

In the High Court of Punjab and Haryana at Chandigarh.

**RA-496 of 2013 in
CWP-13137 of 2012
Decided on 14.7.2017**

The National Commission for Protection of Child Rights

--Applicant

Vs.

The State of Haryana and others

--Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE JASWANT SINGH**

Present: Mr.Adarsh Jain, Advocate, for the applicant
Mr.S.S.Mann, Sr. D.A.G, Haryana
Mr.Suvir Sehgal, Sr.Standing Counsel for UT,Chandigarh
with Mr.Tarun Walia,Advocate.
Mr.Suveer Sheokand, Addl.A.G.Punjab

Rakesh Kumar Jain,J: (Oral)

The applicant has prayed for review of the order dated 09.4.2013 passed by this Court in the aforesaid writ petition bearing No. 13137 of 2012 titled as **“The National Commission for Protection of Child Rights Vs. The State of Haryana and others** which was decided with five other cases by a common order aforesaid. It was held therein that Chairperson of the N.C.P.C.R could be only a retired Judge of the High Court.

The applicant had sought review of the order on the ground that the aforesaid order was based upon the decision of the Supreme Court in the case of **“Namit Sharma Vs. Union of India”** in W.P. (C) No.210 of 2012 which has been reviewed by order dated 03.9.2013 in Review Petition (C) No. 2309 of 2012.

While this review application was pending, the order passed in CWP 5544 of 2011 (O&M) titled as “**Court on its own motion Vs. State of Haryana**” was taken to the Apex Court by way of S.L.P (C) Nos. 27482-27484 of 2014 which was converted into Civil Appeal Nos.4823-4825 of 2017. The said Civil Appeals have been allowed by the Supreme Court and the order dated 09.4.2013 passed in CWP-5544 of 2011 has been set aside specifically observing as under:

*“We find justification in the contention advanced at the hands of the learned counsel for the appellants. Neither Section 17 of the Commission for Protection of Child Rights Act, 2005, nor the judgment of this Court in **Namit Sharma's Case (supra)** after the same was modified by way of a review petition on 03.9.2013, can be deemed to lead to the inference that the Chairperson of the State Commission for Protection of Child Rights, ought to be a former Judge of a High Court. The instant appeals therefore deserve to be allowed to the above limited extent”.*

Since the order under review has already been set aside by the Apex Court, therefore, the present review application has become redundant and is dismissed as infructuous.

(Rakesh Kumar Jain)
Judge

14.7.2017
rr

(Jaswant Singh)
Judge

Whether Speaking/Reasoned: **Yes/No.**

Whether Reportable: **Yes/No**