



HIGH COURT OF ANDHRA PRADESH
FRIDAY ,THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI
WRIT PETITION NO: 8551 OF 2021

Between:

1. M/s Sri Krishnadevaraya University Private Degree Colleges Management Association (Regd 228/2017) Represented by its President Sri S H R Prasad
D. No 12-2-940, Sai Nagar
Ananthapur, Ananthapur District, Andhra Pradesh - 515001

...PETITIONER(S)

AND:

1. The State of Andhra Pradesh rep by its Secretary, Social Welfare (Edn) Department Secretariat, Tullur, Velagapudi, Guntur District
2. The State of Andhra Pradesh rep by its Special Chief Secretary, Higher Education Department Secretariat, Tullur, Velagapudi, Guntur District
3. The Director Directorate of Social Welfare
T.G. Plaza Building, Tadepalli
Guntur District, Andhra Pradesh

...RESPONDENTS

Counsel for the Petitioner(s): SRI VIJAY MATHUKUMILLI

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following: ORDER



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.8551 of 2021

Order:

This Writ Petition is filed questioning G.O.Ms.No.28, Social Welfare (Education) Department, dated 16.06.2020 amending G.O.Ms.No.115, Social Welfare (Education) Department, dated 30.11.2019 and G.O.Ms.No.64, Social Welfare (Education) Department, dated 06.11.2020

The case of the petitioner is that;

(a) it is an Association of Private Degree Colleges.

(b) Government introduced two schemes vide G.O.Ms.No.115, Social Welfare (Education) Department, dated 30.11.2019, which are called "Jagananna Vidya Deevena" and "Jagananna Vasathi Deevena".

(c) "Jagananna Vidya Deevena" scheme provides for post metric scholarship to students belonging to Scheduled Caste, Scheduled Tribe, Backward Classes, EBC (other than Kapu), Kapu, Minority and Differently Abled categories.

(d) "Jagananna Vasathi Deevena" provides for payment of Rs.10,000/- per person to ITI students, Rs.15,000/- per person to Polytechnic students, Rs.20,000/- per person for other degree and above courses per year to every eligible student for food and hostel expenses.

(e) G.O.Ms.No.115, Social Welfare (Education) Department, dated 30.11.2019, provides for crediting the scholarship amount to the respective college account on behalf of the student and by virtue of the amendment made vide G.O.Ms.No.28, dated 16.06.2020, the said amount is credited to the account of mothers concerned from the academic year 2021-22 for onward payment to the College.



(f) In G.O.Ms.No.64, dated 06.11.2020, it is stated that in case the mother does not pay the fees to the college and misuses the scholarship amount the Government is not responsible for coverage of the student concerned under "Jagananna Vidya Deevena" scheme from the next quarter.

(g) The said scheme would adversely affect the academic career of the student, as the majority of the mothers who are availing the scheme are illiterates with very weak economic background and they might have their own financial commitments and there is every likelihood that the said amount could be diverted for some other purpose instead of paying to the college and in such an event the purpose for which the scholarship scheme is meant would be defeated. Hence, the Writ Petition.

Counter affidavit is filed by the third respondent stating, *inter alia*, that in order to empower the mothers of the students and for proper functioning of the colleges the impugned GOs are issued and that through this method the mothers will monitor the facilities at the colleges and that if the mother does not pay the said amount to the College the Government will not be responsible to cover the student under the "Jagananna Vidya Deevena" from the next quarter.

Heard Sri M. Sri Vijay, learned counsel for the petitioner and learned Government Pleader for Social Welfare.

Government issued G.O.Ms.No.115, Social Welfare (Education) Department, dated 30.11.2019, introducing two new schemes viz (i) "Jagananna Vidya Deevena" and (ii) "Jagananna Vasathi Deevena". "Jagananna Vidya Deevena" scheme provides for complete fee reimbursement to every eligible student and the second scheme "Jagananna Vasathi Deevena" is to provide Rs.10,000/- per person to ITI



students, Rs.15,000/- per person to Polytechnic students and Rs.20,000/- per person to every Degree and above courses per year for food and hostel expenses. The said schemes are applicable from the financial year 2019-2020.

The eligibility criteria as stipulated in G.O.Ms.No.115, Social Welfare (Education) Department, dated 30.11.2019, reads as follows.

“6. Beneficiaries of the Schemes:

(a) Eligible Students: The students under the following categories are eligible for availing the Schemes.

- i. All the students, pursuing Polytechnic, ITI and Degree & above level courses in Government/Aided/Private colleges, affiliated to State Universities/Boards.
- ii. Day scholar students, students in College Attached Hostels (CAH) and Department Attached Hostels (DAH).
- iii. 75% of the aggregate attendance is mandatory for release of scholarships.

(b) In-eligible Students: The students under the following categories are not eligible for availing the Schemes.

- i. Studying in Private Universities / Deemed Universities.
- ii. Pursuing Correspondence / Distance education courses.
- iii. Admitted under Management / Spot Quota.”

Income eligibility is also prescribed in the said GO, which reads as follows.

“7. Income Eligibility:

- i. The total family annual income to be less than or equal to Rs.2.50 lakhs.
- ii. The total land holding of the family to be less than 10.00 acres of wet or 25.00 acres of dry or 25.00 acres both wet and dry land together.
- iii. No member of the family should be a government employee/pensioner (all sanitary workers irrespective of their salary/recruitment, are eligible. The Social Welfare Department shall develop a robust & fool-proof system of certification of



parents of the beneficiaries under category of "Sanitary Workers".)

- iv.No member of the family should own a four-wheeler (Taxies/Tractors/Autos are exempted)
- v. A family who owns no property or less than 1500 Sft of built up area (Residential or Commercial) in urban areas is eligible.
- vi.No member of the family should be an income tax payee."

As per Clause 8(a) of G.O.Ms.No.115, dated 30.11.2019, the amount under the "Jagananna Vidya Deevena" shall be credited to the respective college account on behalf of students and as per clause 8(b) of the GO the amount towards "Jagananna Vasathi Deevena" shall be credited into the respective account of the mother of the eligible student.

Clause 9(a)(ii) says that "full fee shall be credited to the respective College account on behalf of the students".

The said G.O.Ms.No.115, dated 30.11.2019 is amended through G.O.Ms.No.28, Social Welfare (Education) Department, dated 16.06.2020. By virtue of the said amendment, Clauses 8(a) and 9(a)(ii) of G.O.Ms.No.115, dated 30.11.2019 are amended, which read as follows.

Para	Existing	Amendment
8(a)	Jagananna Vidya Deevena shall be credited to the respective College accounts on behalf of students	Jagananna Vidya Deevena shall be credited into the accounts of the mothers of the students concerned from 2020-21 academic year.
9(a)(ii)	Full fee shall be credited to the respective College accounts on behalf of students	Full fee shall be credited into the accounts of the mothers of the students concerned from 2020-21 academic year.

As per the said amendment "Jagananna Vidya Deevena" amount shall be credited into the accounts of the mothers of the students concerned for onward payment to the Colleges from the academic year 2020-2021 instead of crediting to the respective college accounts on behalf of students. Similarly, as per the amendment to Clause 9(a)(ii)



the full fee shall be credited into the accounts of the mothers of the students concerned from the academic year 2020-21 instead of crediting to the respective college accounts on behalf of students. It was also stipulated that the said amount would be paid in four instalments in an academic year.

G.O.Ms.No.64, Social Welfare (Education) Department, dated 06.11.2020, was issued giving further instructions with regard to two schemes and Clauses 4 to 7 of said G.O.Ms.No.64 reads as follows.

4. In the reference 5th read above (G.O.Ms.No.28, dated 16.06.2020), in order to empower the mother of the student, Government prescribed that the fee payable under Jagananna Vidya Deevena shall be released to the bank account of the mother of the student from 2020-21 academic year, to pay the fees personally to the College to make the College accountable for the infrastructure and quality education provided to her children studying in the College.

5. In the circumstances reported by the Director of Social Welfare, A.P., in the reference 6th read above, Government after careful examination of the matter, hereby issue the following instructions to empower the mothers of the students on their role in monitoring the proper functioning of the Colleges in which their children are studying as well as monitor the academic performance of their children with the Colleges every quarter.

6. The Director, Social Welfare, A.P., shall conduct an orientation program to the mothers, college wise, through the field functionaries of all welfare departments on the following aspects of the Jagananna Vidya Deevena program.

- i. The objective of the government behind change of mode of payment to the account of the mother;



- ii. The need for the mothers to monitor the status of the regular conduct of the classes in the colleges in which their children are studying, so that they get the quality education;
- iii. The need to visit the college every quarter to know the academic performance of her child from the college;
- iv. The monitoring of the availability of facilities in the colleges, as prescribed by the affiliation granting authorities;
- v. The need to pay the fees to the institutions within a week of the release of the amount to their accounts by the government.
- vi. In case any mother is of the view that the college is not having adequate infrastructure or not conducting classes as per the prescribed norms, she can raise complaint through the login of the student in the Jnanabhumi portal (or she can file a grievance in the Spandana portal or call to 1902 and inform the problem), which will be referred to the Affiliation Authority for verification and for taking necessary action.
- vii. In case the mother does not pay the fees to the college without valid ground and misuses the amount, then the government will not be responsible for coverage of the students concerned under the JVD scheme from the next quarter.
- viii. In case of Jagananna Vasathi Deevena, the mothers have the responsibility to pay the mess charges to the college hostel in which their children are studying, as soon as the amount is released to the accounts of the mothers by the government, as the Vasathi Deevena is meant for helping the mothers to bear the boarding and accommodation expenditure incurred for pursuing higher studies by her children."

7. All educational institutions which are registered in Jnanabhumi portal are instructed not to insist on payment of fee at the time of admissions from the students eligible



for Jagananna Vidya Deevena scheme, as such a condition will deprive the students belonging to the weaker sections of the society from getting enrolled in higher education, and the government is committed to release the fee to the mothers in four quarters, who in turn will pay to the colleges, as per the above mentioned instructions.”

As seen from sub-clause (vii) of Clause 6 of G.O.Ms.No.64, in case the mother does not pay the fees to the college without valid ground and misuses the amount, then the Government will not be responsible for coverage of the students concerned under “Jagananna Vidya Deevena” scheme from the next quarter and so far as “Jagananna Vasathi Deevena” is concerned, mothers were directed to take up the responsibility to pay the mess charges to the college hostel.

As seen from the said GO Ms.No.64, dated 06.11.2020, the object is to make the college accountable for infrastructure and quality education to the children and according to sub-clause (vi) of clause 6 of the said GO, in case any mother is of the opinion that the college is not having sufficient infrastructure or not conducting the classes as per the prescribed norms, she can give a complaint, which will be referred to the Affiliation Authority for verification and for taking necessary action.

As seen from clause 7 of G.O.Ms.No.64, dated 06.11.2020, the college cannot insist on payment of fee at the time of admission from the students who are eligible under Jagananna Vidya Deevena scheme.

Learned counsel for the petitioner filed a memo dated 09.07.2021 showing the details of total number of students who are eligible under the scheme, total amount released to the mothers, total amount paid to the College and number of students/mothers who did not pay the amount to the College. The said chart is as under.



"District Wise paid details for JVD First Quarter Release Report

Sl. No	District Name	Total No.of students	Total Amount released (in Rs.)	Total No.of Students Paid	Total Amount paid (in Rs.)	Total No.of students not paid	% of paid students
1	East Godavari	114601	672474717	57967	493952387	56634	51%
2	Krishna	108022	828704103	55233	481506236	52789	51%
3	Visakhapatnam	100144	635863501	52283	405058173	47861	52%
4	Kadapa	71428	456003928	39902	263733321	31526	56%
5	Chittoor	120023	777044866	67170	492003678	52853	56%
6	West Godavari	76682	524308231	45438	393553246	31244	59%
7	Srikakulam	55164	230030620	33052	170718240	22112	60%
8	Prakasam	63891	380162853	39130	281225627	24761	61%
9	Guntur	108775	778688812	66871	591578185	41904	61%
10	Anantapur	78146	375140204	52957	277019143	25189	68%
11	Kurnool	78336	412074991	53770	313682771	34566	69%
12	Nellore	58565	389295845	43219	328974942	15346	74%
13	Vizianagaram	55205	256550445	42495	208509940	12710	77%
	Totals	1088982	6716343116	649487	4701515889	439495	60%

As seen from the said chart, about 40% of the mothers/students did not pay the fees and at the time of admission the college cannot insist for payment of fees and if the mother does not pay the fees after receipt of the amount under the scheme, the benefit of the scheme will be discontinued to the student from the next quarter and the Government is not responsible for coverage of the said amount from the next quarter. In such a situation, if the students are forced to be admitted without paying the fees and the mothers do not pay the fees, the college cannot continue to impart education to the said students without taking any fees whatsoever and the student will be forced to discontinue their studies and the seat would go waste. Nothing is stated in the impugned GOs with regard to continuation of the student in the same college if the fees is not paid by the mother. If the college is not having adequate infrastructure or not conducting the classes as per the norms prescribed, irrespective of the scholarship amount, the mother or the father of the student, do have a right to complain against the college. If the amount is credited to the college account, the chances of discontinuing the education by the student are minimal. So far as "Jagananna Vasathi Deevana" is



concerned, there is no compulsion to give hostel facility to the students either in G.O.Ms.No.115 or in the impugned GOs and if the mother pays for food and hostel expenses, the student would be continued or otherwise he will be discontinued from the hostel. But, so far as education is concerned, all the educational institutions which are registered in Janmabhoomi portal are instructed not to insist on fees at the time of admission.

As crediting the amounts into the accounts of the mothers of the students will not assure continuation of education of their children, the object for which such scheme is enunciated, the impugned GOs to the extent of all clauses pertaining to "Jagananna Vidya Deevena" scheme are liable to be set aside.

In view of the same, the impugned G.O.Ms.No.28, dated 16.06.2000, is set aside and insofar as the impugned G.O.Ms.No.64 dated 06.11.2020 is concerned, to the extent of all the Clauses pertaining to "Jagananna Vidya Deevena" in the said GO are struck down. It is made clear that all the Clauses in the said GO pertaining to "Jagananna Vasathi Deevena" are concerned, this Court did not decide the issue, as the learned counsel for the petitioner argued only with regard to "Jagananna Vidya Deevena" scheme. As a consequence, the scheme amount under "Jagananna Vidya Deevena" shall be credited to the respective college accounts on behalf of students, provided the students satisfy the eligibility criteria and income criteria mentioned in G.O.Ms.No.115, dated 30.11.2019. It is also made clear that to the extent of amounts which are already credited to the respective accounts of mothers of students, the Government is not responsible for releasing the same to the colleges and it is for the colleges to collect the said amount from the students.



The Writ Petition is, accordingly, allowed in part. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date:27th August 2021
Nsr



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.8551 of 2021

Date:27th August 2021

Nsr