APHC010130992023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE 11th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 6561 OF 2023

Between:

1. SADHU KIRAN, s/o Munuswamy, Aged 36 years, R/o D.No.25-13-456, BV Nagar, NGO Colony, Nellore- 524001.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Rep. by its Principal Secretary, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District.

2. The Director General of Police, AP DGP Head Quarters, Mangalagiri, Guntur Urban District, Andhra Pradesh.

3. The Additional Director General of Police, Home Guards, Mangalagiri, Guntur District, Andhra Pradesh.

4. The Superintendent of Police, Nellore, SPS Nellore District.

5. The Deputy Superintendent of Police SCST CellI, Nellore

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased tomay be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 4th respondent in dismissing the petitioner from service as Home Guard vide

D.O.No.20/2019 in C.No.980/H1/2019 dated 03.12.2019, without issuing notice and without conducting proper inquiry and in not considering the representations of the petitioner dated 06.01.2023 and 14.02.2023, even after his honourable acquittal in C.C.No.3430/2019 by the V Additional Judicial Magistrate of I Class, Nellore as illegal, arbitrary, unjust, violative of principles of Natural Justice and unconstitutional and consequently direct the respondents to reinstate the petitioner into service as Home Guard in Nellore Unit and pass such

Counsel for the Petitioner: C SUBODH

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following order:

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ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services-I.

2. The writ petition is filed challenging the order of removal dated 03.12.2019 passed by the Superintendent of Police removing the petitioner from the post of Home Guard on the ground that he was involved in criminal case in Crime No.141 of 2019 under Section 356 & 382 IPC of Dargamitta Police Station.

3. Learned counsel for the petitioner submits that the respondents have not issued any Show-Cause-Notice nor conducted any enquiry and solely based on registration of FIR, petitioner was removed from the service. He further submits that in the criminal case, the petitioner was acquitted vide judgment dated 28.11.2022 in C.C.No.3430 of 2019. He also submits that issue is covered by the orders dated 15.07.2025 passed in W.P.No.23101 of 2021 & batch, wherein, this Court after considering the contentions therein, in elaboration had concluded as under:-

> "…..15. Despite the respondents having terminated the petitioners without adhering to due process and the Audi Alteram Partem doctrine, the justification or otherwise for the terminations remain to be examined after issuance appropriate show cause notices. There may be valid grounds for the discontinuation also.

> However, this Court in the light of the conclusions arrived at supra and the orders in W.P.No.35460 of 2013 & batch dated 08.06.2018 as also in the better interest of the petitioners / Home Guards opines that they shall attend and pass the physical fitness test to be conducted by the respondent authorities. Depending on the result in the physical fitness test, the deserving candidates shall be reinstated as Home Guards. Any such reinstatement, however, shall not confer benefit of any kind to the Home Guards / petitioners like seniority, back wages etc……"

4. In the above case, the orders of terminations were set-aside with a direction to the respondents to reinstate the petitioners therein, subject to passing of physical test and depending upon physical fitness.

5. Considering the facts and circumstances of the present case and also in view of the judgment referred to above, the order of termination dated 03.12.2019 is set aside. The respondent authorities are directed to consider the case of the petitioner for reinstatement, subject to physical fitness as directed in the above said W.P.No.23101 of 2021 & batch.

6. Accordingly, the writ petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

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BALAJI MEDAMALLI, J

Note: Copy of W.P.No. 23101 of 2021 & batch may be enclosed along with order
B/o.
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Dt. 11.08.2026

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