



2025:CGHC:53518-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 785 of 2025

Prahlad Prasad Rathour S/o Bodhan Singh Aged About 40 Years R/o Village And Post Lalpur, Tahsil Pendra Road, District G.P.M., Chhattisgarh

... Appellant(s)

versus

1. State Of Chhattisgarh Through Secretary, Food, Civil Supplies And Consumer Protection Department, Mantralaya, Nava Raipur, District Raipur, Chhattisgarh
2. Directorate Of Food, Civil Supplies And Consumer Protection Department Through Director, Indravati Bhawan, Nava Raipur, District Raipur, Chhattisgarh

... Respondent(s)

For Appellant : Mr. Pankaj Singh, Advocate

For Respondents/ : Mr. Shashank Thakur, Dy. A.G.

State

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Bibhu Datta Guru, Judge

03.11.2025

1. The appellant/ writ petitioner has filed this writ appeal assailing the order dated 07.01.2025 passed by the learned Single Judge of this Court in WPS No.2823 of 2024, by which, the learned Single Judge has dismissed the petition filed by the writ petitioner.
2. The brief facts of the case is that the appellant/ writ petitioner was appointed on the post of Food Inspector (post reserved for Ex. Serviceman (General)) vide order dated 30.08.2018. Upon receipt of the order of appointment, he joined service. After receiving the police verification report, taking note of the provisions under Rule 6 of the Chhattisgarh Civil Services (General Conditions of Service) Rules, 1961 (hereinafter for brevity referred to as the Rules, 1961) and Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (hereinafter for brevity referred to as the Rules, 1966) he was terminated from service vide order dated 15.03.2024. Against which the appellant/ writ petitioner filled writ petition before the learned Single Judge. After hearing the parties the learned single bench vide order dated 07.01.2025 dismissed the writ petition.
3. In the order under challenge, the learned Single Judge has observed as under:-

“ 25. There is no ambiguity in the information as sought, but it has also been made clear in Para 12 and clauses mentioned therein. It appears that the

petitioner who was an Ex-serviceman has purposefully and with ill-intention had not disclosed the correct facts. According to the service rules applicable to the facts of the case, if the correct information of the involvement of the petitioner in criminal case and his acquittal or conviction would had disclosed, the appointing authority could have applied his mind based on the rules, circulars whether the offence/crime registered attracts moral turpitude or not and suitability of the petitioner for his appointment. At this stage, Court is not to consider the gravity of the offence registered against petitioner, but the act of deliberate attempt of not disclosing the correct fact in the verification Form. Hence, in the aforementioned facts of the case, even if, the petitioner has worked for a considerable period of about more than 05 years, equity does not lie in his favour.

26. For the foregoing discussions and considering the decisions of the Hon'ble Supreme Court and the guidelines issued, I do not find any error in decision making process of the respondent in terminating the services of the petitioner. Accordingly, the writ petition being sans merit, it is liable to be and is accordingly,

dismissed.

4. Learned counsel for the appellant submits that the action of the respondents in terminating the appellant from service is *per se* arbitrary and does not pass the test of Article 14 of the Constitution of India. He contended that prior to the issuance of the termination order dated 15.03.2024, no opportunity of hearing whatsoever was granted. Hence, the order of termination dated 15.03.2024 suffers from violation of principles of natural justice, the order of termination was issued after about 06 years of appointment. The order impugned, terminating the service of the petitioner was passed based on the police verification report, which is communication dated 02.05.2022 of the Inspector General of Police, Raipur wherein, it is reported that the character of the petitioner was found to be unfit and non-suitable for government service. Petitioner prior to submitting 'Form' and joining the State services was in Indian Navy and had an unblemished service record. He joined the State services after honorary discharge from the Indian Navy, through the open recruitment process for the post of Food Inspector. He was selected and appointed on the post, reserved for Ex-Serviceman.
5. He further contended that from the service records of Indian Navy and release certificate issued by the committee, character of the appellant was assessed as "Exemplary" during the entire period of

service with Indian Navy. Petitioner was assessed as “Very Good” and was also awarded ‘Good Conduct Badge’ for the years 2007, 2011, 2015. He submits that the police verification report was based on two criminal cases which were registered against the appellant when he was just a minor and that too, before joining of the Indian Navy service. The said offences are not heinous in nature. The aforementioned crime was registered on a trivial issue of dispute with the neighbor. Complaint is lodged not only against the appellant, but against the entire family members including his father and mother. According to learned counsel at the time of alleged incident the appellant was a Child in Conflict with Law (CCL) and as such he is entitled to the benefit of Section 24 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (henceforth the Act 2015), which removes all disqualifications attached to a conviction or criminal proceeding against a CCL.

6. He submits that as even after registration of the criminal cases, appellant has served in the Indian Navy for a period of about 15 years with the ACR assessment of “very good”. Case of the appellant ought to have been considered by the respondent authorities with leniency, even if the appellant, if for any reason, failed to furnish the details of criminal cases in which the appellant was acquitted in the year 2007, i.e. prior to submitting application ‘Form’ for recruitment on the post of Food Inspector. In support of his contention, he places reliance upon the decision in the cases

of *Avtar Singh Vs. Union of India & Ors. (2016) 8 SCC 471*,
Ravindra Kumar Vs. State of Uttar Pradesh & Ors. (2024) 5
SCC 264.

7. On the other hand, learned counsel for the Respondents/State vehemently opposes the submission of learned counsel for the appellant and would submit that the appellant indisputably was involved in criminal cases registered on 21.08.2002 for the offences punishable under Sections 323, 294 r/w. 34 of the Indian Penal Code, 1860. The said criminal case was compromised between the parties in the Lok Adalat vide order dated 23.09.2007. He submits that from the aforementioned facts, it is apparent that the appellant was charge sheeted and the charges were also framed against him. Copy of the RR Register which is filed along with the petition would show that the appellant was acquitted from the charges under Section 294, 341, 506 (Part II), 324/34 of the Indian Penal Code, 1860. The order of appointment in specific terms bears Clause III where it is clearly mentioned that if in the character verification, adverse comment is found, then the candidate will be terminated from the service, the appointment order is issued in anticipation of the character verification. The appellant has not disclosed the registration of criminal cases against him of which, he was charged for the offence and thereafter, acquitted from the charges by the Lok Adalat on the basis of compromise entered between the parties. Registration of

criminal case has not been disclosed in the verification 'Form' by the appellant and hence, the appellant has suppressed the material fact of registration of criminal case i.e. two FIRs were registered against the appellant and in both the FIRs, the criminal cases was culminated on the ground of compromise entered into between the parties which does not mean that the appellant is absolved from the liability of giving correct and fair information, to which, he was bound to give information as per the clauses of the verification form. It is the contention of learned counsel for respondent that the ground of not providing an opportunity of hearing before passing an order in the facts of the case would be futile exercise as there is admission on the part of the appellant that the facts mentioned are correct and therefore, it is also the contention that the offences for which, the appellant faced criminal trial attracts moral turpitude as he was not acquitted honorably by the Court and hence, no ground is made out by the petitioner for the relief(s) as sought for in the writ petition. In support of his contention, learned counsel for the Respondent/State places reliance upon the decision in the case of ***Satish Chandra Yadav Vs. Union of India & Ors. (2023) 7 SCC 536, Jainendra Singh Vs. State of Uttar Pradesh through Principal Secretary, Home and Ors. (2012) 8 SCC 748.***

8. We have heard learned counsel for the parties and also perused the documents appended with the writ appeal.

9. Having heard learned counsel for the parties and upon perusal of the material placed on record, this Court is of the considered view that the order of termination dated 15.03.2024, as well as the order passed by the learned Single Judge dated 07.01.2025, are unsustainable in law. It is an admitted position that the criminal cases referred to in the impugned order pertain to incidents of the year 2002, when the appellant was a minor, and that both cases culminated in acquittal or compromise before the Lok Adalat as early as in 2007, much prior to his joining the services of the State Government in 2018. Thus, on the date of submission of the verification form and appointment, there existed no subsisting criminal proceedings or disqualification against the appellant.
10. The reliance placed by the respondents on such stale and settled matters to declare the appellant's character "unfit" is wholly arbitrary and contrary to the settled law laid down by the **Hon'ble Supreme Court in *Avtar Singh v. Union of India* (2016) 8 SCC 471 and *Ravindra Kumar v. State of Uttar Pradesh* (2024) 5 SCC 264**, which categorically held that non-disclosure of trivial or long-concluded cases, especially those ending in acquittal, cannot be treated as suppression of material facts warranting termination. Furthermore, considering that the appellant was a CCL at the time of the alleged offences, he is entitled to the benefit of Section 24(1) of the Act 2015, which removes all disqualifications attached to a conviction or criminal proceeding against a CCL. The

appellant's unblemished record of fifteen years in the Indian Navy, where his conduct was rated as "Exemplary" and "Very Good," further reinforces his integrity and suitability for public service. The action of the respondents in terminating him without affording any opportunity of hearing is violative of the principles of natural justice and fails the test of fairness under Article 14 of the Constitution of India.

11. The appellant-petitioner at the time of alleged offence was a child. The word 'child' has been defined in Section 2 (12) of the Act, 2015. The same is extracted herein below:

2(12) "child" means a person who has not completed eighteen years of age;

12. Section 24 of the Act, 2015 speaks about removal of disqualification on the findings of an offence, which is quoted below:-

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 the Children's Court to its own registry that the relevant records of 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.

13. Since the appellant-petitioner was under the age of 18 at the time of alleged offence he had to be treated as a CCL. A "child in conflict with law" has also been defined under Section 2 (13) of the Act of 2015 The same reads as under:-

2(13) "child in conflict with law" means a child who is alleged or found to have committed an offence and who

has not completed eighteen years of age on the date of commission of such offence;

14. Section 24 of the Act of 2015 has been incorporated in order to give a CCL an opportunity to lead his life with no stigma and to wipe out the circumstances of his past. It thus provides that a CCL shall not suffer any disqualification attaching to conviction of an offence under such Act. A “CCL” on the date when the alleged offence has been committed is required to be dealt with under the Act, 2015 which declares that all criminal charges against individuals who are described as “CCL” be decided by the authorities constituted under the Act by the JJ Board. If a conviction is recorded by the JJ Board. Section 24(1) of the Act of 2015 specifically stipulates that CCL shall not suffer any disqualification attached to the conviction of an offence under such law. Further Section 24 (2) of the Act of 2015 contemplates that the Board must pass an order directing all the relevant records of such conviction to be removed after expiry of the period of appeal or reasons as prescribed under the rules as the case may be.
15. The High Court of Allahabad in the matter of **Shivam Maurya Vs. State of U.P. and Others (Spl. Appeal No.1136 of 2018 delivered on 10.4.2020)** has taken the same view.

16. In light of the foregoing discussion and applying the settled principle of law, this Court finds merit in the appeal. Accordingly, the writ appeal is **allowed**. The impugned order dated 07.01.2025 passed by the learned Single Judge, as well as the order of termination dated 15.03.2024, are **hereby quashed and set aside**. Consequences would follow.

SD/-
(Bibhu Datta Guru)
Judge

SD/-
(Ramesh Sinha)
Chief Justice

Head Note

Benefit of Section 24(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 to be given to a CCL (child in conflict with law), which removes all disqualifications attached to a conviction or criminal proceeding against him.