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ORDER:- (per Hon'ble Sri Justice G. Chandraiah)

The assertion of the petitioners-Government is that even though specific instructions were given in the Notification dated 19.03.2008 for recruitment to the posts of Stipendiary Cadet Trainee Police Constables in various cadres to the effect that suppression of material facts either in the application form or in the attestation form is a disqualification for selection / appointment to the posts by virtue of Rule 3(G)(i) of A.P. Police (Stipendiary Cadet Trainee) Rules, 1999 issued by the Government in G.O.Ms.No. 315, Home (Police-C) Department, dated 13.10.1999, the 1st respondent-applicant, while applying for the post of Stipendiary Cadet Trainee Police Constable (Civil), suppressed the fact that he was already involved in a criminal case and replied in the negative in the application form, as a result, his provisional selection for the post was cancelled by the Chairman, State Level Police Recruitment Board, vide orders dated 20.05.2009. Challenging these orders, the applicant filed O.A.No. 7343 of 2010, and the Andhra Pradesh Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), by order dated

23.11.2010, while admitting the O.A., gave interim direction that the petitioners-Government shall consider the case of the applicant to send him for training in the ensuing batch for the post he was provisionally selected. In pursuance of this order, the 1st respondent made a representation dated 04.12.2010 requesting the authorities to consider his case, but the 2nd petitioner-Chairman, by a speaking order dated 14.12.2010, considered and rejected the representation on the ground of disqualification for appointment. Now, the petitioners' grievance is that even though the applicant has violated the statutory rule as framed in G.O.Ms.No.315, dated 13.10.1999, the Tribunal, has erroneously allowed the O.A. by order dated 07.08.2013. Hence, the present writ petition is filed seeking to quash the impugned order.

The learned Government Pleader for Services appearing for the petitioners has submitted that in spite of the fact that the petitioners filed an application along with counter seeking to vacate the interim order of the Tribunal by reason of the fact that the 2nd petitioner, in compliance with the interim order dated 23.11.2010 passed by the Tribunal, has already considered the representation made by the applicant and passed appropriate orders thereon rejecting the representation, the order passed by the Tribunal disposing of the O.A. by making the interim orders absolute and observing that no further orders need be passed in the O.A., is not valid and cannot be

sustained.

Having regard to the facts and circumstances of the case and in view of the submissions made by the learned Government Pleader, we are not inclined to go into the merits of the case, but deem it appropriate to dispose of the writ petition with the following observation:

“It is left open to the 1st respondent-applicant to question the validity of the order dated 14.12.2010 passed by the 2nd petitioner – Chairman, if he is so advised.”

With the above observation, this writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

G. CHANDRAIAH, J

29.01.2016

U.DURGA PRASAD

RAO,J

bcj