



W.A.Nos.841 & 1035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 23.04.2025

PRONOUNCED ON : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A. Nos. 841 & 1035 of 2023

and

C.M.P. Nos. 8069 & 10338 of 2023

W.A.No.841 of 2023

M.Jaithirumal

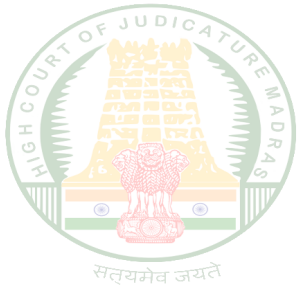
Vs.

... Appellant

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 18.

3.The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai – 18.



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4.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

... Respondents

W.A.No.1035 of 2023

V.Sangeetha

... Appellant

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The Superintendent of Police,
Vellore District, Vellore.

... Respondents

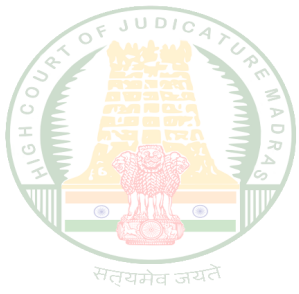
COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent against the orders dated 27.07.2022 in W.P.No.12269 of 2020 and dated 18.11.2022 in W.P.No.6789 of 2018 respectively.

For Appellants : Mr. R. Singaravelan, Senior Counsel for
Mr. M. Muruganatham in W.A.No.841 of 2023

Mr. P.I. Thirumoorthy in W.A.No.1035 of 2023

For Respondents : Mr. P. Kumaresan, Additional Advocate
General assisted by Mr. R. Kumaravel,
Additional Government Pleader in both cases.

COMMON JUDGMENT
(Delivered by Dr. A.D. Maria Clete, J)



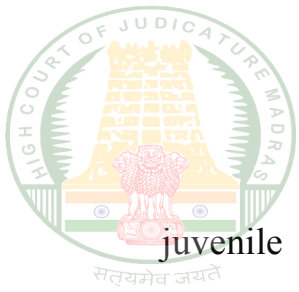
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These intra-court writ appeals arise from the orders passed by learned Single Judges in W.P. No. 12269 of 2020 and W.P. No. 6789 of 2018 respectively, whereby the writ petitions filed by the appellants seeking appointment to the post of Grade-II Police Constable were dismissed on the ground that they had suppressed material information concerning their involvement in criminal proceedings at the time of recruitment.

2.The appellants have approached this Court seeking to set aside the impugned orders and for consequential direction to the respondent authorities to appoint them to the post of Grade-II Police Constable, claiming that they were otherwise fully qualified and had successfully cleared all stages of the selection process including written test, physical efficiency test, and certificate verification.

3.In W.A. No. 841 of 2023, filed against the order dated 27.07.2022 passed in W.P No.12269 of 2020, the appellant was involved in Crime No. 17 of 2015 registered on 20.01.2015 under Sections 294(b), 324 (12 counts), 447, and 506(ii) IPC on the file of Krishnapuram Police Station. The appellant asserts that he was a



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juvenile aged 17 years on the date of the alleged offence i.e., on 20.01.2015.

However, the charge sheet filed by the investigating officer classified him as a major, and the case proceeded before the regular criminal court without an inquiry under the Juvenile Justice Act. He was tried as an adult and the appellant was acquitted by the Judicial Magistrate – II, Dharmapuri in C.C. No. 39 of 2018 arising out of Crime No. 17 of 2015.

4.In W.A. No. 1035 of 2023, filed against the order dated 18.11.2022 passed in W.P No.6789 of 2018, the appellant was born on 14.05.1999 and was admittedly a juvenile on the date of the offence which occurred on 29.11.2016. Crime No. 531 of 2016 was registered 02.12.2016 against her under Sections 294(b) and 324 IPC by Vellore Taluk Police Station and was pending before the Juvenile Justice Board, Vellore. The appellant was acquitted by the Juvenile Justice Board on 12.01.2018. However, his selection was rejected by order dated 26.10.2017 on the ground that he had failed to disclose the pendency of the said criminal case.

5.It is not in dispute that, as on the date of submission of the filled-in applications and verification forms, the said criminal cases were pending. It is



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further seen that in serial numbers 15, 16, and 18 of the verification forms, the appellants had answered in the negative, declaring that no criminal cases were pending against them. The respondent authorities treated these declarations as false and as amounting to suppression of material facts relating to criminal antecedents. Based on such suppression, the authorities concluded that the antecedents of the appellants were not satisfactory for appointment to a disciplined force. Accordingly, invoking Rule 14(b)(ii) & (iv) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, their selections were cancelled.

6.The principal contention urged in both appeals is that the appellants were juveniles at the time of the alleged offences and were either acquitted or honourably acquitted by the competent criminal forum. They rely upon the protective umbrella of Section 19 of The Juvenile Justice (Care and Protection of Children) Act, 2000 and Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

7.In W.A. No. 841 of 2023, the date of the alleged offence committed by the appellant is 20.01.2015. In W.A. No. 1035 of 2023, the alleged offence occurred on 29.11.2016. As regards the appellant in W.A. No. 842 of 2023, the case is



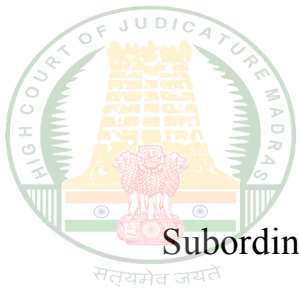
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governed by Section 19 of the Juvenile Justice (Care and Protection of Children)

Act, 2000. In the case of the appellant in W.A. No. 1035 of 2023, Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which came into force on 15.01.2016, is applicable.

8.The appellants contend that no disqualification can be attached to them, as their involvement in the criminal cases occurred during their juvenility. While conceding that the criminal cases were pending at the time of submission of the verification forms, the appellants seek to urge that such involvement, by virtue of their juvenile status and subsequent acquittal, ought not to have weighed against them. Although the vires of Rule 14(b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, has not been challenged, the appellants submit that their applications must be read down in light of the rehabilitative purpose underlying the Juvenile Justice Act.

9.These appeals bring into focus a recurring issue in police recruitment: whether a candidate's failure to disclose involvement in a criminal case—despite ultimate acquittal and even if the alleged offence occurred during juvenility—renders them disqualified under Rule 14(b) of the Tamil Nadu Special Police



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Subordinate Service Rules, 1978, and whether such suppression can be mitigated

by the rehabilitative shield of Section 19 of The Juvenile Justice (Care and Protection of Children) Act, 2000 and Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, which runs as follows:

“Section 19 of The Juvenile Justice (Care and Protection of Children) Act, 2000:

“19. Removal of disqualification attaching to conviction:-

(1) Notwithstanding anything contained in any other law, a juvenile who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such law.

(2) The Board shall make an order directing that the relevant records of such conviction shall be removed after the expiry of the period of appeal or a reasonable period as prescribed under the rules, as the case may be.”

“Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015:

24. Removal of disqualification on the findings of an offence.—

(1) Notwithstanding anything contained in any other law for the time being in force, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attached to a conviction of an offence under such law:

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children’s Court under clause (i) of sub-section (1) of section 19, the provisions of sub-section (1) shall not apply.

(2) The Board shall make an order directing the Police or by to the Children’s Court and its own registry that the relevant records of



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such conviction shall be destroyed after the expiry of the period of appeal or, as the case may be, a reasonable period as may be prescribed:

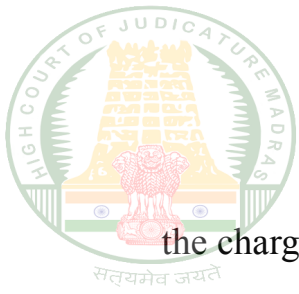
Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 19, the relevant records of conviction of such child shall be retained by the Children's Court.”

10.The issue now turns on the applicability of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000, and Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015. As the language of both provisions is substantially similar, a common Judgment is being passed.

11.To claim the benefit under Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000, or Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015, two conditions must be satisfied:

- (i) the person must have been a child / juvenile at the time of the alleged offence; and
- (ii) the person must have been dealt with under the Special Act i.e., Juvenile Justice (Care and Protection of Children) Act and not tried under any of the Act by regular trial.

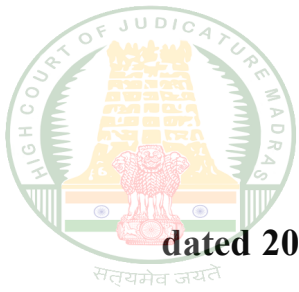
12.In W.A. No. 841 of 2023, the appellant contends that he was a juvenile aged 17 years when the criminal case was registered on 20.01.2015. However, in



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the charge sheet, he was shown as a major aged 19 years, and he was not treated as a juvenile in the original criminal proceedings. The trial was conducted before the regular Judicial Magistrate No. II, Dharmapuri, in C.C. No. 39 of 2018, which resulted in an acquittal on 15.04.2019. The plea of juvenility is now being raised in the writ proceedings based on the school leaving certificate and Aadhar card. It is well settled that the claim of juvenility can be raised at any stage, even after the disposal of the case. However, even assuming that the appellant was a juvenile at the time of the alleged offence, Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 would not apply in the present case, as the trial was not conducted under the provisions of the said Act. The protection against disqualification under Section 19 is available only where the juvenile has been dealt with under the Juvenile Justice Act.

13.Since the appellant is not entitled to invoke the benefit of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000, his failure to disclose the pendency of the criminal case amounts to suppression of material facts, warranting disqualification. As held by the Supreme Court in **The Director General of Police, Tamil Nadu v. J. Raghunees** [Civil Appeal No. 1183 of 2012,



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dated 20.10.2023], the appellant may be eligible for appointment but since he has

not disclosed the complete information with regard to his involvement in a criminal case, wherein he might have been acquitted earlier even before verification, he cannot escape the guilt of suppressing the material information as required by column 15 of the verification roll. Keeping in mind that the Respondent was a candidate for recruitment to a disciplined force, the non-disclosure of the information of his involvement in the criminal case and subsequent acquittal therefrom cast a serious doubt upon his character and the antecedents which is sufficient enough to disentitle him from employment. Thus there is no merit in the case in W.A. No. 841 of 2023.

14.Insofar as W.A. No. 1035 of 2023 is concerned, the appellant was a juvenile at the time of the alleged offence and was dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. The appellant was a minor at the time of submitting her application and was subsequently acquitted by the Juvenile Justice Board. She attained majority only at the time of appearing for the examination. The recruitment notification did not impose any bar on minors applying for the post. Although the cut-off date for determining



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eligibility was fixed as 01.07.2017, applications were invited in February 2017, and the appellant submitted her application in March 2017. Her date of birth being 14.05.1999, it is evident that she was still a minor on the date of application.

15.It is a well-established principle that no prejudicial consequence shall be visited upon a person for acts done while under legal incapacity due to minority. Accordingly, the appellant's non-disclosure of the pending criminal case—when she was still a minor—cannot be held against her so as to disentitle her from appointment, particularly after her acquittal by the competent Juvenile Justice Board.

16.The non-disclosure of a previous criminal case by a person who was dealt with under the Juvenile Justice (Care and Protection of Children) Act, 2015, cannot be treated as suppression of material fact so as to warrant disqualification.

In this regard, a Division Bench of this Court, in **Superintendent of Police v. S.**

Rajeshkumar, after analysing a catena of judgments, concluded as follows:

“31.....Therefore, if the Review is to be accepted, it amounts to ignoring the Parliamentary intent in enacting a progressive legislation whereby the Juvenile in conflict with law is permitted to join the mainstream without stigma. Rehabilitation and social re-



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integration of the Juvenile in conflict with law to join the mainstream are the main objects of the Act. If the State itself seeks to attach stigma, then the purpose of enacting the **Juvenile Justice (Care and Protection of Children) Act, 2015** will be defeated, which the Court of law will not accept. Therefore, grounds of Review do not hold good considering the age of the Respondent/Writ Appellant as Juvenile on the date of the alleged offence and Rule 14(b)(ii) & (iv) of Tamil Nadu Special Police Subordinate Service Rules cannot prevail over the Parliamentary enactment, benefiting a Juvenile in conflict with law. Therefore, the Review Application has to necessarily fail and hence, it is dismissed.”

17.This is a direct judgment wherein it has been held that the non-disclosure of a pending criminal case by an applicant who was dealt with before the Juvenile Justice Board does not amount to suppression of material fact and that Rule 14(b)(ii) and (iv) of the Tamil Nadu Special Police Subordinate Service Rules cannot override the provisions of the Parliamentary enactment, namely the Juvenile Justice (Care and Protection of Children) Act, which is intended to protect and rehabilitate juveniles in conflict with law.

18.Furthermore, the Supreme Court, in **Lokesh Kumar v. State of Chhattisgarh & Anr.**, held:

“10. A bare perusal of the statute reveals that the legislative design of Section 24 is emphatically protective in nature. By expressly stating that “a child ... shall not suffer disqualification, if any, attached to a



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conviction,” the provision carves out a unique sphere of immunity for individuals whose offences are adjudicated under the juvenile justice framework. This principle is rooted in the broader humanitarian object of the JJ Act, 2015- to rehabilitate and reintegrate juveniles into society, free from the stigma of their past conflicts with law.”

19.In the above circumstances, we are of the considered view that the order passed by the learned Single Judge in W.P. No. 6789 of 2018 warrants interference. The cases in W.A. No. 841 of 2023 and W.A. No. 1035 of 2023 are clearly distinguishable. As noted earlier, the benefit of Section 19 of the Juvenile Justice (Care and Protection of Children) Act, 2000 cannot be extended to the appellant in W.A. No. 841 of 2023, as he was not dealt with under the provisions of the said Act. In contrast, the benefit under Section 24 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is rightly available to the appellant in W.A. No. 1035 of 2023, who was dealt with under the said enactment.

20.For the reasons stated above, the order passed in W.P. No.12269 of 2020 is confirmed and, consequently, W.A. No. 841 of 2023 stands dismissed. The order passed in W.P. No.6789 of 218 is set aside, and accordingly, W.A. No. 1035 of



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2023 is allowed. There shall be no order as to costs. Consequently, the connected

miscellaneous petitions are closed.

(R.S.K., J) (A.D.M.C., J)

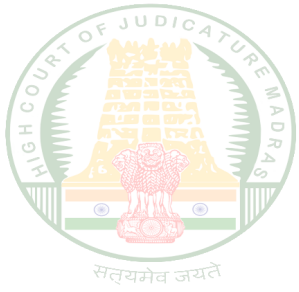
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Index : Yes/No

Neutral Citation: Yes / No

Speaking Order / Non-speaking Order



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R.SURESH KUMAR, J
and
DR. A.D. MARIA CLETE, J

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To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

2.The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
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Pre-Delivery Judgment made in
W.A. Nos. 841 & 1035 of 2023
and

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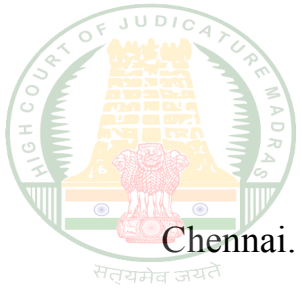
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4.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

5.The Superintendent of Police,
Vellore District, Vellore.

6.The Section Officer,
VR Section,
High Court of Madras,

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