



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO.11467 OF 2025

BALAK ASHRAM, BARAHALI, THROUGH ITS SECRETARY S.V. VIJAPURE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. V.B. Jadhav, Advocate for petitioner

Mr. S.B. Pulkundwar, AGP for respondent Nos.1 and 2

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 24th NOVEMBER, 2025

ORDER :

. Heard learned Advocate for petitioner. Learned AGP waives notice for both respondents.

2 It has been vehemently submitted on behalf of petitioner that petitioner is a registered Trust under the Maharashtra Public Trusts Act, 1950 as well as it is registered under the Societies Registration Act, 1860. The petitioner is running a Child Care Home since 2010 as per order issued by respondent No.2 on 10.05.2010 and the licence has been issued under

Juvenile Justice (Care and Protection of Children) Act (hereinafter referred to as “**J.J. Act**” for the sake of brevity). J.J. Act came to be amended with effect from 31.12.2015 and on the said basis the Government of Maharashtra has framed Rules in 2018. On the basis of those rules the respondents are insisting the petitioner to apply for registration. In fact, petitioner had applied for the renewal certificate under the new Act, however, respondents have not decided it up till now. Therefore, the petitioner is approaching the Court to decide the said proposal of renewal of registration. The learned Advocate for petitioner submits that till 03.05.2018 there was no dispute about the registration, but only after the rules had come into operation after receiving the assent of Hon’ble President of India, the insistence has been made. As per Section 41 of the J.J. Act, 2015, especially the proviso would state that the institutions having valid registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 on the date of commencement of this Act shall be deemed to have been registered under this Act. Therefore, the registration of petitioner continued and it was not necessary for petitioner to apply again. The petitioner Trust had filed online application on 20.08.2018 and it was also submitted offline along with letter dated 31.08.2018. The petitioner had requested the concerned authority to decide the proposal, time and again, however, it was not decided. Similarly situated institution had approached this Court by filing Writ Petition No.7821 of 2021

and also challenged the rejection of their renewal of licence. The said writ petition was partly allowed on 08.09.2022 and the respondents were directed to take decision afresh on the proposal of petitioner for renewal of licence and hence the petition has been filed for directions to respondents to decide the proposal of petitioner within stipulated time.

3 The first and the foremost fact that is required to be noted is that the petitioner is not challenging the rules those have been framed. Though Section 41 Proviso of J.J. Act, 2015 comes to the rescue of the petitioner; yet it can be seen that the J.J. Rules came into effect on 14.03.2018. It appears that in Writ Petition No.4831 of 2020 following question was formulated :

“Whether the institutions granted registration under the Juvenile Justice (Care and Protection of Children) Act, 2000 would be required to apply for registration under the Act, 2015 and/or seek renewal of registration after one year ?”

And this Court went on to answer after evaluating the legal position that such application for renewal of registration is necessary. It is observed that -

“21. Reading the proviso to Sub Section 1 of Section 41 of the Act, 2015 and Sub Rule 1(b) of the Rule 22 of the Rules, 2018 harmoniously the irresistible conclusion can be drawn that the

institutions housing children in need of care and protection or children in conflict with law registered under the Act, 2000 will be deemed to be registered under the Act, 2015 and these institutions shall get renewal of their registration after completion of 1 year as per the provisions of the Act and Rules. The leverage has been given of 1 year for these institutions to get the registration renewed. Once the registration is granted under the Act, 2015 that registration would be valid for 5 years and after 5 years the institution will have to seek renewal. Reference can be had to Sub Section 6 of Section 41 of the Act, 2015.

22. To apply for renewal of registration after 1 year is also necessary because these institutions deemed to be registered did not undergo rigors of registration under the Act, 2015 so as to give an opportunity to the authority to verify compliance of the requirement of the Act, 2015 and the rules.”

And therefore, in the said similarly situated petition i.e. Writ Petition No.7821 of 2021 referred by the learned Advocate for petitioner it has been held that such renewal application is necessary and respondent No.2 should scrutinize the petitioner’s proposal. Of course, in the said case during the pendency of petition it appears that the decision to reject the renewal application was made and, therefore, that communication was quashed and set aside with direction to respondent No.2 to take the decision afresh. Here, in the present case, though having knowledge about coming into force of Rules, 2018 and allegedly making application on 31.08.2018,

the petitioner has not approached this Court in time. The present petition has been filed on 11.08.2025 i.e. after a period of seven years. A copy of online application has also been filed, however, it appears that either it is not properly filled or at some places no information has been supplied even the copy is also produced without annexure. It is not explained in the petition as to why offline application was given. We are also unable to get, as to how then the petitioner was functioning without the renewal of licence for these years. Of course, a statement was made on behalf of petitioner that the institution has been closed down, but information regarding the same appears to have not been given to respondent No.2 and the date of close down has also not been stated in the petition. In fact, there is no whisper about closing down the institution has been made on oath. Under such circumstance, if the institution has been closed, there is no question of renewal of licence. If the petitioner wants any licence, the petitioner Trust will have to apply afresh and, therefore, the petition is not maintainable, stands disposed of.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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