted that, though the District Level Committee recommended for enhancing the pre-matric scholarship amount under Best Available Schools, the State Level Committee has not recommended for enhancement of Fee, as such, the request of the petitioners was rejected.

7. Heard learned counsel for the petitioners and learned Government Pleader for Social Welfare and perused the material available on record.

8. Undisputedly, the petitioners schools were selected under Best Available Schools Scheme in SPSR Nellore District and sanctioned scholarship amount of Rs.8,800/- and Rs.13,300/- as per G.O.Ms.No.161, Social Welfare (TW Edn.I) Dept dated 11.08.2008. The petitioners requested to direct the respondents to enhance the scholarship amount of Rs.20,000/- per head per annum on par with other Best Available Schools.

9. The Government issued orders through G.O.Ms.No.161, Social Welfare (TW Edn.I) Department, dated 11.08.2008, to enhance the pre-metric scholarships under the Best Available School Scheme for various schools. The scholarships were raised to Rs. 8,800/- for up to Class VII, Rs.13,200/- for Classes VIII, IX, and X. The amount of scholarship payable to each student is determined by the District Level Committee. However, for amounts exceeding the aforementioned limits, i.e., beyond Rs. 20,000/- per student per year, the State Level Committee is the decision-making authority. Additionally, a stipulation was enumerated that the scholarship amount shall not exceed Rs.20,000/- per student per annum in any case.

10. The District Level Committee submitted proposals for enhancing the pre matric scholarship amount under Best Available School Scheme. But, the State Level Committee has not recommended for enhancement of fee. During the year 2013, the State Level Committee approved the following rates for sanction of pre matric scholarships to the said 5 Best Available schools as per the rates enhanced by the Government.

Sl.No.	Name of the school	As per G.O.Ms.No.161 Dated 11.08.2008		Rates approved during the minutes of SLC dt 30.09.2013		
1	Raghava English Medium High School, Nellore	8800	13200	15000	17500	20000
2	St. Josephs E.M. High School, Nellore	8800	13200	15000	17500	20000
3	Chaitanya High School, Podalakuru	8800	13200	15000	17500	20000
4	Satya Sai E.M High School, Nellore	8800	13200	15000	17500	20000
5	Bala Bharati English Medium High School, Vidyanagar	20000	20000	15000	20000	20000

11. The scholarships were sanctioned to all the schools after conducting thorough verification and as recommended by the District Level Committee by considering the standards in all aspects without any discrimination. However, on the ground that the petitioners schools have not reached the standards as

per Clause VII 1(a) of G.O.Ms.No.70 dated 01.08.2001, the State Level Committee has not approved fixing Rs.20,000/- per annum in respect of the petitioners schools on par with BAS scheme schools.

12. For better appreciation, Clause VII 1(a) of G.O.Ms.No.70 dated 01.08.2001 reads as follows:

The amount of scholarships payable for a student will be decided by DLC/SLC as follows:

(i) Upto Class VII	Upto Rs.8,000/- per annum	DLC
(ii) VIII, IX & X	Upto Rs.12,000/- per annum	DLC
(iii) Amount beyond (1) & (2)		SLC

13. From the above, it is clear that, the amount of scholarship payable for a student beyond Rs.8,000/- and Rs.12,000/ will be decided by the State Level Committee.

14. No doubt, the proposal for selection of a school on certain criteria prescribed in the G.O. will be considered by the District Level Committee and on finding it suitable for selection, forward it to the State Level Committee along with its recommendation and the State Level Committee will be competent to issue the selection orders by considering the recommendation of the District Level Committee, but arrive at its own conclusion.

15. Learned Government Pleader for Social Welfare placed on record Minutes of the Meeting of State Level Committee on Best Available Schools Scheme of Tribal Welfare Department dated 30.09.2013. On perusal of the minutes, it appears that, the State Level Committee proposed to reconcile the figures payable to each student since there were lot of inconsistencies in the figures furnished by the District Level Committee. Upon reviewing the request to enhance the fee structure due to escalation of prices of essential commodities, rental values, the State Level Committee enhanced the fee. Statement showing the 108 Best Available Schools for renewal and enhancement is annexed with the minutes. In the counter affidavit, it is stated that the petitioners schools have not reached the institutional standards as per Clause VII 1(a) of G.O.Ms.No.70 dated 01.08.2001. But, in the minutes, the remarks column is empty with respect to petitioners schools and it is clearly evident that, no reasons are assigned for discriminating the petitioners schools on par with others. However, reasons were assigned in respect of Bala Bharati High School, Vidyanagara enhancing Rs.20,000/- per annum per student from Classes V to X, etc.

16. **In M/s.Steel Authority of India Ltd., v. STO, Rourkela-I Circle & Ors¹**, the Hon'ble Supreme Court testing the correctness of an order passed

¹ 2008 (5) Supreme 281

by the Assistant Commissioner of Sales Tax against the assessment, at Paragraph 10, held as follows:

"10. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same it becomes lifeless."

17. Even according to principles of natural justice, the authorities must disclose reasons for arriving at such conclusion and it is only to enable the person to know the reason for passing any adverse order against him.

18. When the decision taken by the respondents is arbitrary, such action can be struck down on the ground of arbitrariness as it is hit by Article 14 of the Constitution of India. The word 'Arbitrariness' is the quality of being "determined by chance, whim, or impulse, and not by necessity, reason, or principle". Article 14 of the Indian Constitution guarantees to every citizen the Right to Equality. It applies the principle of Equality before the law and prohibits unreasonable discrimination between persons. The Doctrine of Arbitrariness has been laid down by the Hon'ble Supreme Court in **E.P. Royappa vs. State of Tamil Nadu** [(1974) 4 SCC 3], where Article 14 was further interpreted and wider scope was given to it. Equality means to treat every person equally and without any discrimination made on the basis of sex,

caste, religion, age, and politics. The Supreme Court laid a basic, new dimension to Article 14 and held it to be a guarantee against arbitrariness. According to the Doctrine of Arbitrariness, “equal protection of the law” prohibits class legislation but permits reasonable classification of persons or things. In **Ajay Hasia v. Khalid Mujib Sehravardi** [(1981) 1 SCC 722], the Hon’ble Apex Court held that wherever there is arbitrariness in State action – be it of the legislature or of the executive or of any “authority” under Article 12, Article 14 must immediately spring into straight action to strike down such state action. Article 14 is meant to strike back at arbitrariness because any action that is arbitrary involves negation of equality. In fact, “the doctrine of classification” is not the end of the objective of Article 14. It is meant merely to determine whether or not the legislative or executive action in question is arbitrary and therefore, it is a judicial formula to constitute the denial of equality.

19. In view of my foregoing discussion, since the petitioners fall under the category of Best Available Schools, the respondents are directed to consider the petitioners schools for enhancement of pre-matric scholarship amount under Best Available Schools Scheme and enhance the amount of Rs.15,000/- to Classes III & IV; Rs.20,000/- to Classes V to X per student per annum, on par with other Best Available Schools. The respondents shall pay

the arrears to the petitioners' schools along with interest @ 6% per annum, within three months from the date of receipt of copy of this order.

20. With the above, writ petition is disposed of. No costs.

21. Consequently, miscellaneous applications pending if any, shall also stand dismissed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date:04.04.2025

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