

22nd November, 2022
(D/L No.13)
(SKB)

W.P.A. 1857 of 2022

XYZ, the Victim Minor and Disabled
Child Through His Father, Arup Kumar Das
Versus
The State of West Bengal and others

Mr. Rachit Lakhmani,
Ms. Afreen Begum
... for the petitioner.

Mr. Raja Saha,
Mr. Sayak Chakraborty
... for the State.

Mr. Subrata Bhattacharyya
... for respondent no.6.

The petitioner is the father of a child who suffers from Autism Spectrum Disorder. The petitioner wants certain recommendations made by the Department of Women and Child Development and Social Welfare, Government of West Bengal and the West Bengal Commission of Protection of Child Rights to be reviewed particularly to the extent of the recommendations containing certain personal observations made against the petitioner.

The child is presently with the petitioner but the petitioner wants the child to be taken care of in the particular Home.

After hearing learned counsel appearing for the parties, this court is of the view that the writ petition cannot be maintained with regard to the particular relief

sought for by the petitioner. The anxiety expressed by learned counsel appearing for the petitioner for continuing care and welfare of the child may be addressed by directing the Home in Durgapur to ensure that the petitioner's child is given the required medical and psychological reinforcement and that not physical or psychological harms is caused to the petitioner's child. The West Bengal Commission of Protection of Child Rights is further directed to ensure that the directions are complied with and the unfortunate incident, which took place earlier, is not repeated. Consistent vigil is to be maintained by the Home and the people in-charge of looking after the children and the Commission are to ensure that reports pursuant to such visits are maintained by the Commission.

It is also made clear that if the petitioner faces continuing problems in the present Home where the child was kept until recently, the petitioner shall have the liberty of withdrawing his child from the Home in Durgapur and shift the child to any other Home, as the petitioner is advised.

W.P.A.1857 of 2022 is accordingly disposed of.

(Moushumi Bhattacharya, J.)