



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

SPECIAL APPEAL NO. 348 of 2026

17 August, 2026

Union of India and others

-----Appellants

Versus

Sandeep Joshi

----Respondent

Presence:-

Mr. Piyush Tiwari, learned Counsel for the Union of India.

Mr. Shailendra Nauriyal, learned counsel for the respondent.

JUDGMENT: (per Mr. Manoj Kumar Gupta C. J.)

1. The present Intra Court is against the order of learned Single Judge dated 08.07.2026, in Writ Petition (S/S) No. 1676 of 2026, whereby the Writ Court has granted an interim order in favour of non-appellant (writ petitioner) directing the appellants to permit the writ petitioner to join as Agniveer provisionally.

2. The admitted facts of the case are that the writ petitioner participated in the recruitment drive for Agniveer (General Duty) held by appellant no. 2. He was duly selected and was issued a joining letter. When he went for joining at Lansdown on 29.06.2026, he was not given joining on the ground that a criminal case under Sections 147, 323, 504 and 506 IPC, was registered



against him at Police Station (Patwari Circle) Bullard Chakrata, District Dehradun, and he was facing trial for the aforesaid offences.

3. The case of the petitioner before the writ court was that at the time of lodging of FIR on 19.06.2021, the petitioner was a Juvenile and was entitled to benefit of Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which provides that *“a child, who has committed an offence and has been dealt with under the Act shall not suffer any disqualification attached with a conviction under any other law”*. The learned Single Judge finding the said provision to be applicable, issued the impugned direction to the appellants to permit the writ petitioner to join provisionally.

4. Learned counsel for the appellant submitted that even if involvement of the writ petitioner in the criminal offence would not attract disqualification in view of Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the writ petitioner had concealed the fact relating to pendency of criminal case against him and this aspect was not considered by the learned Single Judge.

5. On the other hand, learned counsel appearing



on behalf of the petitioner contended that in the criminal case, a Final Report was submitted on 26.03.2025, and consequently, the petitioner stated in his application form that he was not involved in any criminal case. However, when he received summons in the said case for the first time in the month of March, he himself submitted an affidavit on 08.06.2026, disclosing the fact relating to the pendency of the criminal case. He accordingly submits that it is not a case of deliberate suppression of any material fact or misstatement.

6. The rival contentions, whether there was suppression of any relevant fact or misstatement is still to be examined by the writ-court. If any opinion is expressed on the said aspect, it would affect the decision of case on merits, by the learned Single Judge.

7. Therefore, we refrain from expressing any opinion on the said aspect and dispose of the instant appeal giving liberty to the appellants to request the learned Single judge for early hearing of the writ petition. We further provide that, in case, any such application is filed before the learned Single Judge, the matter may be heard and decided expeditiously.



8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 17.08.2026
KKS/