

IN THE HIGH COURT OF DELHI AT NEW DELHI

Urgent

Dasti

No. 30505-W /DHC/WRITS/D-4/2019

Dated 21-12-19 NDOH 06.02.2020

From

The Registrar General
Delhi High Court
New Delhi.

To

1. Department of Women and Child Development, Govt. of NCT of Delhi, (Through the Secretary), Sewa Kutir Complex, Kingsway Camp, Delhi – 110009.
2. The Deputy Director, Child Protection Unit, Department of Women and Child Development, Govt. of NCT of Delhi, Sewa Kutir Complex, Kingsway Camp, Delhi – 110009.
3. The Director, Women and Child Development, Department of Women and Child Development, Govt. of NCT of Delhi, Sewa Kutir Complex, Kingsway Camp, Delhi – 110009.
4. Government of NCT of Delhi, Through the Secretary (DSW & DWCD), GLNS Complex, Delhi Gate, New Delhi – 110001.

CIVIL MISC. PETITION NO. 53468/2019

AND

WRIT PETITION (CIVIL) NO. 13118/2019

Dr. K. C. Virmani & Ors.

Vs.

Department of Women and Child Development & Ors.

....Petitioner/s

....Respondent/s

Sir,

I am directed to forward herewith for information and immediate compliance/necessary action a copy of order dated 18.12.2019 passed by Hon'ble Mr. Justice Navin Chawla of this Court in the above noted case along with a copy of Memo. of Parties.

Please acknowledge receipt.

Yours faithfully

for [Signature]
20/12/19

Admn. Officer Judl(Writs)
for Registrar General

20.12.2019

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRAORDINARY CIVIL WRIT JURISDICTION)

W.P. (C) NO. 13118 OF 2019

IN THE MATTER OF:

Dr. K.C. Virmani & Ors. ... Petitioners

VERSUS

Department of Women and Child Development,
Govt of NCT of Delhi & Ors. ... Respondents

MEMO OF PARTIES

1. Dr. K.C. Virmani
Chairperson, CWC-III
R/o E-26 First Floor
Satyawati Nagar
Ashok Vihar Phase-3
Delhi-110052 ... Petitioner No. 1
2. Mrs. Sangeeta Goyal
Member, CWC-VII
R/o 56, National Media Centre
Shankar Chowk, NH-8, Gurgaon ... Petitioner No. 2
3. Mrs. Deeba Naseem
Member, CWC-VI
R/o 121, Vidya Vihar
West Enclave, Pitampura
Delhi – 110034 ... Petitioner No. 3
4. Dr. Deepti Dutt Sharma
Member, CWC-V

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R/o I-104, Sethi Max Royal
Sector 76, NOIDA – 201301

... Petitioner No. 4

5. Mrs. Swati Roy Prasad
Member, CWC-II
R/o 262, 2nd Floor
Krishan Kunj Colony
Preet Vihar, Delhi

... Petitioner No. 5

6. Mrs. Ruchi Jain
Member, CWC-VII
R/o 190, 2nd Floor, GH1
Sanskriti Apartments, Sector 28
Rohini, Delhi – 110042

... Petitioner No. 6

7. Mrs. Swati Garg
Member, CWC-I
R/o D-13A/7, Model Town – 111
Delhi – 110009

... Petitioner No. 7

Versus

1. Department of Women and Child Development
Govt. of NCT of Delhi
(Through the Secretary)
Sewa Kutir Complex, Kingsway Camp
Delhi – 110 009

...Respondent No. 1

2. The Deputy Director
Child Protection Unit
Department of Women and Child Development
Govt. of NCT of Delhi
Sewa Kutir Complex, Kingsway Camp
Delhi – 110 009

...Respondent No. 2

3. The Director

Women and Child Development
Department of Women and Child Development
Govt. of NCT of Delhi
Sewa Kutir Complex, Kingsway Camp
Delhi - 110 009


...Respondent No. 3

4. Government of NCT of Delhi
Through the Secretary (DSW & DWCD)
GLNS Complex, Delhi Gate
New Delhi - 110001

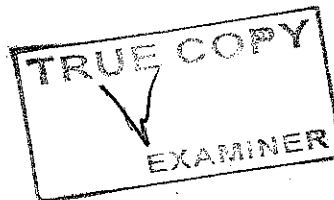
...Respondent No. 4

THROUGH:

Kochhar & Co.


Krishna Vijay Singh / Ankur Khandelwal/
Nachiketa Goyal
Advocates for the Petitioners
11th Floor, Tower-A
DLF Towers Jasola,
Jasola District Center
New Delhi - 110 025

Date : December 11, 2019
Place : New Delhi



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 13118/2019 & CM No.53468/2019
DR KC VIRMANI & ORS Petitioners
Through: Mr.Krishna Vijay Singh, Mr.Ankur
Khandelwal, Mr.N.Goyal, Advs.

versus

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT OF NCT OF DELHI & ORS Respondents
Through: Mr.Sanjoy Ghose, ASC, GNCTD with
Ms.Urvi Mohan, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **18.12.2019**

Issue notice. Notice is accepted by Mr.Sanjoy Ghose, Advocate on behalf of the respondents. He prays for and is granted two weeks time to file the counter affidavit. Rejoinder, if any, be filed within two weeks thereafter.

The present petition challenges the office order dated 05.12.2019, whereby the petitioners have been transferred from one Child Welfare Committee to another.

The learned counsel for the petitioners submits that the petitioners were appointed to a particular Child Welfare Committee by way of Notification issued by the by the Lieutenant Governor in exercise of powers under Section 27(1) read with Section 2(59) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act').

Relying upon Section 27(7) of the Act, the learned counsel for

Date.....
Signatur

the petitioner submits that the appellant or any Member of the Committee can be terminated by the State Government only on making an inquiry and for the circumstances mentioned in the said sub-section. In the present case, however, the respondents by the Impugned Office Order are not only changing the effect of the Notification but also removing the petitioners from the Child Welfare Committee(s) for which the petitioners were appointed, thereby acting contrary to Section 27(7) of the Act.

On the other hand, the learned counsel for the respondents has placed reliance on the Rule 93 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 to submit that in case any officers/institutions/statutory body fails to comply with the provisions of the Act and the Rules framed thereunder, the State Government is empowered to take action against such officer/institution/statutory body after due inquiry and simultaneously make alternate arrangements for discharge of functions for effective implementation of the Act. He submits that the Impugned Order has been passed for making alternate arrangements only.

The learned counsel for the respondents, however, admits that presently no Show Cause Notice has been issued to the petitioners and therefore, no enquiry can be said to be pending against the petitioners.

In view of the above, the implementation of the Impugned Order dated 05.12.2019 shall remain stayed till the next date of hearing. However, this order shall not bar the respondents to act in accordance with law, if they so desire.

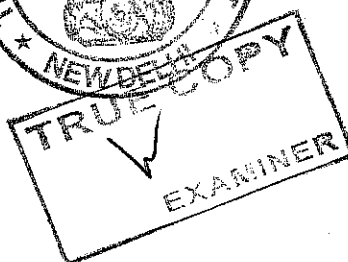
List on 6th February, 2020.

Dasti.

DECEMBER 18, 2019
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[Signature]
NAVIN CHAWLA, J



Signature