

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.588 of 2014

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Deep Shankar, son of late Lalit Kumar Prasad, resident of Mohalla Bara Bazar, P.S. Madhubani Town, District Madhubani (Proprietor of Amrapali Sweets, Bara Bazar, Madhubani).

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Labour Department, Govt. of Bihar, Patna
2. The Labour Superintendent, Madhubani
3. The District Certificate Officer, Madhubani

.... Respondents

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Appearance :

For the Petitioner : DR. Mayanand Jha, Advocate

For the State : Mr. Ashok Priydarshi, G.A. IV

Mr. Rajesh Kumar, A.C. to G.A. IV

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-02-2015

I have heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the certificate case no.2 of 2013-14 on the basis of that requisition itself is not in accordance with law.

It has been urged on behalf of the petitioner that such Dhabha and hotel having not been included in the concerned Child Labour (Prohibition and Regulation) Act, 1986, the requisition itself is bad having not in conformity with the decision rendered in **M.C. Mehta Vs. State of T.N. and others [(1996) 6 Supreme Court Cases 756]**.

However, Mr. Ashok Priyadarshi, learned G.A. IV, appears and submits that there is already inclusion of Dhabha, Hotel, Motel and Tea Shop, etc. in Part A of the Act in the year 2006 itself. Learned counsel further submits that it is quite clear from Annexure 3, on the basis of which the certificate case was initiated, that the child labourers were found working as waiter/doing cleaning work which can only be done in the restaurant or eateries, therefore, that issue would not be available to the petitioner.

On such issue having been raised, the petitioner seeks liberty to file a supplementary to his already filed objection under Section 9 before the authority concerned raising other grounds available to him.

That liberty is granted to the petitioner if a decision under Section 10 of the Act has already not been taken by the authority concerned.

Accordingly, this writ application stands disposed of with the aforesaid observations and findings.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

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