



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.21968 of 2025

R.Mathura

.... Petitioner

.Vs.

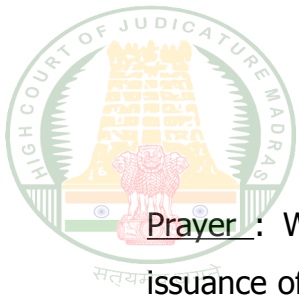
1.Central Adoption Resource Authority (CARA)
Rep.by its Chairperson
Ministry of Women & Child Development
West Block 8, Wing 2, 2nd Floor, R.K.Puram
New Delhi-110 066.

2.State Adoption Resource Agency (SARA)
Tamil Nadu
Rep. by its Director
Department of Social Welfare
No.300, Purasaivakkam High Road
Kelllys, Chennai
Tamil Nadu 600 010.

3.District Child Protection Union (DCPU)
Tiruvallur
Rep. by its District Child Protection Officer
Chinna Ekkadu, jaya Nagar
Periyakuppam, Tiruvallur District
Tamil Nadu 602003.

4.Specialised Adoption Agency (SAARA)
Rep. by its Director
No.8, GN chetty Road
T.Nagar
Tamil Nadu 600 017.

.. Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to take immediate steps in assigning a child to us according to our seniority rank within a stipulated period.

For Petitioner : Mr.S.Natarajan

For Respondents : Mrs.R.Durgarani
Central Government Standing Counsel
for R1
Mr.E.Veda Bagath Singh
Special Government Pleader
for R2 to R4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to take immediate steps in assigning a child to the petitioner according to her seniority rank.

2.When this writ petition came up for hearing on 10.07.2025, this Court passed the following order:

When the matter was taken up for hearing today, learned Special Government Pleader appearing on behalf of respondents 2 to 4 produced the written instructions received from the respondents 2 to 4 and the relevant portions are extracted hereunder:

"2. At the outset, it is submitted that the Directorate of Children



WEB COPY

Welfare and Special Services is entrusted with the implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) in Tamil Nadu. The Department caters to the needs of two different categories of children, namely, 'children in need of care and protection' and 'children in conflict with law' by providing institutional and non-institutional services under the provisions of the Act. The guiding principles of care and protection of children as per the JJ Act stipulates that a child shall be placed in institutional care as a measure of last resort. Recognizing the significance of family based environment for the holistic development of a child, the Government continues to prioritize non-institutional care services such as Adoption and Foster care, as well as Aftercare services and Sponsorship.

3. It is humbly submitted that Section 56(1) of the JJ Act stipulates that "the Adoption shall be resorted to for ensuring right to family for the orphan, abandoned, and surrendered children, as per the provisions of this Act, the rules made thereunder and the adoption regulations framed by the Authority". It is further submitted that the Adoption Regulations 2022 have been framed by the Central Adoption Resource Authority (CARA) and is currently in force.

4. It is submitted that Adoption procedures are managed by the CARA, which is an autonomous body under the Ministry of Women and Child Development, Government of India. It serves as a nodal authority to promote in-country adoptions and to facilitate inter-State adoptions in coordination with State Agency, as well regulate inter-country adoptions. The Adoption processes are standardized and implemented uniformly across the country through an online system.



WEB COPY

The State Adoption Resource Agency (SARA) acts as a bridge between adoptive parents, Special Adoption Agencies and the CARA to facilitate the adoption process. As stipulated in the Mission Vatsalya scheme, the SARA shall coordinate, monitor and develop the work related to non-institutional care including adoption in the State and undertakes functions in accordance with the Adoption Regulations.

5. It is humbly submitted that as per the said Adoption Regulations, 2022, Prospective Adoptive Parent who intends to adopt a child are required to register on the designated portal, namely, Child Adoption Resource Information and Guidance System (CARINGS) by filing up the application form. The said portal is managed by the CARA.

6. It is submitted that as per Regulation 5(1) of the Adoption Regulations prescribes for Eligibility criteria for prospective adoptive parents as follows:

"5. Eligibility criteria for prospective adoptive parents.-

(1) The prospective adoptive parents shall be physically, mentally, emotionally and financially capable, they shall not have any life threatening medical condition and they should not have been convicted in criminal act of any nature or accused in any case of child rights violation. (2) Any prospective adoptive parent, irrespective of their marital status and whether or not they have biological son or daughter, can adopt a child subject to the following, namely: (a) the consent of both the spouses for the adoption shall be required, in case of a married couple; (b) a single female can adopt a child of any gender; (c) a single male shall not be eligible to adopt a girl child.



WEB COPY

(3) No child shall be given in adoption to a couple unless they have at least two years of stable marital relationship except in the cases of relative or step-parent adoption.

(4) The age of prospective adoptive parents, as on the date of registration, shall be counted for deciding the eligibility of prospective adoptive parents for children of different age groups as under:

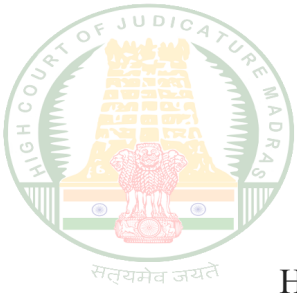
Age of the child	Maximum composite age of prospective adoptive parents (couple)	Maximum age of single prospective adoptive parent
Upto 2 years	85 years	40 years
Above 2 and upto 4 years	90 years	45 years
Above 4 and upto 8 years	100 years	50 years
Above 8 and upto 18 years	110 years	55 years

Provided that the minimum age difference between the child and either of the prospective adoptive parents shall not be less than twenty five years.

(5) In case of a couple, the composite age of the prospective adoptive parents shall be counted.

(6) The age criteria for prospective adoptive parents shall not be applicable in case of relative adoptions and adoption by step-parent.

(7) Couples with two or more children shall only be considered for special needs children as specified in clause (25) of regulation 2, and hard to place children as stated in clause (13) of regulation 2 unless they are relatives or stepchildren.



WEB COPY

(8) The prospective adoptive parents have to revalidate their Home study report after a period of three years.

(9) The seniority of the prospective adoptive parents who have not received a single referral within three years shall be counted from their date of registration except those who have crossed composite years of one hundred ten years."

7. It is submitted that the eligibility and suitability are determined through home study report. As per Regulation 2(14), "Home Study Report means a report containing details of the prospective adoptive parents, which shall include social and economic status, family background, description of home and atmosphere therein and health status as per the format provided in Schedule VII". Further, Regulations 10 (9) provides that, "The Home Study Report shall be posted on the Designated Portal by the Specialized Adoption Agency within a period of three days from the date of completion of Home Study Report".

8. In the instant case, the Petitioner registered on the CARINGS portal on 26.10.2024 for the purpose of child adoption. During the registration, the Petitioner had also selected a Specialized Adoption Agency (SAA) for conducting the Home Study Report (HSR). The Home Study Report was subsequently conducted by the Kalaiselvi Karunalaya Social Welfare Society Specialized Adoption Agency on 23.11.2024 and the completed report was uploaded to the CARINGS portal on 25.11.2024. Therefore, the Specialized Adoption Agency has uploaded the petitioner's Home Study Report on the designated portal



WEB COPY

within the stipulated time frame.

9. It is submitted that as per Regulation 11(1),(2)&(3) of the Adoption Regulations, "(1) The seniority of the prospective adoptive parents for child referral shall be from the date of completion of registration process on the Designated Portal. (2) On the basis of seniority, the prospective adoptive parents shall be referred maximum three referral with one-month interval in between two consecutive referrals subject to availability of children through the Designated Portal which shall include their photographs, Child Study Report and Medical Examination Report, in their preference category, if any, from one or more Specialized Adoption Agencies. (3) After viewing the profile of the child or children on the Designated Portal, the prospective adoptive parents may reserve the child or children within a period of forty-eight hours for possible adoption and the unreserved child or children shall be released by the Designated Portal for other prospective adoptive parents in the waiting list. "It is further submitted that Schedule XIV of the Adoption Regulations provide for a timeline for authorities and agencies concerned. But nowhere it prescribes a time period for referral to be made as the same is subject to availability of children.

10. As on date, a total of 4,775 Prospective Adoptive Parents (PAPs) have been registered on the CARINGS portal for adoption of children in the State of Tamil Nadu. The Home Study Reports in respect of these PAPS have been duly conducted by the concerned Specialized Adoption Agencies (SAAs), and the said PAPs are presently on the waiting list for the adoption.



WEB COPY

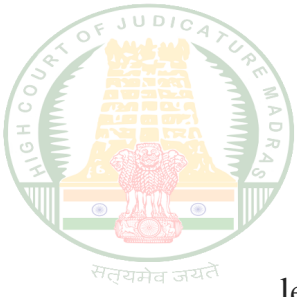
11. It is submitted that the 1st Respondent herein is the exclusive authority entrusted with the referral of children to Prospective Adoptive Parents strictly in accordance with the seniority criteria laid down under the prescribed procedures. The seniority of PAPs is maintained throughout the country by Central Adoption Resource Authority (CARA) through the CARINGS portal. The State Adoption Resource Agency (SARA) is responsible for monitoring and coordinating the adoption process within the State, and does not extend to the referral or matching of children with Prospective Adoptive Parents.

12. It is humbly submitted that the Prospective Adoptive Parents generally receive referrals within a maximum period of three years. The Petitioner who registered on 26.10.2024, currently holds a state seniority of 3283 in Tamil Nadu and all-India seniority of 27831. As of today, only about nine months have passed since the registration date. Therefore, the Petitioner may not yet have attained the requisite seniority to be considered for a referral at this juncture, and her turn might arise in accordance with the prevailing seniority list."

2. Learned counsel for the petitioner shall go through the above, take instructions and argue this case.

Post this writ petition at the end of the motion list on 24.07.2025.

3.A counter affidavit has been filed by the 1st respondent and paragraph 26 of the counter is extracted hereunder:



WEB COPY



26. That as on 25.7.2025, there are approximately 2771 legally free adoptable children registered on the portal, amongst these 956 children under normal category and 1815 children are under the categories of special needs against 36469 PAPs currently awaiting referrals.

4. Heard Mr.S.Natarajan, learned counsel for the petitioner, Mrs.R.Durgarani, learned Central Government Standing Counsel for R1 and Mr.E.Veda Bagath Sigh, learned Special Government Pleader for R2 to R4.

5. It is clear from the counter affidavit filed by the respondents that as on 25.7.2025, there are 2771 legally free adoptable children registered on the portal out of which 956 children fall under the normal category and 1815 children are under the category of special needs and this is the availability as against 36469 parents who are currently awaiting referrals. Thus, it is quite apparent that the availability of children is lesser than the parents who are awaiting to adopt children. Under such circumstances, the children can be given adoption only based on seniority.

6. The learned counsel for the petitioner submitted that sometime frame must be fixed and the respondents must be directed to atleast provide the details in the portal so that the awaiting parents will have an idea as to when their turn will arise for adopting



WEB COPY

7.It is too difficult for this Court to fix any time line since the availability of children as against the number of parents who are awaiting adoption is a variable factor and the prospective parents can be allotted children only based on their seniority. Most of the parents are willing to adopt those children under normal category and that to preference is made for male children. Naturally, the takers for the special children will be a minuscule part of parents who want to adopt with big heart. Hence with the varying permutation and combination, there can be no certainty with respect to the period within which the parents can adopt a child.

8.It will be more appropriate for the 1st and 2nd respondents to update their portal by informing prospective parents about the current status so that the parents will get an idea as to when their turn to adopt children will arise. Except giving this clarity, no further orders can be passed in this writ petition.

9.This writ petition is disposed of in the above terms. No costs.



18.8.2025

Index : Yes/No
NCS : Yes/No
KP

To

1. Central Adoption Resource Authority (CARA)
Rep. by its Chairperson
Ministry of Women & Child Development
West Block 8, Wing 2, 2nd Floor, R.K.Puram
New Delhi-110 066.
2. State Adoption Resource Agency (SARA)
Tamil Nadu
Rep. by its Director
Department of Social Welfare
No.300, Purasaivakkam High Road
Kelllys, Chennai
Tamil Nadu 600 010.
3. District Child Protection Union (DCPU)
Tiruvallur
Rep. by its District Child Protection Officer
Chinna Ekkadu, jaya Nagar
Periyakuppam, Tiruvallur District
Tamil Nadu 602003.
4. Specialised Adoption Agency (SAARA)
Rep. by its Director
No.8, GN chetty Road
T.Nagar
Tamil Nadu 600 017.

N.ANAND VENKATESH, J.

KP



WEB COPY



Writ Petition No.21968 of 2025

18.8.2025