

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.6155 of 2016

ORDER:

Challenge in this writ petition is to the Memo dated 12.02.2016 of the Government of Telangana through its Home (Legal) Department, whereby the request of the petitioner for extension of his parole was rejected.

Perusal of the impugned Memo demonstrates that the Principal Secretary to the Government, Home (Legal) Department, Government of Telangana, relied upon the earlier rejection under Government Memo dated 13.08.2015. In fact, there is no independent consideration of the petitioner's application dated 01.02.2016 for extension of his parole and the rejection is based solely upon the earlier rejection order dated 13.08.2015. However, the Government Memo dated 13.08.2015 was set aside by this Court in W.P.No.38944 of 2015 under order dated 01.12.2015. The reason for setting aside this Government Memo was that it was an unreasoned order and was not even communicated to the petitioner. Unmindful and ignorant of this fact, it appears that the Principal Secretary to the Government, Home (Legal) Department, Government of Telangana, proceeded in the matter as if the rejection under the Government Memo dated 13.08.2015 was still operative. The impugned Memo dated 12.02.2016 therefore reflects total non-application of mind by the authority concerned. As the petitioner's application is required to be examined on its own merits and in accordance with law as per the law laid down by this Court in ***MOHD. IRFAN ALI, CONVICT NO.3266 V/s. STATE OF TELANGANA***^[1] and the authority concerned is also required to record the reasons for its decision, the impugned Memo dated 12.02.2016 cannot be sustained.

The writ petition is accordingly allowed setting aside the impugned Memo dated 12.02.2016. The application dated 01.02.2016 made by the petitioner shall be considered afresh on its own merits

and in accordance with law. A reasoned order shall be passed upon such consideration and shall be duly communicated to the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:25.02.2016

GJ

[\[1\]](#) 2015(1) ALT 1