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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1890 OF 2024

Vrushali Shripad Joshi
Age – 52 years, Occ – Social Service
R/o 11, Mohiniraj, Hanuman Colony
Mahabal, Jalgaon

PETITIONER

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Women and Child Development Department
3rd Floor, Administrative Building
Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk,
Mumbai – 400 032
2. Women and Child Development Officer,
District Women & Child Development Office
Central Building, Near Akashwani
Jalgaon
3. Women and Child Welfare Commissioner
2nd Floor, Women and Child Development,
28 Queens Garden, Near Old Circuit House
Pune, Through its Deputy Commissioner
4. The District Collector and District Magistrate
Jalgaon
5. The Divisional Deputy Commissioner
Women and Child Welfare Department,
Nashik Division Nashik

RESPONDENTS

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Mr. S. V. Adwant, Advocate for the Petitioner
Mrs. V. S. Chaudhari, AGP for Respondent - State

.....
WITH

WRIT PETITION NO.1891 OF 2024

1. Smt. Devayani Manoj Govindvar

PETITIONERS

Age – 43 years, Occ – Social Service
R/o 32, Block No.5, Sai Vihar
Raisoni Nagar, Jalgaon

2. Mrs. Vidya Ravindra Bornare
Age – 52 years, Occ – Social Service
R/o 11, Mohiniraj, Hanuman Colony
Mahabal, Jalgaon
3. Sandeep Patil
Age – 42 years, Occ – Social Work
R/o Flat No. 8, 4th Floor,
Siddhivinayak Heights, Mohan Nagar
Mohadi Road, Jalgaon

VERSUS

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| <ol style="list-style-type: none"> 1. The State of Maharashtra
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Women and Child Development Department
3rd Floor, Administrative Building
Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk,
Mumbai – 400 032 2. Women and Child Development Officer,
Jalgaon 3. Women and Child Welfare Commission
State of Maharashtra Pune,
Through its Deputy Commissioner 4. The District Collector and District Magistrate
Jalgaon 5. The Divisional Deputy Commissioner
Women and Child Welfare Department,
Nashik Division Nashik | <p>RESPONDENTS</p> |
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Mr. S. V. Adwant, Advocate for the Petitioner
Mrs. V. S. Chaudhari, AGP for Respondent - State
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**[CORAM : NITIN B. SURYAWANSHI, &
VAISHALI PATIL-JADHAV, J. J.]**

DATE : 11th MARCH, 2026

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI J.) :

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned Advocates for the parties.
2. By these Petitions, the Petitioners challenge notification dated 25th January, 2024 thereby terminating them as Members of the Child Welfare Committee (for short "CWC").
3. Since in both these petitions the same notification is impugned, they are taken up for consideration together and are being disposed of by this common judgment.
4. The Petitioners were appointed as Members of CWC by Respondent No.1, on 2nd June, 2022. They claim to have taken charge on 13th June, 2022. One institution Y. B. Patil Shikshan Prasarak Mandal's Khadke Girls Home submitted application to Respondent No.1 on 28th November, 2022, seeking permission to close the child care home for girls, as they were unable to run it and request was made for making alternate arrangement for the girls admitted there. CWC, Jalgaon directed Respondent No.2 to conduct an inquiry and submit social investigation report for deciding rehabilitation of the girls admitted in Khadke Girls Home. Upon considering the report and after following the

prescribed procedure, CWC, Jalgaon transferred 12 girls from Khadke Girls Home to Jilha Pariviksha Ani Anurakshn Sanghtana Sanchalit Mulinche Nirikshan Gruha / Bal Gruha, Child Home (for short "new child home"). Seven girls were sent back to their respective parents, as per their request, on 23rd June, 2023. The Petitioners claim to have made frequent visits to the new child home thereafter and ensured that the girls were settled well and their proper care is being taken.

5. On 24th July, 2023, CWC visited the new child home. During the said visit, the girls disclosed shocking incidents of sexual exploitation during the period between August, 2022 and June, 2023 at the hands of caretaker of the previous child home i.e. Khadke Girls Home. The CWC claims to have raised said issue before Shri Sanjay Sengar and Smt. Saylee Palkhedkar, Members of the Maharashtra State Commission for Protection of Child Rights, Mumbai, who happened to be at Bhusawal for some workshop. The Petitioners claim that under the Juvenile Justice Act and rules made thereunder, the CWC is not empowered to register offence against the offender.

6. Respondent No. 5 – Deputy Commissioner (Child Development), Pune issued a show cause notice to the CWC /

Petitioners on 31st July, 2023 informing that directions are issued to conduct an inquiry in respect of incidents of sexual exploitation of children in Khadke Girls Home. In the inquiry, following six issues were framed and explanation of each of the Petitioner was called.

- “1. Inspection Report, in respect of the particulars of time to time visits of CWC to the Institution, be submitted.*
- 2. It is seen that CWC has visited Boys Care Home, Khadke on 22.06.2022 and 14.09.2022 and to the Girls Care Home, Khadke on 22.06.2022, 14.09.2022, 15.12.2022, 16.02.2023, 01.03.2023, 25.03.2023 and 01.04.2023, however, there is no entry regarding the visits to Boys Care Home and it is noticed that frequent visits were made to Girls Care Home than Boys Care Home, hence explanation be submitted as to what was the exact intention behind this.*
- 3. Whether the CWC has submitted report about lapses noticed during their time to time visits, to the District Office and Higher Office? Report along with necessary documents be submitted.*
- 4. Submit information about what action has been taken by the CWC in respect of atrocities and beating to the children, noticed during the aforesaid visits to the institution.*
- 5. It is emerged during the complaint registered by the Police that the children admitted in the child care home have been sexually exploited during the period from August 2022 to June, 2023 and you have visited the institution during the said period and thereafter as per your orders, on 23.06.2023 the*

girls have been admitted to Child Care Home, Jalgaon, still you have brought the said incident to notice on 25.07.2023, why there is delay in respect of the said matter. Submit explanation about the same.

6. *Have you discussed with the admitted children during your visits to the institution? Whether the children have made complaints during discussion with them? In the said discussion had you noticed anything about the said matter?"*

7. The Petitioners submitted their respective individual replies on 2nd August, 2023. Similar notice was issued by the Deputy Commissioner (Child Development), Pune to which the Petitioners submitted their respective replies on 6th August, 2023. The CWC also replied to the letter dated 7th August, 2023 issued by the Maharashtra State Commission for Protection of Child Rights, Mumbai on 17th August, 2023, thereby providing developments in the matter.

8. Nitin Bhaskar Ingle, Rajesh Patil and Smt. Vaishali Vispute made complaints to Respondent No. 4- District Collector, against the CWC. Respondent No.4 constituted a 3 members Inquiry Committee, on 31st October, 2023, however, it was never informed to the Petitioners. On 8th January, 2024, the CWC submitted its detail replies to each of the show cause notice, thereby refuting the claims / allegations against them.

9. By the impugned notification dated 25th January, 2024, issued by Respondent No.1, under clause (i) of sub section (7) of section 27 of the Juvenile Justice (Care and Protection of Children) Act, the appointments of the Petitioners were terminated. The Petitioners are aggrieved by the said notification.

10. Heard learned Advocate for the Petitioners and learned AGP for the Respondents – State. Perused the record.

11. By relying on *"Managing Director ECIL, Hyderabad and Others V/s B. Karunakar and Others"* (1993) 4 SCC 727, learned Advocate for the Petitioners strenuously contended that the inquiry report was not made available to the Petitioners and on that ground alone the impugned notification is liable to be quashed and set aside. He submits that the impugned notification is issued in utter disregard to the principles of natural justice and, therefore, the same is liable to be quashed and set aside.

12. Per contra, learned AGP, by relying on the affidavit in reply filed on record, supported the impugned notification. She submits that proper opportunity of hearing was given to the Petitioners before issuing the impugned notification. Hence,

there is no merit in the Petitions and the same are liable to be dismissed.

13. It is a matter of record that before issuing the impugned notification show cause notices were issued to the Petitioners, from time to time, calling upon them to submit their replies, in respect of the allegations made against them. The record reveals that as per the JJ Act, though the Petitioners were expected to visit Khadke Girls Home for 22 times in 11 months during the period between August, 2022 and June, 2023, however, they have visited the said institution only 4 to 5 times. It further appears that the victims of the sexual exploitation have informed the CWC Members / Petitioners about the sexual exploitation faced by them, however, neither proper cognizance was taken by the Petitioners nor any action is initiated against the accused persons. Most importantly, the Petitioners did not care to see that the accused person, who was staying in the said institution should not stay there. Some of the victims have stated that when they tried to disclose about their sexual exploitation, one of the Petitioners told them that he knows the facts even before the same were disclosed, however, these facts should not be disclosed to anybody and promise was given that the accused would be sent to jail. The incidents of sexual exploitation of the

children are of very serious nature, however, the Petitioners were totally insensitive to the same and have not taken any action in that behalf.

14. Since the inquiry report is prepared on the basis of the record and explanation of the Petitioners were called on each and every aspect and those are considered by the inquiry committee, we find no merit in the contention of the Petitioners that since copy of the inquiry report was not made available to them, there is violation of principles of natural justice.

15. Taking into consideration the serious allegations and the lapses committed by the Petitioners in respect of the children, it is clear that the Petitioners have failed in their duty to take appropriate action. The Petitioners did not care to visit the Khadke Child Care Home, in accordance with the rules. It is clear from the record that the Petitioners have failed in their duty as CWC Members. In this view of the matter the action taken against the Petitioners is just and proper. We are, therefore, not inclined to accept the submission of the Petitioners that the impugned notification is issued in violation of principles of natural justice. We are of the view that fair opportunity was extended to the Petitioners before issuing the impugned notification and, therefore, the notification is not liable to be

interfered with.

16. In "***Managing Director ECIL***" (*supra*), it is held that :

"29. Hence it has to be held that when the enquiry officer is not the disciplinary authority, the delinquent employee has a right to receive a copy of the enquiry officer's report before the disciplinary authority arrives at its conclusions with regard to the guilt or innocence of the employee with regard to the charges levelled against him. That right is a part of the employee's right to defend himself against the charges levelled against him. A denial of the enquiry officer's report before the disciplinary authority takes its decision on the charges, is a denial of reasonable opportunity to the employee to prove his innocence and is a breach of the principles of natural justice"

17. There cannot be any dispute about the above ratio, however, in the facts of the present case, we are of the view that the impugned notification is issued after following the principles of natural justice and after giving fair and reasonable opportunity to the Petitioners. Hence, the said decision is of no help to the case of the Petitioners.

18. For the aforestated reasons, we find no merit in the Petitions and the Petitions are therefore, dismissed.

[VAISHALI PATIL-JADHAV]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE