



2026:AHC:166333

**HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 31992 of 2006**

No. 035023656 Ct Recruit Chandreshwar
Prasad Yadav

.....Petitioner(s)

Versus

The Director General C.R.P.F. Lodi Road
New Delhi And Ors.

.....Respondent(s)

Counsel for Petitioner(s)	:
Counsel for Respondent(s)	:

Court No. - 34
(SN.1)

HON'BLE ANISH KUMAR GUPTA, J.

Order on Civil Misc. Delay Condonation Application No. 360304 of 2015 and Civil Misc. Recall/Restoration Application No. 360306 of 2015

1. Heard Sri Shyam Saran Srivastava, learned counsel for the petitioner-applicant and Sri Ravi Prakash Singh, learned counsel for the respondents.
2. The instant Restoration Application has been filed by the petitioner-applicant as the petition was *dismissed as infructuous* as counsel for the petitioner could not appear on 28.04.2014.
3. Learned counsel for the applicant submits the previous counsel, namely Colonel Ashok Kumar, who was appearing for the petitioner-applicant, had shifted his practice to Armed Forces Tribunal, Lucknow, after his engagement in the instant case. In such view of the matter, nobody could appear on behalf of the petitioner on 28.04.2014 and since the petitioner was not aware about the said order and once the petitioner came to inquire about the case, it was transpired that the Colonel Ashok Kumar, who was the counsel for the petitioner, has already shifted his practice. In such view of the matter, immediately thereafter, the instant Restoration Application along with Condonation of Delay Application was filed.

4. In such view of the matter, the delay in filing the Restoration Application is **condoned**. Delay Condonation application is **allowed**.

5. As already noted above, cause shown for non-appearance of counsel for the petitioner on 28.04.2014 is sufficient. In such view of the matter, the instant Restoration Application is also **allowed**.

6. The writ petition is restored to its original number.

Order on Writ Petition

1. On the oral request made by learned counsel for the petitioner, he is permitted to amend the prayers so as to challenge the notice dated 23.06.2004 as well as the order of termination dated 05.08.2004, whereby the services of the petitioner were terminated w.e.f. 30.07.2004 as well as the order passed by the Appellate Authority.

2. The instant writ petition has been filed with the following prayers:

"(i) To, Issue a Writ, order or direction in the nature of Mandamus commanding the Respondent No.1 to treat the Petition as having continue, in uniform with all the consequential benefits to the petition.

(ii) To issue a Writ of certiorari summoning the records of impugned Rejection order of IG-P CRPF dated 27 Feb 2006, and Cryptic Rejection Order of the Revision Petition by order dated 27 April 2006, and quash the same, with all the consequential benefits to the petitioner as well as the order's dated 23.06.2004, 30.07.2004, 27.02.2006 and 27.04.2006 be granted. "

3. The briefly stated facts of the case are that the petitioner was recruited as Constable (General Duty), CRPF Group Centre Allahabad, on 10.06.2003. The date of birth of the petitioner was 05.07.1984. After his recruitment at Group Centre Allahabad, the petitioner was sent for training at Group Centre Hyderabad and then to RTC- IV (J&K) Srinagar in a temporary service and during the character verification of the petitioner, on the basis of a report received from the District Magistrate, Azamgarh, it was

transpired a criminal case being Case Crime No. 186A of 2001 under Sections 427, 323, 504 and 506 I.P.C. was lodged against the petitioner. It is also noticed by the Authorities that the petitioner has not disclosed about the said criminal case in his character verification form. Pursuant thereto, vide order dated 05.08.2004, the services of the petitioner were terminated w.e.f. 30.07.2004 after giving notice to the petitioner in terms of Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965 and on expiry of the notice period, the services of the petitioner were terminated w.e.f. 30.07.2004.

4. Being aggrieved by the termination of the petitioner, the petitioner has preferred an appeal before the Director General, Central Reserve Force, 10th CGO Complex, Lodhi Road, New Delhi on 01.04.2005. The said appeal of the petitioner was also dismissed vide order dated 27.02.2006.

5. Thereafter, the petitioner has preferred a statutory revision under Rule 29 of the CCS Police Force Rules, 1955. In the revision petition, the petitioner has categorically stated in para 2(k) as well as para 5 that he has already been acquitted / discharged from the aforesaid case and the copy of the judgment dated 28.02.2005 was also annexed along with the revision petition. However, the Revisional Authority has dismissed the revision petition vide impugned order dated 27.04.2006 and in the said impugned order the Revisional Authority has not at all considered the aforesaid contention of the petitioner that the petitioner was acquitted vide order dated 28.02.2005 nor the impact of the said acquittal has been considered by the Revisional Authority and the revision was dismissed. Being aggrieved, the instant writ petition has been filed by the petitioner.

6. Learned counsel for the petitioner submits at the time of the registration of the FIR against the petitioner on 15.09.2001, for the incident dated 03.09.2001, the petitioner herein was a minor / juvenile. Consequently, in terms of the Section 19 and 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000 as well as Rule 21 of Juvenile Justice (Care and Protection of Children) Rules, 2007, the pendency of criminal case against a juvenile is of no consequence for his employment in public service and on the basis thereof, his recruitment cannot be cancelled and even the pendency of the criminal case against the

juvenile would not be treated as disqualification for the purpose of recruitment as the juvenile records cannot be seen with regard to such candidate after he has become major and has been recruited in service.

7. In this regard, learned counsel for the petitioner has relied upon the judgment of Division Bench of this Court in ***Shivam Maurya v. State of U.P., 2020 SCC OnLine All 2152***, the judgment of the Apex Court in ***Umesh Chandra Yadav vs. The Inspector General and Chief Security Commissioner, R.P.F., Northern Railways, New Delhi (Civil Appeal No. 1964 of 2022, arising out of SLP (Civil) No(s). 871 of 2017)*** dated 02.03.2022, the judgments of Coordinate Benches of this Court in ***Abhishek Kumar Yadav vs. Union of India and Others : [2022 (6) ADJ 564]***, judgment of this Court in ***Rahul Modi vs. State of U.P. and Others (Writ A No. 7151 of 2011)***, dated 17.08.2021 and judgment of this Court in ***Sandeep Yadav vs. State of U.P. (Writ A No. 1282 of 2019)***, dated 06.10.2021 and the judgment of this Court in ***Ajay Kumar Sharma vs. State of U.P. and 3 Others (Writ A No. 5173 of 2019)***. The judgment of ***Shivam Maurya (supra)*** has been further followed in ***Devesh Chand vs. State of U.P. (Writ A No. 589 of 2022)*** dated 07.05.2022.

8. *Per contra*, Sri Ravi Prakash Singh, learned counsel for the respondents submits that since the impugned order has been passed by the authorities at Hyderabad, in such view of the matter, this Court do not have jurisdiction to entertain the instant petition and he has further submitted that it is the case of the concealment and non-disclosure of a criminal case and in terms of the verification form itself, which categorically intimated the petitioner that in case there is a non-disclosure or concealment, his appointment shall be cancelled and despite that the petitioner has concealed the relevant information. In such view of the matter, learned counsel for the respondent seeks dismissal of the instant petition.

9. Learned counsel for the respondent further submits that the petition has not challenged the notice of termination of service or the order passed by the appellate authority or the termination order passed by the authority concerned, he has challenged only the order passed by the Revisional Authority.

10. Learned counsel for the respondents has further submitted

that since recruitment of the petitioner was temporary till his confirmation and accordingly, after due notice in terms of the CCS Rules 1965, his services have been terminated. Therefore, after following the due procedure as provided in 1965 Rules, therefore there is no illegality in the termination order against the petitioner. In such view of the matter, counsel for the respondent has prayed for dismissal of the instant petition.

11. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the record of the case.

12. From the record, it is apparent and admitted to the parties that at the time of the registration of the FIR on 15.09.2001, the petitioner was a minor, thus was a juvenile and the recruitment of the petitioner had taken place at Group Center Allahabad and thereafter, he was sent for training at Hyderabad and then to Jammu and Kashmir and the notice for termination of service was issued by DIG Police Group Center, CRPF, Hyderabad on 23.06.2004 and thereafter, vide order dated 05.08.2004, the services of the petitioners were terminated w.e.f. 30.07.2004 and thereafter, the appeal filed by the petitioner were also dismissed on 27.02.2006 and the revision filed by the petitioner was dismissed on 27.04.2006. The sole ground on the basis of which the services of the petitioner were terminated is non-disclosure/concealment of the factum with regard to the pendency of the criminal case against the petitioner.

13. Section 19 of the Juvenile Justice Act 2000 provides for removal of disqualification attached to the conviction of the petitioner. Further, Section 21 of the Juvenile Justice Act, 2000 provides regarding the prohibition of the publication of the name of the juvenile and Rule 99 of Juvenile Justice Protection of Children Rules 2007, specifically provides for maintaining the record upto seven years and the same be destroyed after 7 years. Thus, in ***Shivam Maurya*** (*supra*), relying upon the aforesaid provisions of the Juvenile Justice Act, 2000, the Division Bench of this Court has held as under:

"14. The said Act is a beneficial legislation. The principles of such beneficial legislation are to be applied only for the purpose of interpretation of this statute. The concealment of the pendency of criminal

case against the appellant-petitioner was of no consequence. As per the requirement of law a conviction in an offence will not be treated as a disqualification for a juvenile. The records of the case pertaining to his involvement in a criminal matter are to be obliterated after a specified period of time. The intention of the legislature is clear that insofar as juveniles are concerned their criminal records is not to stand in their way in their lives. The cancellation of the candidature of the appellant-petitioner was thus bad. The authority concerned failed to appreciate the fact that the appellant-petitioner was entitled to benefit of the provisions of Act of 2000. The cancellation of the candidature of the petitioner goes contrary to the object sought to be achieved by the Act of 2000. Section 19 of the Act of 2000 protects a juvenile and any stigma attached to his conviction is also removed. The Act of 2000 does not envisage incarceration of a juvenile which clearly shows that the intention and object was not to shut the doors of a disciplined and decent civilised life. It provides him an opportunity to mend his life for the future.

15. We thus hold that the authority concerned fell in complete error in not extending the benefit of Act of 2000 to the appellant-petitioner particularly when there are specific provisions provided therein to take care of a juvenile being implicated, tried and/or convicted in a criminal matter. We thus extend the benefit provided under Section 19 of the Act of 2000 to the appellant-petitioner."

14. The said judgment has been followed by this Court in ***The Union of India and 5 Others vs. Upendra Chauhan (Special Appeal Defective No. 332 of 2019)***, dated 16.04.2019 and the aforesaid judgments have been repeatedly followed by the Coordinate Bench of this Court. Further, in ***Avtar Singh vs. Union of India and Others : (2016) 8 SCC 471***, the Apex Court has laid down the following guidelines in case of non-disclosure of criminal case at the time of recruitment and impact thereof on such recruitment. Paragraphs '24', '36' and '38' of the said

judgment are relevant to be taken note of:

"24. In *Commr. of Police v. Sandeep Kumar* [*Commr. of Police v. Sandeep Kumar*, (2011) 4 SCC 644 : (2011) 2 SCC (Cri) 426 : (2011) 1 SCC (L&S) 734] , this Court considered a case where Sandeep Kumar's candidature for the post of Constable was cancelled on the ground that he had concealed his involvement in the criminal case under Sections 325/34 IPC when he was about 20 years. In para 9, this Court took note of the character "Jean Valjean" in Victor Hugo's novel *Les Miserables* in which for committing a minor offence of stealing a loaf of bread for his hungry family, Jean Valjean was branded as a thief for whole life. This Court also referred to the decision in *Morris v. Crown Office* [*Morris v. Crown Office*, (1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] . Relevant portion is extracted hereunder : (*Sandeep Kumar case* [*Commr. of Police v. Sandeep Kumar*, (2011) 4 SCC 644 : (2011) 2 SCC (Cri) 426 : (2011) 1 SCC (L&S) 734] , SCC pp. 645-47, paras 8-12)

"8. We respectfully agree with the Delhi High Court [*Sandeep Kumar v. Commr. of Police*, 2006 SCC OnLine Del 836 : (2006) 90 DRJ 707] that the cancellation of his candidature was illegal, but we wish to give our own opinion in the matter. When the incident happened, the respondent must have been about 20 years of age. At that age young people often commit indiscretions, and such indiscretions can often be condoned. After all, youth will be youth. They are not expected to behave in as mature a manner as older people. Hence, our approach should be to condone minor indiscretions made by young people rather than to brand them as criminals for the rest of their lives.

9. In this connection, we may refer to the character "Jean Valjean" in Victor Hugo's novel *Les Miserables*, in which for committing a minor offence of stealing a loaf of bread for his hungry family Jean Valjean was branded as a thief for his whole life. The modern approach should be to reform a person instead of branding him as a criminal all his life.

10. We may also here refer to the case of Welsh students mentioned by Lord Denning in his book *Due Process of Law*. It appears that some students of Wales were very enthusiastic

about the Welsh language and they were upset because the radio programmes were being broadcast in the English language and not in Welsh. They came up to London and invaded the High Court. They were found guilty of contempt of court and sentenced to prison for three months by the High Court Judge. They filed an appeal before the Court of Appeals. Allowing the appeal, Lord Denning observed [Morris v. Crown Office, (1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] :

‘I come now to Mr Watkin Powell’s third point. He says that the sentences were excessive. I do not think they were excessive, at the time they were given and in the circumstances then existing. Here was a deliberate interference with the course of justice in a case which was no concern of theirs. It was necessary for the Judge to show—and to show to all students everywhere—that this kind of thing cannot be tolerated. Let students demonstrate, if they please, for the causes in which they believe. Let them make their protests as they will. But they must do it by lawful means and not by unlawful. If they strike at the course of justice in this land—and I speak both for England and Wales—they strike at the roots of society itself, and they bring down that which protects them. It is only by the maintenance of law and order that they are privileged to be students and to study and live in peace. So let them support the law and not strike it down.

But now what is to be done? The law has been vindicated by the sentences which the Judge passed on Wednesday of last week. He has shown that law and order must be maintained, and will be maintained. But on this appeal, things are changed. These students here no longer defy the law. They have appealed to this Court and shown respect for it. They have already served a week in prison. I do not think it necessary to keep them inside it any longer. These young people are no ordinary criminals. There is no violence, dishonesty or vice in them. On the contrary, there was much that we should applaud. They wish to do all they can to preserve the Welsh language. Well may they be proud of it. It is the language of the bards—of the poets and the singers—more melodious by far than our rough English tongue. On high authority, it should be equal in Wales with

English. They have done wrong—very wrong—in going to the extreme they did. But, that having been shown, I think we can, and should, show mercy on them. We should permit them to go back to their studies, to their parents and continue the good course which they have so wrongly disturbed.’ (Vide Morris v. Crown Office [Morris v. Crown Office, (1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] , QB at p. 125C-H.)

In our opinion, we should display the same wisdom as displayed by Lord Denning.

11. *As already observed above, youth often commits indiscretions, which are often condoned.*

12. *It is true that in the application form the respondent did not mention that he was involved in a criminal case under Sections 325/34 IPC. Probably he did not mention this out of fear that if he did so he would automatically be disqualified. At any event, it was not such a serious offence like murder, dacoity or rape, and hence a more lenient view should be taken in the matter.”*

This Court has observed that suppression related to a case when the age of Sandeep Kumar was about 20 years. He was young and at such age people often commit indiscretions and such indiscretions may often be condoned. The modern approach should be to reform a person instead of branding him a criminal all his life. In Morris v. Crown Office [Morris v. Crown Office, (1970) 2 QB 114 : (1970) 2 WLR 792 (CA)] , the observations made were that young people are no ordinary criminals. There is no violence, dishonesty or vice in them. They were trying to preserve the Welsh language. Though they have done wrong but we must show mercy on them and they were permitted to go back to their studies, to their parents and continue the good course.

36. *What yardstick is to be applied has to depend upon the nature of post, higher post would involve more rigorous criteria for all services, not only to uniformed service. For lower posts which are not sensitive, nature of duties, impact of suppression on suitability has to be considered by authorities concerned considering post/nature of duties/services and power has to be exercised on due*

consideration of various aspects.

38. We have noticed various decisions and tried to explain and reconcile them as far as possible. In view of the aforesaid discussion, we summarise our conclusion thus:

38.1. Information given to the employer by a candidate as to conviction, acquittal or arrest, or pendency of a criminal case, whether before or after entering into service must be true and there should be no suppression or false mention of required information.

*38.2. While passing order of termination of services or cancellation of candidature for giving false information, **the employer may take notice of special circumstances of the case, if any, while giving such information.***

38.3. The employer shall take into consideration the government orders/instructions/rules, applicable to the employee, at the time of taking the decision.

38.4. In case there is suppression or false information of involvement in a criminal case where conviction or acquittal had already been recorded before filling of the application/verification form and such fact later comes to knowledge of employer, any of the following recourses appropriate to the case may be adopted:

*38.4.1. In a case trivial in nature in which conviction had been recorded, such as shouting slogans at young age or for a petty offence which if disclosed would not have rendered an incumbent unfit for post in question, **the employer may, in its discretion, ignore such suppression of fact or false information by condoning the lapse.***

38.4.2. Where conviction has been recorded in case which is not trivial in nature, employer may cancel candidature or terminate services of the employee.

38.4.3. If acquittal had already been recorded in a case involving moral turpitude or offence of heinous/serious nature, on technical ground and it is not a case of clean acquittal, or benefit of reasonable doubt has been given, the employer may consider all relevant facts available as to antecedents, and may take appropriate decision as to the continuance of the employee.

38.5. In a case where the employee has made declaration truthfully of a concluded criminal case, the employer still has the right to consider antecedents, and cannot be compelled to appoint the candidate.

38.6. In case when fact has been truthfully declared in character verification form regarding pendency of a criminal case of trivial nature, employer, in facts and circumstances of the case, in its discretion, may appoint the candidate subject to decision of such case.

38.7. In a case of deliberate suppression of fact with respect to multiple pending cases such false information by itself will assume significance and an employer may pass appropriate order cancelling candidature or terminating services as appointment of a person against whom multiple criminal cases were pending may not be proper.

38.8. If criminal case was pending but not known to the candidate at the time of filling the form, still it may have adverse impact and the appointing authority would take decision after considering the seriousness of the crime.

38.9. In case the employee is confirmed in service, holding departmental enquiry would be necessary before passing order of termination/removal or dismissal on the ground of suppression or submitting false information in verification form.

38.10. For determining suppression or false information attestation/verification form has to be

specific, not vague. Only such information which was required to be specifically mentioned has to be disclosed. If information not asked for but is relevant comes to knowledge of the employer the same can be considered in an objective manner while addressing the question of fitness. However, in such cases action cannot be taken on basis of suppression or submitting false information as to a fact which was not even asked for.

38.11. Before a person is held guilty of suppressio veri or suggestio falsi, knowledge of the fact must be attributable to him."

15. Likewise, in ***Union of India and Others vs. Methu Meda : (2022) 1 SCC 1***, the Apex Court has observed as under:

"13. The expression "honourable acquittal" has been considered in S. Samuthiram [State v. S. Samuthiram, (2013) 1 SCC 598 : (2013) 1 SCC (Cri) 566 : (2013) 1 SCC (L&S) 229] after considering the judgments in RBI v. Bhopal Singh Panchal [RBI v. Bhopal Singh Panchal, (1994) 1 SCC 541 : 1994 SCC (L&S) 594] and R.P. Kapur [R.P. Kapur v. Union of India, AIR 1964 SC 787] , Raghava Rajgopalachari [State of Assam v. Raghava Rajgopalachari, 1967 SCC OnLine SC 1 : (1972) 7 SLR 44] ; this Court observed that the standard of proof required for holding a person guilty by a criminal court and enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing guilt of the accused is on the prosecution, until proved beyond reasonable doubt. In case, the prosecution failed to take steps to examine crucial witnesses or the witnesses turned hostile, such acquittal would fall within the purview of giving benefit of doubt and the accused cannot be treated as honourably acquitted by the criminal court. While, in a case of departmental proceedings, the guilt may be proved on the basis of preponderance of probabilities, it is thus observed that acquittal giving benefit of doubt would not automatically lead to reinstatement of candidate unless the rules provide so.

14. Recently, this Court in *State (UT of Chandigarh) v. Pradeep Kumar [State (UT of Chandigarh) v. Pradeep*

Kumar, (2018) 1 SCC 797 : (2018) 1 SCC (Cri) 504 : (2018) 1 SCC (L&S) 149] , relying upon the judgment of S. Samuthiram [State v. S. Samuthiram, (2013) 1 SCC 598 : (2013) 1 SCC (Cri) 566 : (2013) 1 SCC (L&S) 229] said that acquittal in a criminal case is not conclusive of the suitability of the candidates on the post concerned. It is observed, acquittal or discharge of a person cannot always be inferred that he was falsely involved or he had no criminal antecedent. The said issue has further been considered in Mehar Singh [State v. Mehar Singh, (2013) 7 SCC 685 : (2013) 3 SCC (Cri) 669 : (2013) 2 SCC (L&S) 910] holding non-examination of key witnesses leading to acquittal is not honourable acquittal, in fact, it is by giving benefit of doubt. The Court said that nature of acquittal is necessary for core consideration. If acquittal is not honourable, the candidates are not suitable for government service and are to be avoided. The relevant factors and the nature of offence, extent of his involvement, propensity of such person to indulge in similar activities in future, are the relevant aspects for consideration by the Screening Committee, which is competent to decide all these issues.

15. In the present case, the charges were framed against the respondent for the offences punishable under Sections 347/327/323/506 Part II and 364-A IPC. He was acquitted after trial vide judgment dated 19-3-2010 by the Sessions Judge, Jhabua because the person kidnapped Nilesch and also his wife have not supported the case of prosecution. As per prosecution, the complainant was beaten by the respondent and the said fact found support from the evidence of the doctor. Therefore, it appears that the Committee was of the view that acquittal of the respondent, in the facts of the present case, cannot be termed as “honourable acquittal” and the said acquittal may be treated by giving benefit of doubt.

21. As discussed hereinabove, the law is well-settled. If a person is acquitted giving him the benefit of doubt, from the charge of an offence involving moral turpitude or because the witnesses turned hostile, it would not automatically entitle him for the employment, that too in disciplined force. The employer is having a right to consider his candidature in

terms of the circulars issued by the Screening Committee. The mere disclosure of the offences alleged and the result of the trial is not sufficient. In the said situation, the employer cannot be compelled to give appointment to the candidate. Both the Single Bench and the Division Bench of the High Court have not considered the said legal position, as discussed above in the orders [Union of India v. Methu Meda, 2013 SCC OnLine MP 10701] , [Methu Meda v. Union of India, Writ Petition No. 3897 of 2013, order dated 27-9-2013 (MP)] impugned. Therefore, the impugned orders passed by the learned Single Judge of the High Court in Methu Meda v. Union of India [Methu Meda v. Union of India, Writ Petition No. 3897 of 2013, order dated 27-9-2013 (MP)] and the Division Bench in Union of India v. Methu Meda [Union of India v. Methu Meda, 2013 SCC OnLine MP 10701] are not sustainable in law, as discussed hereinabove.

22. Accordingly, this appeal is hereby allowed and the impugned orders [Union of India v. Methu Meda, 2013 SCC OnLine MP 10701] , [Methu Meda v. Union of India, Writ Petition No. 3897 of 2013, order dated 27-9-2013 (MP)] are set aside. No order as to costs."

16. From the aforesaid judgements it is apparent that mere non-disclosure of pendency of criminal case for filling-up the verification form by candidates of tender age would not automatically disqualify him service and all the consequential attending circumstances are required to take note of by the employer before cancelling the appointment. In case where the candidate was a minor, thus, a juvenile at the time of registration of a criminal case even the conviction in such case would not attach any disqualification for public employment to such a juvenile after he became major. Further, the Authorities even if it came to knowledge of the employer at the subsequent stage that a criminal case was pending, the employer is under a bounden duty to inquire whether such pendency of such criminal case or conviction and acquittal in such case would attach any disqualification in terms of the policy or rules of the Government. Unless that determination is done, the employer should not hastily proceed to dismiss such candidates from service.

17. In such view of the matter, since at the time of the registration of the criminal case against the petitioner, the petitioner was a juvenile, therefore, the registration of the said case against the juvenile would not lead to any disqualification to a juvenile so

that he can lead a dignified life thereafter.

18. It is further pertinent to mention here that vide judgment and order dated 28.02.2005, passed by the Chief Judicial Magistrate, the petitioner has already been acquitted/discharged from the said criminal case, on the basis whereof the services of the petitioner were terminated and the said fact was brought to the notice by the petitioner before the Revisional Authority along with the copy of the judgment and the Revisional Authority has failed to consider the same and in such view of the matter, the order passed by the Revisional Authority, without considering the effect of acquittal and contention raised by the petitioner, cannot be sustained in law.

19. In such view of the matter, since the petitioner has already been acquitted and the aforesaid fact was brought to the notice of the Revisional Authority, still the Revisional Authority has not considered the said impact of the said acquittal of the petitioner. Even otherwise, even in case of the conviction of a juvenile in a criminal case, his conviction cannot be held to be a disqualification of such candidate in subsequent Government employments in view of Section 19 of the Juvenile Justice Act. Thus, due to the pendency, conviction or acquittal of a criminal case against the juvenile, that will not attract any disqualification so far as the Government employment is concerned.

20. In such view of the matter, the notice dated 23.06.2004, the termination order dated 05.08.2004 as well as the appellate order dated 27.02.2006 and order dated 27.04.2006 passed by the Revisional Authority, are hereby ***set-aside***. The appeal is ***allowed*** according. However, since the petitioner has not been able to work due to his termination and pendency of the said case before this Court for about 20 years, in such of the matter, he shall be entitled only for 25% of the back wages.

August 10, 2026
Shubham Arya

(Anish Kumar Gupta,J.)