

S. No. 16

Regular Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 2467/2023

CM(2476/2024)

CM(5842/2023)

CM(6877/2023)

CM(7301/2023)

M/S OASIS CHILD DEVELOPMENT CENTRE

...Appellant/Petitioner(s)

Through: Mr. Aatir Kawoosa, Adv.

Vs.

UNION TERRITORY OF J AND K AND ORS.

...Respondent(s)

Through: Ms. Nadiya Abdullah, Adv. vice
Mr. Mohsin Qadiri, Sr. AAG
Mr. Nisar Ah. Bhat, Adv.

CORAM:

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

23.05.2025

1. In pursuant to the order passed by this court dated 04.04.2025, learned counsel for the petitioner has filed an application which has been registered as CM No. 3139/2025 for seeking permission of this court to place on record certain documents.
2. None appears for the petitioner.
3. Await appearance.
4. For the reasons stated in the application, the same is allowed. The documents accompanying the said application are taken on record with all just exceptions.
5. Application bearing CM No. 3139 is allowed.

WP(C) No. 2467/2023:

None appears for the petitioner.
Ms. Nadiya Abdullah, Adv. vice

1. Learned counsel appearing on behalf of respondent No. 8 submits that the petitioner is running Creche, at Hakeem Bagh, Rawalpora since March, 2022 in a residential locality which is causing inconvenience to the public at large and that too without any valid permission and according to Mr. Nisar Ah. Bhat, learned counsel, this aspect of the matter has also been admitted by the learned counsel for the official respondents 1 and 6 while filing their detailed reply, wherein the respondents have admitted that the proposal of all eligible NGOs has been submitted to the Administrative Department Social Welfare for onward submission to the Ministry and, as such, no Creche has been established by the Mission Poshan J&K and the Creche in question has not submitted any proposal to the concerned department.
2. In addition, the respondents have further submitted that even the Director School Education has not granted any recognition for running the said Creche located at Hakeem Bagh, Rawalpora and on the other hand the Creche in question is running without the requisite permission/NOC from the concerned department like SMC, Fire & Emergency, R&B, Traffic and Pollution Control Board.
3. The further stand of the respondents is that as per the report of the Director School Education, Pre-primary schools i.e., Pre-nursery, Nursery and KG need to register with the Education Department for which Chief Education Officer of the district is competent to

grant registration for classes up to 5th within his area of jurisdiction subject to fulfilment of the requisite formalities as per J&K Education Rules as amended from time to time.

4. The averment of the petitioner to that extent is that there is no need of departmental permission which has been specifically denied by the respondents.
5. Heard in part.
6. Accordingly, learned counsel for the private respondents submits that the petition is liable to be dismissed.
7. Mr. Aatir Kawoosa, learned counsel for the petitioner was not available when the case was taken up. However, Mr. Aatir Kawoosa, learned counsel appears at this stage and it will be appropriate to hear him as well.
8. List this matter for continuation of arguments on 31st May, 2025.
9. Interim direction, if any, to continue till next date of hearing before the Bench.

(WASIM SADIQ NARGAL)
JUDGE

SRINAGAR
23.05.2025
Sakeena