

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11212 of 2018

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Lal Mohan Roy, Son of Sri Hari Nandan Roy, Resident of Mohalla - Sri Ganesh Puri, Street No. 3, Jagdeonagar West of Bazar Samiti, Ara, P.S. Nawada, District - Bhojpur.

... .. Petitioner

Versus

1. Union of India
2. The State of Bihar through the Chief Secretary, Patna.
3. The Principal Secretary, Department of Social Welfare, Bihar.
4. The Director, Department of Social Welfare, Bihar.
5. The Joint Secretary, Department of Social Welfare, Bihar.
6. The District Magistrate, Bhojpur.
7. The Assistant Director, Child Protection Unit, Bhojpur.
8. The Child Welfare Committee through the Chairperson, Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-12-2020

Petitioner has prayed for the following relief(s):-

“(i) To issue appropriate writ order/direction to set aside the order contained in Memo No.10/11-97 dated 15.01.2018 (**Annexure-4**), whereby Child Welfare Committee, Bhojpur, Aara (hereinafter, referred as “CWC”) has been illegally granted extension till further direction, in violation of the Bihar Juvenile Justice (Care & Protection of Children) Rules, 2017 (hereinafter, referred as “the Rules”).



(ii) To issue writ order/direction in nature of mandamus directing the Respondents particularly, 3 to 6 to immediately take steps expeditiously in order to constitute a fresh CWC.

(ii) To issue writ order/direction in nature of mandamus directing the Respondents particularly, 6, 7 & 8 to henceforth to implement the letter no.71 dated 28.03.2017 (**Annexure-8**), to the extent whereby directioni has been issued to the Chairperson of the CWC to immediately shift/transfer the office of the said Child Welfare Committee to the government building wherein District Child Protection Unite is being operated.”

Learned counsel for the respondents states that the present petition has become infructuous, inasmuch as the Child Welfare Committee already stands constituted.

Statement accepted and taken on record.

Petition stands disposed of in terms thereof reserving liberty to the writ-petitioner to agitate the surviving grievance, if any, with the appropriate authority.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in



accordance with law and with reasonable dispatch.

Needless to add, while considering the representation, if any, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	04.12.2020
Transmission Date	

