

ITEM NO.29

COURT NO.9

SECTION IX

**S U P R E M E C O U R T O F I N D I A**  
**R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (C) No(s). 33352/2017

(Arising out of impugned final judgment and order dated 05-05-2017 in WP No. 6579/2015 passed by the High Court Of Judicature At Bombay At Aurangabad)

**BALVIKAS SANSTHA CHALAK AND KARMACHARI  
SANGHATANA MAHARASHTRA STATE**

**Petitioner(s)**

**VERSUS**

**THE STATE OF MAHARASHTRA & ORS.**

**Respondent(s)**

**(FOR CONDONATION OF DELAY IN FILING ON IA 119382/2017 FOR EXEMPTION FROM FILING O.T. ON IA 119384/2017, IA No. 119383/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**WITH**

**Diary No(s). 17938/2017 (IX)**

**(FOR ADMISSION and I.R. and IA No.124359/2017-CONDONATION OF DELAY IN FILING and IA No.124361/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.124362/2017-EXEMPTION FROM FILING O.T. and IA No.124360/2017-CONDONATION OF DELAY IN REFILING)**

**Date : 15-07-2019 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI**

**For Petitioner(s)**

**Mr. B.H. Marlapalle, Sr. Adv.  
Mr. Shirish K. Deshpande, AOR  
Mr. Mohit Gautam, Adv.  
Mr. Agit Wagh, Adv.  
Mr. Apporv Shukla, Adv.**

**For Respondent(s)**

**Mr. Nishant Ramakantrao Katneshwarkar, AOR  
Mr. Anoop Kandari, Adv.**

**UPON hearing the counsel the Court made the following  
O R D E R**

Delay condoned.

Heard learned counsel for the parties.

These Special Leave Petitions take exception to the judgments dated 02.03.2017 and 05.05.2017 disposing of the Writ Petition Nos.11245/16 and 6579/2015 respectively, filed by the petitioner-association to assail the order passed by the appropriate authority withdrawing registration of the concerned institute - members of the petitioner-association.

It is not in dispute that registration was granted to the concerned institute in terms of circular dated 17.06.2015 issued by the State Government; and the action of withdrawal of that registration is also under that dispensation.

Indubitably, the Juvenile Justice (Care and Protection of Children), Act 2015 (hereinafter referred to as "the Act") has come into force w.e.f. 15.01.2016. As a result of which, the institutes covered under the Act are obliged to fulfil the mandatory provisions of the said Act and the rules framed thereunder.

Be that as it may, in the first place, the Writ Petition(s), by an association of the aggrieved institutes, ought not to have been entertained by the High Court. For, each institute was obliged to pursue remedy before the appropriate authority or the High Court, as may be permissible in law. Each institute has had a separate cause of action and its claim may also involve different factual matrix to justify the action taken against it.

We are of the view that as the 2015 Act has come into force, it would be open to the concerned institute or members of the petitioner-association to pursue remedy before the authority, by making fresh application for grant of registration under the Act and the rules framed thereunder. Such applications be considered on its own merits and in accordance with law, uninfluenced by any observation in the inspection report which was the basis of action taken against the concerned institute and despite the fact that the report was part of the record before the High Court.

Needless to observe that the proposed application for grant of fresh registration will have to be scrutinized by the appropriate authority in strict compliance with the provisions of the Act and the rules made thereunder without any exception.

As regards the grievance of the petitioner(s) that grants have not been released by the Department despite the direction given by the High Court in that regard, it will be open to the concerned institute to make representation to the competent authority. That be considered by the authority as per the entitlement and eligibility of the concerned applicant, expeditiously, and not later than three months from the date of its receipt.

Besides this, nothing more is required to be said in these Special Leave Petitions. The Special Leave Petitions are disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)