

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2282 OF 2014

Mr. Mahesh Jagdish Parulekar	}	Petitioner
versus		
Chembur Children's Home	}	
and Ors.	}	Respondents

Mr. Sandesh Shukla with Ms. Prerna Patil
i/b. M/s. Abhay Nevagi and Associates for
the petitioner.

Ms. Uma Palsuledesai - AGP for
respondent no. 3.

Mr. Rahul Kamthikar - Superintendent of
respondent no. 1 present.

**CORAM :- S. C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATED :- JUNE 23, 2016

P.C. :-

The affidavit has been filed by the Under Secretary,
Department of Women and Child Development, Government of
Maharashtra.

2) In para 3 of this affidavit, on the basis of the records,
it is stated that the child in question lost his father. His mother
was working as a domestic servant. The child revealed the
address of the place where his mother was working and that is
how attempts were made to trace the mother, but she could not be

traced. Then, inquiries were made with the neighbours. The child could identify one maternal uncle residing at Kolhapur. Once his whereabouts also could not be ascertained, the child was brought before the Welfare Board. That is how the order was passed on 19th April, 1995 directing the Superintendent of Chembur Children's Home Society to receive the neglected juvenile till he attains the age of 18 years. After the order was passed and the child was admitted to the child home, when he pursued his study, it is at that time his name, as is stated in the cause title, was entered in the records. The primary education was completed at the said institute only. It is in these circumstances it is stated on oath that there was a genuine mistake in recording the date of birth in the school leaving certificate and it would be rectified.

3) We are satisfied with this affidavit and the contents thereof would sufficiently redress the grievance of the petitioner. We do not think that anything further needs to be done.

4) However, we are little surprised that till date no procedure has been evolved to decide on the name of the child brought before the committee and thereafter sent to such child care home. His/her age can definitely be ascertained by a medical/physical examination and in accordance with established medical procedures. As far as naming that child is concerned, we

would expect the authorities to be little more sensitive and careful. Eventually, parental care has to be administered. The services that are required to be rendered by the board and in-charge of such child care homes serve a larger public interest. They should, therefore, be cautious when they suggest name of such child. The demands of several Government and public authorities should be taken into consideration, which would require such identity to be given to the child to complete the requisite formalities. That would require the child to have a first name, a middle name and a surname. Therefore, a proper procedure has to be evolved by the authorities and not by the court. If the court is called upon to evolve such procedure, then, we would proceed on the assumption that the Government officials have fully abdicated their functions and powers. We would expect them to work rather than leaving everything to us. We have often noticed that when such things are left to the court, it is these officials themselves who criticise the approach of the court as unnecessary interference with governmental affairs and public functions. We will, therefore, leave it to them and it is their failure which would require and if necessary our intervention. We hope that such an event does not occur. We close this matter with a direction that the necessary procedure and if required and remaining in the case of the present petitioner shall be concluded

within a period of four weeks from the date of receipt of a copy of this order.

5) With the aforesaid directions, the writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.) (S.C.DHARMADHIKARI, J.)