

**CWP No. 5722-2014(O&M)**

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**229 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP No. 5722-2014(O&M)**

**Date of decision : 13.07.2015**

**Birbal Singh**

**..... Petitioner**

**versus**

**Union of India and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

**\*\*\***

Present: Mr. Rajeev Anand , Advocate for the petitioner.  
Mr.Vivek Singla, Senior Panel Counsel for UOI.

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**AJAY TEWARI, J. (Oral)**

The petitioner was appointed as a Constable in the Central Reserve Police Force(CRPF). In the Verification Roll he has mentioned that he has never been accused in a criminal case. However, it later transpired that when he was nine years old in the year 1997, he was made a co-accused in a dowry case relating to his elder brother in FIR No. 143/97, under Sections 498-A, 304-B IPC and Section 3/4 of the Dowry Prohibition Act.

It is not disputed that he may have been made an accused in that case. Be that as it may, he was acquitted on 20.06.2003 vide judgment (Annexure P-14). Having attained majority he applied for the instant job and was selected but has now been dismissed from service on the ground that he did not disclose this fact in his Verification Roll.

Learned counsel for the petitioner has argued that an identical situation arose in **CWP No. 25639 of 2012, Alok Singh Yadav v. Union of India and others decided on 02.04.2014**. In that case also a person who had been an accused of a crime as a minor was dismissed from service by the CRPF authorities on the ground that he had not disclosed the fact that he was an accused in a criminal case in his Verification Roll. In that case this Court, by relying upon a judgment of the Hon'ble Supreme Court in **Commissioner of Police and others v. Sandeep Kumar** reported as **2011(4) SCC 644**, allowed the writ petition. **LPA No. 1739 of 2014, Union of India and others v. Alok Singh Yadav** was also dismissed by a Division Bench of this Court on 27.10.2014. The Division Bench, apart from relying on the reasons given by the learned Single Judge, also relied upon Section 19 of the Juvenile Justice(Care and Protection of Children)Act, 2000 and dismissed the Letters Patent Appeal. Learned Standing Counsel for Union of India states that in the case of Alok Singh Yadav v. Union of India and others(supra), Special Leave Petition has been filed. However, on asking what order has been passed thereon, he has also fairly stated that the said case has not come up for hearing.

In the circumstances being bound by the decision of the Decision Bench, this writ petition is allowed in the same terms as in CWP No. 25639 of 2012, Alok Singh Yadav v. Union of India and others decided on 02.04.2014.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

**(AJAY TEWARI)**  
**JUDGE**

**July 13 , 2015**

**sunita**