

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15026 of 2015

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Savita, W/o Safdar, Ali Resident of House No. 1, Ground Floor, Opp. Haque Enclave, Ashiana Digha Road, P.S. Shastri Nagar, Patna-800014.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary.
2. Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. Principal Secretary, Department of Education, Govt. of Bihar.
4. Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna.
5. The District Magistrate, Gaya.

.... Respondents

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Appearance:

For the Petitioner/s : Ms. Alka Verma, Advocate.

For the Respondent/s : Mr. Niraj Kumar Sinha, AC to PAAG 2.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-03-2017

This Writ Petition filed *pro bono* points out that in the State of Bihar under The Prohibition of Child Marriage Act, 2006 (hereinafter referred to as 'the Act'), Child Marriage Prohibition Officers have not been appointed and as the statutory requirements under the Act are not fulfilled, child marriage is rampant throughout the State and no system has been put into place to control the same.

2. On notice being issued, respondents no. 2 and 3 have filed their Counter Affidavits and have brought on record Notifications issued by the State Government on 17.07.2012 and thereafter again on 30.12.2014 along with Annexure 'A', which goes



to show that the Sub Divisional Officers have been notified as the Child Marriage Prohibition Officers for the concerned areas and as they have been empowered to take actions in accordance to the requirements of the Act, now no further indulgence into the matter is called for.

3. We are satisfied that as per the requirement to the provisions of Section 16 of the Act, Child Marriage Prohibition Officers have been appointed. In case the petitioner points out specific cases of violation of the Act to the concerned statutory authority, we are hopeful that the statutory authority will look into the complaint and thereafter take such action as is permissible under the law and in case there is any dereliction on the part of the statutory authority, liberty shall be available to the petitioner to point out the same before an appropriate forum or even before this court for taking consequential actions for such failure.

4. As far as the constitution of a committee at the State Level for preventing such illegal marriage and for taking note of the illegalities pointed out by the petitioner are concerned, in the present facts and circumstances when the petitioner has remedy of pointing out specific instances to the statutory authority seeking appropriate actions, we are not inclined to pass any order for constitution of a State Level Committee to look into the matter. However, liberty shall



be available to the petitioner to approach the State Government and it would be for the State Government to consider the claim of the petitioner and, if advisable, to constitute a committee to take the aforesaid illegalities at the State Level.

5. With the aforesaid, we dispose of the matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

