



\$~34

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

+ W.P.(C) 6040/2024

NATIONAL CHILD DEVELOPMENT COUNCIL..... Petitioner

Through: Ms. Aanchal and Mr. Robin Raju,
Advocates

versus

GNCTD & ORS.

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing
Counsel for GNCTD with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam, Mr. Mohnish
Sehrawat, Advocates for R-1
Mr. Prateek K. Chadha and Mr.
Sreekar Aechuri, Advocates for R-2
Mr. Ravi Prakash CGSC with Mr Ali
Khan, Mr Ayushman Kishore and Ms
Astu Khandelwal, Advocates for R-3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **30.04.2024**

1. Present public interest petition has been filed seeking issuance of directions to Respondent no. 1 (GNCTD) to expeditiously fill the vacant posts of Chairperson and Members in Respondent no. 2 (Delhi Commission for Protection of Child Rights) within a fixed time period.
2. Learned counsel for the Petitioner states that Respondent no.2 Commission has been functioning without a chairperson since 2nd July,



2023. He states that keeping the post vacant for so long is a violation of clause 8(2) of the Delhi Commission for Protection of Child Rights Rules which stipulates that a vacancy caused by death, resignation or any other reason shall be filled up by nomination within ninety (90) days from the date of occurrence of such vacancy.

3. He emphasises that Respondent no. 2, Commission is the statutory watchdog of Respondent no.1 on matters of child rights and has played a pivotal role in monitoring child rights, reviewing safeguards, inquiring into violations and advising the government on policy formulation and amendments.

4. Mrs. Ahlawat, who appears on advance notice, has handed over extracts of the relevant official file, which show that a proposal had been mooted for appointment of Chairperson and Members by the concerned officials on 21st July, 2023. By virtue of the said office note, permission was sought for inviting applications for Members through open advertisement. The said file was marked to the Hon'ble Minister, WCD, by the Secretary on 1st August, 2023. However, the concerned Minister of WCD wrote a note on 27th March, 2024 stating that since the Model Code of Conduct is now in force, such an advertisement cannot be issued. The extracts of the file are taken on record.

5. As to what happened between 1st August, 2023 and 27th March, 2024, is not apparent from the file. However, Mrs. Ahlawat states that the said file was pending with the concerned Minister for a decision.

6. She points out that the Hon'ble Lieutenant Governor has made an interim arrangement by nominating the Secretary, Social Welfare, as Chairperson of Delhi Commission for Protection of Child Rights vide



circular dated 12th March, 2024.

7. Issue notice. Mrs. Avnish Ahlawat, Standing Counsel for GNCTD, Respondent No. 1, Mr. Prateek K. Chadha, Advocate for Respondent No. 2 and Mr. Ravi Prakash, CGSC for Respondent No. 3 accepts notice. They pray for some time to obtain instructions. List on 16th July, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

APRIL 30, 2024/rhc