



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 1078 OF 2022

SOS Children's Village LaturPetitioner

VERSUS

The State of Maharashtra & othersRespondents

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Mr. V. D. Salunke, Advocate for the Petitioner.

Mr. D. B. Bhange, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 6th MARCH, 2025.

PER COURT :

1. This Petition was heard on the last date of hearing.
2. Learned counsel for Petitioner has drawn attention of the Court to the fact that there is non-compliance of provisions of Section 41 and Rule 21(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 and rules. Since the opportunity of hearing was not provided, according to him, the impugned order cannot sustain. He also made grievance that in the impugned order, report is relied upon, copy of the same was not provided to the Petitioner.

3. Learned AGP opposed the Petition by contending that show cause notice was issued and opportunity of hearing was given to the Petitioner to respond to the charges. It is his further contention that report is confidential in nature and in view of the embargo created for not publishing name of the juvenile, the report cannot be provided.

4. This Court does not accept said contention of learned AGP that the report itself is confidential and cannot be provided. There is embargo only for publication of name of Juvenile and not report. If concerned authority wishes to rely upon such report, by taking appropriate care that the name of the minor is not disclosed, the report be given to the Petitioner.

5. At this stage, learned AGP, on instructions received from Mr. Shaikh Javed Salamtulla, District Women and Child Development Officer, makes a statement that the Petitioner shall be given an opportunity of hearing and appropriate fresh order shall be passed in accordance with the law.

6. In view of the above, Petition is disposed of. Impugned order is set aside. Petitioner be given an opportunity of hearing before passing any order. It is clarified that all reports which are sought to be relied upon/considered for the purpose of passing any order be provided to the Petitioner. Petitioner be informed about the date and time of hearing in writing well in advance. Needless to say that since the impugned order is set aside, all consequential orders shall stand vacated.

(R. M. JOSHI)
Judge

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