

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12652 of 2014

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Krishna Deo Mishra Son of Sri Madan Mohan Mishra resident of Village-
Kamta, P.S.- Hilsa, Distt. Nalanda and at present Residing at Das Kutir, Das
Lane East Lohanipur, P.S.- Kadamkuan, Distt. Patna.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Directorate, Government of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Niraj Kumar, Adv.

For the Respondents : Mr. Alok Kumar Rahi, AC to AAG-2.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-01-2015

The petitioner was previously a member of the Juvenile Justice Board.

This writ petition is filed by him with a prayer to direct the respondents to amend the Bihar Juvenile Justice (Care and Protection of Children) Rules, 2012. It is stated that the rules are not in conformity with the modal rules framed by the Central Government. The petitioner also suggests the nature of amendments that must be carried out.

Heard learned counsel for the petitioner and learned counsel for the respondents.

The endeavour of the petitioner is to ensure that the rules are amended on certain aspects. The petitioner may have experienced some genuine difficulties in administration of the rules when he was

part of the Board, however, it is the prerogative of the rule making authority to frame the rules. The Central Government, no doubt, has framed modal rules and every State has its own typical problems in the context of framing the rules for the State. In case the petitioner is of the view that any particular rule is to be amended, he can make representation to the Government in this behalf. There is no reason to believe that the same shall not be considered in accordance with law.

We, therefore, disposed of this writ petition leaving it open to the petitioner to make a representation to the Government of Bihar ventilating his grievance or incorporating his suggestions. Needless to state that the same shall be considered by the respondents in accordance with law.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Rajendra Kumar Mishra, J)

K.C.jha/Shail

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