



W.A.(MD)No.426 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.426 of 2024

R.Sabarish

... Appellant

Vs.

1.The Director,
Tamil Nadu Fire and Rescue Services Department,
No.17, Rukmani Lakshmipathy Salai,
Chennai - 600 008.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai - 08.

3.The Chairman/Member,
Recruitment Sub Committee,
Thoothukudi Centre,
Thoothukudi District.

4.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.19161 of 2019 dated 08.04.2022 on the file of this Court.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.A.Kannan,
Addl. Government Pleader for R1.
Mr.T.Amjadkhan,
Government Advocate for R2 & R3.
Mr.T.Senthilkumar,
Addl. Public Prosecutor for R4.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant is an aspirant for the post of Fireman. He participated in the recruitment process held during the year 2017 – 2018. Even though he was successful in all the tests, he was disqualified on the ground that he failed to disclose his conviction in a criminal case. Challenging the disqualification, the appellant filed W.P.(MD)No.19161 of 2019. The learned Single Judge vide order dated 08.04.2024



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dismissed the writ petition on the ground that suppression on the part of a candidate aspiring for a post in the uniformed force cannot be viewed lightly. Aggrieved by the dismissal of the writ petition, this writ appeal has been filed.

3.The appellant was admittedly born on 23.03.1998. He was convicted only for an offence under Section 75 of the Tamil Nadu City Police Act and fined Rs.750/- (obviously, the appellant must have been found to have been causing some kind of nuisance). But then, this conviction was on 07.10.2015. During the relevant time, the appellant was a minor. Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015 states that a child shall not suffer disqualification, if any, attached to a conviction of an offence. No doubt, the said provision will apply if the child has been dealt with under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015. The protective shield will not be available if the child had been found to be in conflict with law under the clause (i) of sub-section (i) of Section 19. There could be cases where a juvenile who does not come under the aforementioned excepted category but who has been dealt with by the



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regular court either by mistake or by oversight because the plea of juvenility was no taken. We hold that the benefit conferred by Section 24(1) shall be extended even to such cases. When law confers the right to be forgotten by providing that records pertaining to such juveniles should not be available in public domain, the appellant cannot be faulted for not having made the disclosure. The appellant was dealt by the jurisdictional Magistrate because he did not claim juvenility during the relevant point of time. Even before the Writ Court, this was not the case projected by the appellant. But this ground can be taken at any point of time (vide *AIR 2025 SC 787 (Om Prakash @ Israel @ Raju @ Raju Das Vs. Union of India)*).

4.In this view of the matter, the order impugned in the writ petition as well as the order impugned in the writ appeal are set aside. The learned counsel for the appellant on instructions states that the appellant foregoes the claim for backwages. The first respondent is directed to issue appointment order in favour of the appellant as expeditiously as possible in any event, within a period of three months. The appellant can claim monetary benefits from the date when he reports for duty. His seniority also will be reckoned from the said date.



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WEB COPY 5.The writ appeal is allowed. No costs.

**(G.R.S. J.,) & (K.R.S. J.,)
30.07.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias/SKM



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