

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO.11013 OF 2023

MOTHER TERESSA SAMAJIK VIKAS SANSTHA THROUGH IT'S
SECRETARY
VERSUS
THE STATE OF MAHARASHTRA THROUGH PRINCIPAL IT'S
SECRETARY AND OTHERS

Mr.N.P.Patil Jamalpurkar, Advocate for the Petitioner.
Mr.S.K.Tambe, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : SEPTEMBER 5, 2023

PER COURT :

1. The Petitioner has put forth prayer clause B, C and D as under :-

"B. The order contained in the communication dated 29.03.2022, issued by the Commissioner, Women and Child Development, Maharashtra State, Pune may please be quashed and set aside, by issuing writ of certiorari or any other writ, order or direction in the nature of certiorari.

C. The respondent No.1 - State Government may please be directed to issue Registration Certificate in favour of the petitioner as per the provisions contained in Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in respect of "Omshanti Balakashram"

at Chimbali for intake capacity of 100 juveniles (50 for boys and 50 for Girls), by issuing writ of mandamus or any other writ, order or direction in the nature of mandamus.

D. The Respondents may please be directed to issue Registration Certificate in favour of the Petitioner as per the provisions contained in Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in respect of "Omshanti Balakashram" at Chimbali for intake capacity of 100 juveniles (50 for boys and 50 for Girls) subject to condition of removal of deficiencies within a period of three months, in terms of the Government Resolution dated 11.07.2023, by issuing writ of mandamus or any other writ, order or direction in the nature of mandamus."

2. It is contended that the issue raised would be covered by the judgment delivered by this Court on 08.12.2022 in **WP No.11786/2022 (Karuna Shikshan Sanstha, Wadgaon Vs. The State of Maharashtra and others)**. Paragraph Nos. 4 to 9 are pointed out, which read as under :-

"4. It is undisputed that all these petitioners before us have already been registered under the earlier Act, which has been repealed by the 2015 Act and they would be legally obliged to seek their registration within one year. The said issue has been dealt with in several matters by this Court.

5. *In view of the above and considering the law laid down in*

***Mother Teresa Balakashram (supra)**, which has been followed consistently by this Court in various matters, that these petitions are partly allowed.*

6. *The impugned communications are quashed and set aside. The applications/proposals of these petitioners, seeking renewal under the 2015 Act, are restored to the file of respondent No.2 and we direct the said authority to consider these proposals afresh in the light of the observations set out in **Mother Teresa Balakashram (supra)**.*

7. *In the event of there being any deficiencies in the proposals, respondent No.2 shall convey the deficiencies to the petitioners, on or before 15.01.2023, through E-mail on their E-mail IDs, which have been registered in the record of respondent No.2. Within two weeks therefrom i.e. until 31.01.2023, the petitioners would remove the deficiencies and submit their proposals, complete in all respects.*

8. *In the event any petitioner has not tendered E-mail address or has changed the E-mail address, we expect, such petitioner to immediately convey the E-mail address to respondent No.2, on or before 15.12.2022.*

9. *Needless to state, after the deficiencies are removed, respondent No.2 shall proceed to deal with the applications tendered by the petitioners as meant for renewal of their licences under the 2015 Act. Let such decision be communicated to the petitioners, as expeditiously as possible and in any case, on or before 15.03.2023."*

3. The learned AGP submits that the Petitioner is already informed of the deficiencies and it is now for the Petitioner to remove the deficiencies so that the Authorities can proceed to deal with its application for renewal of license under the Juvenile Justice (Care and Protection of Children) Act, 2015

4. In view of the above, **this petition is disposed off.** After the Petitioner removes the deficiencies, it would apprise Respondent No.2 and demonstrate that the deficiencies are removed. Respondent No.2 would be at liberty to cause an inspection and after due verification, if the authority finds that the Petitioner's case deserves to be granted a renewal of the license, an order would be passed within a period of 90 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)