



W.P.(MD)No.9018 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.9018 of 2021**

**and**

**W.M.P.(MD).Nos.6787, 6788 and 6790 of 2021**

Eswari

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Social Welfare Department,  
Chennai.

2.The Commissioner of Social Reforms,  
No.300, Purasaivakkam High Road,  
Kellys Road,  
Chennai 600 010.

3.The District Collector,  
Dindigul District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned G.O.(D) No.55, dated 26.02.2021, on the file of the first respondent and quash the same and further directing the respondents



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to permit the petitioner to attend the meetings of Child Welfare Committee as a member.

For Petitioner : Mr.Vinoharan  
For Respondents : Mr.A.Baskaran,  
Additional Government Pleader

### **ORDER**

This writ petition has been filed challenging the impugned termination order dated 26.02.2021 passed by the first respondent, terminating the services of the petitioner as a Child Welfare Committee Member.

2. The petitioner was appointed as a Child Welfare Committee Member under the provisions of the Juvenile Justice (Care and Protection of Children) Act 2015. Due to her involvement in a criminal case, which does not concern her employment as a Child Welfare Committee Member, the first respondent has terminated her services under the impugned order dated 26.02.2021, after holding an enquiry. The petitioner has challenged the impugned order on the ground that the impugned order has been issued contrary to the provisions of Section 27(7) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act, 2015').



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3. The learned counsel appearing for the petitioner drew the attention of this Court to Section 27(7) of the Act 2015 and would submit that the criteria for termination fixed under the said provision has not been satisfied, but despite the same, the impugned termination order dated 26.02.2021 came to be passed, which is arbitrary and illegal. He would submit that the petitioner though involved in a criminal case, she has not been convicted by any Criminal Court and therefore, the impugned order dated 26.02.2021, passed by the first respondent, terminating the petitioner's service, as a Child Welfare Committee Member, is improper and illegal. He would submit that even though the tenure of the Child Welfare Committee Member is only for a period of three years and the tenure has already come to an end for the petitioner, the learned counsel appearing for the petitioner would submit that in view of the stigma suffered by the petitioner under the impugned order, the impugned order has to be quashed by this Court.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents would reiterate the contents of the counter filed before this Court by the first respondent. He would submit that only after holding an enquiry, in which the petitioner participated and by exercising the



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power under Section 27(7) of the Act, 2015, the first respondent has passed the impugned order terminating the services of the petitioner. He would also submit that since the tenure of the petitioner has already come to an end by the passage of three years from the date of her appointment, nothing survives for further adjudication in this writ petition. Admittedly, under the impugned order, terminating the services of the petitioner as a Child Welfare Committee Member, certain adverse observations have been made against the petitioner which cast a stigma to the petitioner. Therefore, the request made by the learned counsel appearing for the petitioner to set aside the impugned order by this Court despite the fact that the tenure of the petitioner has already come to an end is justified. Under the impugned order passed under Section 27(7) of the Act, 2015, the petitioner has been terminated only due to the fact that she is involved in a criminal case. However, as seen from Section 27(7) of the Act, 2015, the respondents will have to satisfy the following conditions for terminating the services of the petitioner:

*“a. She should have been found guilty of misuse of power vested on her under the Act.*

*b. She should have been convicted of an offence involving moral turpitude and such conviction ought not to have been reversed or she*



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*has not been granted full pardon in respect of such offence.*

*c. She fails to attend the proceedings of the Committee consecutively for three years without any valid reason or she fails to attend less than three-fourths of the sittings in a year.”*

5. Admittedly, in the case on hand, the petitioner has not been convicted by the Criminal Court, as a criminal case is still pending before the Criminal Court. The said criminal case also does not pertain to any misconduct committed by the petitioner during the course of her employment as a Child Welfare Committee Member under the Act, 2015. The petitioner has also not been found guilty of misuse of power vested on her as a Child Welfare Committee Member under the Act, 2015. It is also not the case of the respondents that the petitioner has failed to attend the proceedings of the Child Welfare Committee consecutively for three years without any valid reason or she fails to attend less than three-fourths of the sittings in a year. When the conditions required for termination of a Child Welfare Committee Member as per the provisions of Section 27(7) of the Act, 2015, have not been satisfied, the respondents ought not to have terminated the services of the petitioner as a



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Child Welfare Committee Member by exercising the powers under Section 27(7) of the Act, 2015. Undoubtedly, the observations made by the first respondent under the impugned order casts a stigma to the petitioner as it targets the petitioner's reputation. The petitioner pleads innocence of the charges levelled against her by the respondents, when the first respondent has not satisfied the requirements for terminating the services of the petitioner as a Child Welfare Committee Member, as per Section 27(7) of the Act, 2015. Necessarily, the impugned order dated 26.02.2021 has to be quashed by this Court, even though the tenure of the petitioner as a Child Welfare Committee Member has already come to an end. However, it is made clear that the quashing of the impugned order will not enable the petitioner to seek further remedy in respect of her earlier tenure as a Child Welfare Committee Member, which is the subject matter of this writ petition. It is also made clear that only due to the fact that the first respondent has failed to adhere to the provisions of Section 27(7) of the Act, 2015, this Court is inclined to quash the impugned order and this order will not have any impact with regard to the case pending before the Criminal Court against the petitioner.

6. For the foregoing reasons, the impugned order dated 26.02.2021, passed by the first respondent, is hereby quashed and this writ petition is



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allowed. No costs. Consequently, connected miscellaneous petitions are

closed.

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NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

**To**

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State of Tamil Nadu,  
Social Welfare Department,  
Chennai.

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**ABDUL QUDDHOSE, J.**

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