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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

**Decided on: 07.10.2015**

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**W.P.(C) 8212/2015**

AMIT

..... Petitioner

Through: Mr Ajay Veer Singh Jain, Ms Divya  
Garg, Mr R.K. Verma and Mr Uarun Rathi, Advs.

versus

UOI AND ORS.

..... Respondents

Through: Mr J.K. Singh, Standing Counsel for  
Railways

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**MR. JUSTICE S. RAVINDRA BHAT (OPEN COURT)**

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1. The petitioner's grievance is that his candidature to the Railway Protection Special Force (RPSF) was wrongly rejected on the basis that he did not report details of an FIR that pertained to a time when he was still a minor. He complains that the termination of his employment during period of training is unsustainable and arbitrary.

2. The brief facts are that the petitioner was selected by the Railway Protection Special Force for the post of Constable and received a call for joining training on 05.10.2014. He reported for duties. He accordingly joined the RPSF and was sent for training. On 19.06.2015, he was discharged/terminated from employment upon allegations that according to

the police verification report, he was accused of offences punishable under Section 148/149/323/506 IPC. The First Information Report (FIR) was lodged on 24.03.2009 which eventually culminated in his exoneration on 24.02.2011. It was further alleged that this information was withheld from the authority.

3. The petitioner's representation was unsuccessful and his appeal was rejected on 19.06.2015. It is contended by the petitioner that at that time when he alleged offence occurred on 24.03.2009, he was a juvenile and was not even 17 years of age. In this connection, it is emphasized that the petitioner's date of birth as 12.05.1992 was not disputed. In these circumstances, the contention that he was a juvenile on the date of the offence is undeniable. Elaborating on this, learned counsel urged that proceedings by regular Criminal Court pursuant to prosecution by the police were a nullity. Learned counsel relies upon Section 19 of Juvenile Justice (Care and Protection) Act, 2000 in this regard. Counsel for the respondent, on the other hand, urges that the Criminal Court's judgment acquitting the petitioner has not been placed on record and that in any event he withheld the necessary information which entitled the employer from disqualifying him from his candidature.

4. The factual narration is established that on the date of the alleged offence, i.e., 24.03.2009, the petitioner was two months short of 17 years. The provisions of Juvenile Justice (Care and Protection) Act, 2000 unambiguously mandate that all criminal charges against individuals—deemed “juveniles conflict with law” are to be initiated and decided by authorities constituted under the enactment, i.e., Juvenile Justice Board. In the absence of such procedure, the conviction or acquittal recorded by an

ordinary Criminal Court would have no effect. Even otherwise, even if conviction was recorded by the Juvenile Justice Board by virtue of Section 19, any disability attracted by such order would be effaced. Indeed, by Section 19 (2), the Juvenile Justice Board is mandated to remove the record of conviction itself after a period of time. We also notice that Section 21 of the Juvenile Justice Act prohibits publication of the name of a juvenile in conflict with the law. The obvious intent of Section 19 and Section 21 is to protect persons from the adverse consequences of their actions during an age of immaturity. Requiring a person to disclose details of an “offence” alleged to have been committed by him when he was a minor goes against both the letter and spirit of the law. The petitioner need not have disclosed information concerning allegations pertaining to his childhood, while applying for public employment. Consequently, the action of the respondents cannot be sustained.

5. In the light of the above discussion, the impugned order dated 19.06.2015 terminating the order is hereby quashed. The respondents are directed to reinstate him in the services with all consequential benefits.

**S. RAVINDRA BHAT**  
**(JUDGE)**

**DEEPA SHARMA**  
**(JUDGE)**

**OCTOBER 07, 2015**  
**BG**