

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

**[N. MUNINARAYANASWAMY AND OTHERS VS. STATE
GOVERNMENT OF KARNATAKA AND OTHERS]**

09.02.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

Ms. Jayna Kothari, the learned Senior Counsel for the petitioners who are the members of the Child Welfare Committee and who are served with the impugned order dated 17.01.2026 [Annexure-G] keeping them under suspension in exercise of powers under Rule 15 (4-D) of Juvenile Justice [Care and Protection of Children] Model Rules 2016, is heard on the petitioners' merits with such decision. The learned Senior Counsel submits that if the members of a Committee are to be kept under suspension, it would be incumbent upon the authority to commence an inquiry because it is to be completed within two months and the Government should decide on the outcome of the enquiry within the next 30 days but no decision is taken in this regard.

2. The learned Senior Counsel also points out that an alternative arrangement has not been provided for. This is apart from the grievance canvassed by the learned Senior Counsel that the petitioners could not have been kept under suspension without a show cause notice, especially in the present facts and circumstances of the case.

3. After Ms. Jayna Kothari is heard in the forenoon session, Mrs Saritha Kulkarni, the learned Additional Government Advocate, is called upon to secure instructions on the alternative arrangement. A copy of the order dated 09.02.2026, which must be signed after the hearing in forenoon session, is placed on record, and Kolar District, CWC is given the additional charge. However, the learned Additional Government Advocate, who is instructed in person by Mr.Vijaya Kumar N [*a Senior Assistant Director, Directorate of Child Protection*], cannot definitely say whether the enquiry as is contemplated under Section 27(7) of the Juvenile Justice [Care and Protection of Children] Act, 2015 and the Rules are commenced.

4. If this Court at this stage must opine that if the allegations on the counter allegations present a perspective

so do the failure to appoint an alternative immediately and commence enquiry. These must receive the attention of the Principal Secretary, Department of Women and Child Development Empowerment of Differently Abled and Senior Citizens *lest* it be that the children, whose interests must be paramount, are made to suffer. As such, the Registry is directed to furnish a certified copy of this order to the chambers of Mrs.Saritha Kulkarni, who shall secure instructions on the enquiry that is contemplated from the officer, who would hold such enquiry. It is also observed that the Principal Secretary shall consider the efficacy of continuing the Kolar District, CWC as an in-charge arrangement.

Reserving liberty to the petitioners to seek interim orders on the next date of hearing, the office is directed to re-list this petition on **11.02.2026**.

(B M SHYAM PRASAD)
JUDGE