

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 15374 of 2012 (O&M)
Date of Decision: 07.03.2018**

Tarlochan Puri

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Nikhil Anand, Advocate
for the petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Petitioner (Tarlochan Puri) was selected for enrolment as Constable under the Backward Class Category for District Police, SAS Nagar (Mohali), pursuant to the open recruitment undertaken by the Punjab Police in the year 2011. He was, however, not permitted to join in the light of his conviction and sentence for five years in case FIR No. 66 dated 17.12.2004 for offences under Sections 307, 323, 324, 34, Indian Penal Code vide judgment dated 11.06.2009 passed by learned Additional Sessions Judge, Mohali. However, in the criminal appeal decided on 08.09.2015, it was acknowledged for the first time that on the date of commission of the alleged crime, the petitioner was below 18 years of age (petitioner's date of birth is 20.04.1987) and, therefore, entitled to the benefit of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (in short 'The Juvenile Act, 2000'), whereby it is provided that any conviction and sentence of a juvenile would not incur any

disqualification.

The petitioner had initially filed a Civil Writ Petition bearing *CWP No. 9327 of 2012*, seeking enrolment as Constable, and the said writ petition was disposed of vide order dated 17.05.2012 (**Annexure P-4**) with a direction to the competent authority to pass a speaking order on the relief claimed by the petitioner. The consequent speaking order dated 26.06.2012 (**Annexure P-5**), denying him such enrolment based on the conviction and sentence, has been impugned in the present writ petition.

At the time of hearing, learned State counsel has filed an affidavit dated 05.03.2018 of Sh. Kuldeep Singh Chahal, Senior Superintendent of Police, SAS Nagar (Mohali), wherein it is stated that upon reconsideration of the issue in the light of provisions of the Section 19 of 'The Juvenile Act, 2000/2015', the petitioner has been appointed as Constable w.e.f. 02.03.2018.

Learned counsel for the petitioner submits that no doubt the fresh offer of appointment has been issued and accepted, however, his date of enrolment as Constable with effect from the date his junior was enrolled as Constable in District Police, SAS Nagar (Mohali) be atleast considered for the limited purpose of having a prior right of being deputed undertaking of the B-I Test, therefore, the cause of the petitioner should not be made to suffer on account of the illegal action of the respondents.

The limited prayer is reasonable and, therefore, is accepted.

In view of the above, the present writ petition is **disposed of as infructuous**, however, is accepted as the provisions of Section 19 of 'The Juvenile Act, 2000/2015' existed since the date of the commission of crime,

as also at the time of his initial selection in the year 2011. The petitioner

was not guilty of any delay as he had immediately approached before this Court by filing the aforesaid writ petition bearing *CWP No. 9327 of 2012*. Therefore, it is directed that the petitioner shall be entitled to the benefit of being placed above the Constable, who was lower in merit at the time of selection in the year 2011 in District Police, SAS Nagar (Mohali), for the limited purpose of being deputing him for B-I Test henceforth.

Since the main case has been decided, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any.

March 07, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>