

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**WP(C) No. 1101/2024
Cm No. 3016/2024**

Foundation World School

...Appellant(s)/Petitioner(s)

Through: Mr. S.N.Ratanpuri, Adv.

Vs.

Government of JK and Ors.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.

**ORDER
24.05.2024**

The petitioner, an Educational Institution, is aggrieved of an Order dated 2nd May, 2024, passed by the Child Welfare Committee ('the Committee'), Srinagar, whereby the Committee has, on the complaint of father of minor, taken cognizance and directed the Director School Education, Kashmir, and District Magistrate, Srinagar, to take appropriate legal action in accordance with the relevant laws against the petitioner's school and one another school for unlawful expelling of child and denying her education for the last one and a half years.

The impugned order of the committee is challenged, primarily, on the ground that the minor child i.e., respondent no. 4 does not fall within the definition of "child in need of care and protection" as defined under Section 2 (14) of the Juvenile Justice (Care and Protection of Children) Act. 2015, (for short 'the Act of 2015') and therefore, the Committee does not have any power to entertain a complaint and pass a direction as has been done vide order impugned. Attention of this Court is also invited to Section 29 of the Act, which confers jurisdiction on the Committee to take cognizance and dispose of the cases for care, protection, treatment, development and rehabilitation of children in need of care and protection.

Heard learned counsel for the petitioner and perused the material on record.

Notice to the respondents in the main petition as also in CM, returnable within four weeks.

Requisite steps for service of respondents within one week.

List again 2nd August, 2024.

In the meanwhile, subject to objections and till next date of hearing before the Bench, there shall be stay of the effect and operation of the impugned order passed by the Committee.

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

24.05.2024

"Shamim Dar"