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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4236/2021 and CM APPL.12871/2021

(5) KHUSHI RAINBOW HOME FOR GIRLS THROUGH C O
CENTRE FOR EQUITY STUDIESPetitioner

Through: Mr. Sarim Naved, Mr. Saurabh Sagar
and Mr. Zeeshan Ahmad, Advs.

versus

NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS & ORS.Respondents

Through: Ms. Swarupama Chaturvedi, Sr. Adv.,
Mr. Abhaid Parikh, Ms. Katyayani
Anand, Ms. Saumya Kapoor, Advs.
for R-1.
Mr. Vivek Goyal, CGSPC and Mr.
Gokul Sharma, Adv. for UOI
(through v/c)

+ W.P.(C) 4288/2021 and CM APPLs.13042/2021, 40556/2023

(6) UMMEED AMAN GHAR FOR BOYSPetitioner

Through: Mr. Sarim Naved, Mr. Saurabh Sagar
and Mr. Zeeshan Ahmad, Advs.

versus

NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS & ORS.Respondents

Through: Ms. Swarupama Chaturvedi, Sr. Adv.,
Mr. Abhaid Parikh, Ms. Katyayani
Anand, Ms. Saumya Kapoor, Advs.
for R-1.
Mr. Vivek Goyal, CGSPC and Mr.
Gokul Sharma, Adv. for UOI
(through v/c)

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

02.05.2025

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1. The present petitions assail an inspection report pursuant to an inspection conducted by the National Commission for Protection of Child Rights (NCPCR) in Ummeed Aman Ghar for Boys and Khushi Rainbow Home for Girls (Institutes).
2. The petitioners have also assailed a consequential Show Cause Notice (SCN) dated 21.01.2021 issued to the petitioners by Samagra Siksha, society under education department, Government of the National Capital Territory of Delhi.
3. During the course of arguments, elaborate reference has been made to the impugned report of the NCPCR. Learned counsel for the petitioner submits that the conclusions drawn therein are extremely prejudicial to the petitioner, and are not borne out from the inspection.
4. Learned counsel appearing for NCPCR has clarified that the observations made in the inspection report are only recommendatory in nature. It is pointed out that the same is clearly mentioned in the inspection report itself. It is submitted that the inspection report only purports to make recommendations based on the state of affairs in the concerned institutes as found during the inspection conducted by the NCPCR.
5. It is acceded that the inspection report is not to be construed as binding findings of an investigating authority. In this regard attention is drawn to a compliance affidavit, filed on behalf of the respondent no.1, wherein it has been specifically stated as under:

“32. That it is most humbly submitted that, the answering respondent has acted only in the capacity of an inquiry agency and not as an investigating authority. The answering Respondent perusal to its inspection and inquiry had only recommended the authorities based on the observations made by the answering respondent out of the inspection and inquiry. Therefore, the answering respondent herein is



not the agency to pass any order for the punishment.....”

6. Learned counsel for the petitioners apprehends that the inspection report of NCPCR, without anything more, may be made the basis for prosecution of the petitioners, and may have other consequences.

7. In view of the stand of NCPCR itself that the inspection report is only in nature of a recommendation, the apprehension of the petitioners is misplaced. It shall be open for the petitioners to take appropriate pleas in its defence in the event of the said report being made the basis of any action against the petitioner.

8. Further, it transpires during the course of hearing that after filing of the present petitions, the petitioners' institutes are no longer receiving grant-in-aid from the GNCTD. As such, it is contended by learned counsel appearing for GNCTD that the SCN dated 21.01.2021 does not survive for adjudication.

9. In view thereof, the petitioners do not press for any further relief in these proceedings.

10. The petitions are accordingly disposed of.

SACHIN DATTA, J

MAY 2, 2025/cl