

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10482 OF 2019

RAMAMATA SHIKSHAN PRASARAK
MANDAL UTKA THROUGH ITS
PRESIDENT

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader for
Respondents-State

AND

WRIT PETITION NO.10488 OF 2019

LATE KEVALAI CHAVAN MAHILA
MANDAL DEVTALA THROUGH
PRESIDENT

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner
Mrs. A.V. Gondhalekar, Additional Government Pleader for
Respondents-State

AND

WRIT PETITION NO.10517 OF 2019

LATE VIJAYKUMAR WALSANGE
BAHUDDDESHIYA SEVABHAVI
SANSTHA AUSA THROUGH ITS
PRESIDENT

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner
Mr. K.B. Jadhavar, Assistant Government Pleader for Respondents-
State

AND

WRIT PETITION NO.10518 OF 2019

MAGAS SAMAJ SEVA MANDAL
DEVTALA THROUGH ITS PRESIDENT

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. N.P. Patil Jamalpurkar, Advocate for Petitioner
Mr. S.B. Pulkundwar, Assistant Government Pleader for
Respondents-State

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th AUGUST, 2019

ORAL ORDER:

1. Mr. N.P. Patil, Jamalpurkar, the learned Counsel for the petitioners submits that the petitioners have applied for fresh registration under Juvenile Justice (Care and Protection of the Children) Act, 2015 and in tune with the Judgment and order of the Apex Court in Special Leave to Appeal No. 33352/2017. The

respondents on the basis of the earlier inspection reports under the old Act and only on the ground that the petitioners institution was under categorization (C) and (D) have refused registration of the petitioners unit. In fact, the order of de-recognition also should set aside as it is without jurisdiction.

2. The learned Counsel also refers to the order passed by this Court at Nagpur in Writ Petition N o. 7242/2017 with connected Writ Petition dated 24.08.2018.

3. We have heard the learned Assistant Government Pleader for the respondents.

4. The Apex Court in case of ***Balvikas Sanstha Chalak and Karmachari Sanghtana, Maharashtra State Vs. the State of Maharashtra in Special Leave to Appeal No. 33352/2017 under order dated 15.07.2019*** has observed thus -

We are of the view that as the 2015 Act has come into force, it would be open to the concerned institute or members of the petitioner-association to pursue remedy before the authority, by making fresh application for grant of registration under the Act and the rules framed thereunder. Such applications be considered on its own merits and in accordance with law, uninfluenced by any observation in the inspection report which was the basis of action taken against the concerned institute and despite the fact that the report was part of the record before

the High Court.

Needless to observe that the proposed application for grant fresh registration will have to be scrutinized by the appropriate authority in strict compliance with the provisions of the Act and the rules made thereunder without any exception.

5. In view of the fact that the petitioners have already filed the application for fresh registration, we direct the respondent authorities to consider the application filed by the petitioners for fresh registration on its own merits in compliance and in tune with the Act, 2015.

6. While considering the fresh application, the respondents shall not be influenced by the inspection report in respect of inspection conducted earlier and the categorization of the petitioners either in (C) or (D) clause. The decision on the applications filed by the petitioners (as contended by the petitioners) shall be taken expeditiously, preferably within a period of three months. The petitioner is at liberty to represent himself before the authority.

7. The Writ Petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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