

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1183 OF 2025

Maharashtra Shikshan Sanstha,	]	
Akkalkot, Dist. Solapur	]	.. Petitioner
<i>Versus</i>		
1. The State of Maharashtra,	]	
Through the Principal Secretary,	]	
Women & Child Development Dept.	]	
2. The Commissioner,	]	
Women and Child Development,	]	
Maharashtra State, Pune	]	
3. The District Women & Child Development	]	
Officer, Solapur	]	.. Respondents

Mr. D.G. Dhanure, Advocate for the Petitioner.

Smt. Ashwini A. Purav, Assistant Government Pleader for the Respondents.

**CORAM : A.S. CHANDURKAR &
M.M. SATHAYE, JJ**

DATE : 30TH JANUARY 2025.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith and heard learned counsel for the parties. The petitioner – an Institution that runs a Children’s Home is aggrieved by the issuance of Government Resolution dated 4th October 2024 to the extent it cancels the registration granted to it under Section 41 of the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (*for short, “the Act of 2015”*).

2. The petitioner was granted a Certificate of Registration under Section 41(1) of the Act of 2015 on 8th March 2019. As per the provisions

of sub-rule (7) of Section 41, it is open for the State Government to either cancel or withhold registration as the case may be after following the procedure prescribed in that regard. Under Section 2(47), the expression “prescribed” has been defined to mean “prescribed by Rules made under the Act of 2015”. Rule 22 of the Maharashtra State Juvenile Justice (Care and Protection of Children) Rules, 2018 specifies the manner in which the registration of an Institution can either be withdrawn or cancelled. Rule 21(6) postulates service of notice on the Management along with all material to indicate unsatisfactory compliance with the standards prescribed under the Act of 2015. It is thus clear that as per the procedure prescribed under the Act of 2015, an opportunity of hearing which is in compliance with principles of natural justice has to be afforded before a registration granted under Section 41(1) is cancelled or withheld under Section 41(7) of the Act of 2015.

3. The only ground of challenge raised by the learned counsel for the petitioner is absence of any such notice being given to the petitioner in accordance with Rule 22(6) of the Rules of 2018 before registration of the Institution was cancelled under Section 41(7) of the Act of 2015. On perusal of the record, we find that no opportunity whatsoever was granted to the petitioner to meet the ground of unsatisfactory compliance, on the basis of which its registration has been cancelled. It is well settled that an order resulting in civil consequences has to be passed after complying with

principles of natural justice. In absence of any notice as prescribed by Rule 22(6) of the Rules of 2018 being given to the petitioner prior to cancelling its registration, the execution of the Government Resolution dated 4th October 2024 insofar as the petitioner – Institution is concerned deserves to be interfered with.

4. For aforesaid reasons, the cancellation of registration of the petitioner-Institution, which is at Sr.No.19 of Annexure-A to the Government Resolution dated 4th October 2024, is quashed and set aside on the ground that its registration has been cancelled in breach of principles of natural justice.

5. It would be open for the respondents to take appropriate action in accordance with law after complying with the requirements of Rule 22(6) of the Rules of 2018 in case its registration is to be cancelled or withdrawn. It is clarified that this Court has not examined the correctness of the reasons that have resulted in cancellation of such registration and all issues in that regard are kept open.

6. Rule is made absolute in aforesaid terms with no order as to costs.

[M.M. SATHAYE, J.]

[A.S. CHANDURKAR, J.]