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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 14001/2018 & CM 54754/2018**

DEEPAK

..... Petitioner

Through Mr Tushar Singh, Advocate with
Ms Pankhuri, Advocates.

versus

GOVT. OF NCT OF DELHI AND ORS.

..... Respondents

Through Mr Shobhana Takiar, Advocate for R1
and R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **22.01.2019**

1. The petitioner has filed the present petition impugning the order dated 06.10.2018 passed by the Superintendent, After Care Home for Boys, Alipur, Department of Women and Child Development (respondent no.2), directing the petitioner to be evicted from the After Care Home For Boys, Alipur, Delhi (hereafter the Institution).
2. In view of the order dated 20.07.2018 passed by the Child welfare Committee-X, Bench of Magistrates District-Rohini, Delhi (hereafter 'the CWC'), the petitioner was permitted to reside at the Institution till 04.08.2019, even though the petitioner had attained the age of 21 years on 04.08.2017. A reading of the said order indicates that the CWC considered the case of the petitioner as an exceptional case for rehabilitation and re-integration in terms of Rule 25 (2) of the J.J. Model Rules, 2016.

3. Ms Takiar, the learned counsel appearing for respondent nos. 1 and 2 now submits that no separate order has been passed by CWC reviewing the order dated 20.07.2018. In this view, the impugned order dated 06.10.2018 cannot be sustained as it is not supported by directions issued by the CWC.
4. Ms Takiar says that the said action was taken by the Superintendent, as the petitioner was not residing at the said institution and the petitioner has not taken admission in any of the colleges which was the premise on the basis of which permission was granted by the CWC.
5. Notwithstanding the aforesaid submissions, this Court is not persuaded to accept that the Superintendent could have taken an action of eviction without obtaining the necessary orders from the CWC
6. In view of the above, the present petition is allowed and the order dated 06.10.2018 is set aside. The CWC is directed to pass a fresh order after hearing the Superintendent as well as the petitioner.
7. Ms Takiar informs this Court that a hearing is now scheduled to be held before the CWC on 19.02.2019 at 10.00 a.m. The petitioner is at liberty to attend the hearing. It is clarified that no further notice shall be issued to the petitioner for the said purpose.
8. The petition is disposed of with the aforesaid direction.
9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

JANUARY 22, 2019

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