

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 30TH DAY OF JUNE 2020 / 9TH ASHADHA, 1942

WP(C).No.12752 OF 2020(T)

PETITIONERS:

1 ANAKHA BABU
AGED 22 YEARS
D/O.BABU V.J, VADAKKEDATH HOUSE, NEDUMKANDAM.P.O,
NEDUMKANDAM, IDUKKI DISTRICT-685553

2 ARDRA BABU
AGED 20 YEARS
D/O.BABU V.J, VADAKKEDATH HOUSE, NEDUMKANDAM.P.O,
NEDUMKANDAM, IDUKKI PIN-685553

BY ADV. SMT.P.K.SANTHAMMA

RESPONDENTS:

1 THE NEDUMKANDAM GRAMA PANCHAYATH
REPRESENTED BY SECRETARY, NEDUMKANDAM.P.O, IDUKKI
DISTRICT-685553

2 THE SECRETARY
NEDUMKANDAM GRAMA PANCHAYATH, NEDUMKANDAM.P.O, IDUKKI
DISTRICT-685553

3 THE PRINCIPAL SECRETARY TO GOVERNMENT
DEPARTMENT OF LOCAL SELF GOVERNMENT, STATE OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001

R1-2 BY ADV. SMT.JASMINE V.H., SC, NEDUMKANDAM GRAMA
PANCHAYAT

R3- BY SRI. K.J. MANU RAJ, GP

SMT.V.H.JASMINE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ALEXANDER THOMAS, J.

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W.P.(C). No. 12752 of 2020

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Dated this the 30th day of June, 2020

J U D G M E N T

The case set up in the above Writ Petition (Civil) is as follows:-

“That the Writ petitioners approached this Court for a direction to 1st and 2nd respondents to provide laptops to the petitioners, for their studies, in a scheme of the 3rd respondent, vide Ext.P4 and P5. On 18.03.2015, 3rd respondent issued Ext.P4 orders for providing computer/laptop to the students belonging to Scheduled Castes and Scheduled Tribes, who are undergoing professional, Post graduation, polytechnic courses etc. In 2018, the first petitioner joined for MA course in Sree Sankaracharya University and in 2017, the second petitioner joined for a 4 year course of Physiotherapy in School of Medical Education RC, Angamaly. In August 2018, the 1st respondent in the Grama Sabha approved the petitioners' claim for Laptop. Petitioners several times requested for the laptop as it was necessary for their courses. On 20.01.2020, 3rd respondent issued a circular describing the mode of purchasing and distributing computer/laptops to the students belonging to SC/ST and fisherman community. On 03.06.2020, the petitioner again made representation to the President of the first respondent Panchayath for the laptops, but till date not

provided.” The following points are also urged by the petitioner.

- (1) *Ext.P4 and P5 directly authorise R1 to provide Laptops to the students from SC/ST and fisherman community.*
- (2) *Article 46 of the Constitution mandates the promotion of education of SC/ST/weaker Sections.*

The prayers in this Writ Petition (Civil) are as follows:

1. *Issue a writ of Mandamus, directing the respondents 1 and 2 to provide laptops to the petitioners, immediately.*
2. *Issue a direction to the respondents 1 and 2 to pay compensation to the petitioners for dragging them to menatal pain, agony and stress.*
3. *Issue a direction to the 3rd respondent to initiate necessary action by referring the failure of the official duty by R1 and R2 towards two Scheduled Caste students, to the concerned Police Authority for taking cognizance under the Prevention of SC/ST Atrocities Act.*
- Or 4. Any other order or direction which is just, fit and necessary for the interest of justice.*

2. Heard Smt. P.K.Santhamma, the learned counsel appearing for the petitioners, Smt.V.H.Jasmine, learned Standing Counsel appearing for R1 and R2 (Nedumkandam Grama Panchayath), Sri. K.J. Manu Raj, the learned Government Pleader appearing for R3(State Government).

3. The petitioners essentially seek directions from the 1st and

2nd respondent(Nedumkandam Grama Panchayath) to ensure that Laptops are immediately provided to the petitioners for their studies in terms of the scheme framed by the 3rd respondent State Government as per Ext.P4 and P5. The 3rd respondent, Department of Local Self Government, has issued Ext.P4 G.O(Ordinary) No.787/2015/LSGD dated 18.03.2015 whereby a scheme has been made for providing computers/laptops to students, who belong to Scheduled Caste/Scheduled Tribe, who are undergoing professional courses, post graduate courses or Polytechnic courses, etc. Later the 3rd respondent Government has also issued Ext.P5 Government Circular dated 20.01.2020, making certain specific provisions to ensure that laptops are provided to such SC/ST students, etc. It is further avered that the 1st petitioner has joined the M.A course in Sree Sankaracharya University of Sanskrit, Kalady and that in the year 2017, the 2nd petitioner has joined for a 4 year course in Physiotherapy in the School of Medical Education, Regional Centre, Angamali. Further that in August 2018, the 1st respondent Grama Panchayath has approved the petitioner's claim for laptops. Thereafter the petitioners have made various request to respondents 1 and 2 to ensure that the laptops are provided to them immediately, as otherwise their studies will be detrimentally affected. It is also pointed out that now in the light of COVID-19 pandemic, all educational institutions are following online method and if laptops are

not immediately provided to these petitioners, their further studies will be seriously and detrimentally affected as they do not have the monetary capacity to purchase a laptop, which is highly needed in the present scenario. The petitioners have submitted Ext.P6 representation dated 03.06.2020 to the President of the 1st respondent Nedumkandam Grama Panchayath for redressal of the grievances.

4. Smt.V.H. Jasmine, the learned Standing counsel appearing for R1 and R2(Nedumkandam Grama Panchayath) would submit on the basis of instructions that respondents 1 and 2 have already taken steps to provide laptops to the two petitioners herein and they have been already included in the list of beneficiaries for such purpose and further that respondents 1 and 2 have also placed the orders with the KELTRON for immediately providing laptops and even the moneys thereof has also been paid and presumably on account of the COVID-19 pandemic issues, there is some delay on the part of the KELTRON to actually provide the laptops. The above said submissions made on behalf of respondents 1 and 2 are recorded. Further that, steps will be immediately taken by the respondents 1 and 2 to ensure that laptops are immediately made available by the KELTRON so that the same could be handed over to the petitioners. The above said submissions and undertakings made on behalf of respondents 1 and 2 through their learned advocate are hereby recorded.

5. In the light of the above said aspects, this Court is constrained to hold that there shall not be any further delay in providing laptops to the petitioners herein, who belongs to SC/ST community, and especially in view of the COVID-19 pandemic issues, most of the educational institutions are following the online method and as the petitioners cannot financially afford to purchase such equipments, it shall be ensured by respondents 1 and 2 that steps are immediately taken with the KELTRON to get the laptops and such laptops shall be provided to the petitioners herein within five weeks from the date of production of a certified copy of the judgment. The 2nd respondent Secretary of the Nedumkandam Grama Panchayath will ensure that a copy of the said judgment is immediately furnished to the Chief Executive Officer of the KELTRON before the orders have been placed so that the above said time limit is strictly complied with by all concerned.

With these observations and directions, the above Writ Petition(Civil) stands finally disposed of.

Sd/-

ALEXANDER THOMAS

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 TRUE COPY OF THE IDENTITY CARD
- EXHIBIT P2 THE COPY OF THE NET CERTIFICATE DATED
8.1.2020 OF 1ST PETITIONER BY THE UGC
- EXHIBIT P3 THE COPY OF THE IDENTITY CARD ISSUED TO
THE 2ND PETITIONER, BY THE SCHOOL OF
MEDICAL EDUCATION
- EXHIBIT P4 TRUE COPY GO (ORDINARY) NO.787/2015/LSGD
DATED 18.3.2015 BY R3
- EXHIBIT P5 TRUE COPY OF CIRCULAR DATED 20.1.2020 BY
R3, ISSUING DIRECTIONS TO PROVIDE LAPTOP
TO SC/ST STUDENTS
- EXHIBIT P6 THE COPY OF THE REPRESENTATION BY
PETITIONERS DATED 3.6.2020 TO PRESIDENT
OF PANCHAYAT
- EXHIBIT P7 THE COPY OF THE RATION CARD OF THE
PETITIONERS

//TRUE COPY//

PA TO JUDGE