

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

956 WRIT PETITION NO.1339 OF 2023

JAI KISHAN SHIKSHAN SANSTHAS GOKUL BALKASHRAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Ashutosh Sisodiya h/f. Girase Amarjitsing B.
AGP for Respondents/State : Mr. S.G. Karlekar
...

**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 3rd February, 2023**

PC. :-

1. Besides several other prayers, the petitioner has put forth prayer clauses B, C and D as under:-

“B) By way of appropriate writ, order or directions in the like nature, this Hon’ble High Court may kindly quash and set aside the impugned order/letter dated 17/08/2021 issued by the Commissioner, Women and Child Development, Maharashtra State, Pune-1 to the extent of petitioner, by which, the proposal submitted by the petitioner for renewal of the Registration Certificate in view of the judgment and order dated 22/12/2020 is rejected without adhering to the principles of natural justice.

C) By way of appropriate writ, order or directions in the like nature, this Hon’ble High Court may kindly direct the respondent authorities to issue the renewal certificates in favour of the petitioners institution, appreciating the provisions of Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as well as the

Rule 22 of the Juvenile Justice (Care and Protection of Children) Rules, 2018.

D) By way of appropriate writ, order or directions in the like nature, this Hon'ble High Court may kindly hold and declare that, there is noncompliance of Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as well as the Rule 22 of the Juvenile Justice (Care and Protection of Children) Rules, 2018 and therefore, the impugned order/ communication dated 17/08/2021 issued by the respondent No.2 is null and void.”

2. We are informed by the learned advocates representing the respective sides that an identical issue was considered by this Court in Writ Petition No.7821/2021 filed by **Mother Teresa Balakashram vs. The State of Maharashtra** and others and connected matters. Vide the judgment dated 08.09.2022, the impugned order was quashed and set aside and respondent No.2 was directed to arrive at a decision afresh considering the observations set out in the judgment dated 08.09.2022 delivered in **Mother Teresa Balakshram** (supra). It is, therefore, stated that this petition can be disposed off for the reasons set out in the said judgment and similar directions to respondent No.2 could be issued.

3. In view of the above, for the reasons set out in the judgment dated 08.09.2022 delivered in **Mother Teresa Balakashram** (supra), this Writ Petition is partly allowed as under:-

- (a) The communication dated 17.08.2021 is quashed and set aside.
- (b) The proposal of the petitioner, which is earlier rejected, in the light of the impugned order having been quashed and set aside, would be considered by respondent No.2 afresh in the light of the guidelines/observations set out in the judgment dated 08.09.2022 delivered in **Mother Teresa Balakashram** (supra) and a decision would be arrived at, on or before 15.05.2023.
- (c) Needless to state, if respondent No.2 finds any shortcomings or deficiency in the proposal of the petitioner, an opportunity of hearing and rectifying the deficiency, would be granted to the petitioner with promptitude and without wastage of time by respondent No.2.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]