

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WP Nos.33123 & 18807 of 2017

ORDER::

The petitioner in both these writ petitioners is same and hence they are clubbed and heard together. It would suffice to note the facts in WP No.33123 of 2017.

2. The facts stated are:- the petitioner having applied for the post of Constable and after subjecting himself to the physical and written examination conducted by the Department, he was provisionally selected. However after antecedents verification it was found out that the petitioner involved in a criminal case and a case is registered against him in Cr. No.138 of 2011 punishable under Section 309 IPC of PS Moinabad, and such involvement in the crime was suppressed by him in the application form submitted online and also at the time of submitting attestation form in person. Petitioner was asked to give explanation by issuing a show cause notice dated 19-04-2017 as to why his provisional selection to the post of Constable should not be cancelled for the act of suppression of information in the application and also in the attestation form. The petitioner submitted his explanation wherein he has stated that he being a Home Guard, due to vagaries of life, attempted to commit suicide and in that connection the crime was registered and he was let off by the Criminal Court under Section 3 of the Probation of Offenders Act, 1958, by giving a caution of admonition. Not satisfied with

the explanation offered by the petitioner, the impugned order cancelling the provisional selection of the petitioner came to be passed, which is assailed in this writ petition.

3. Heard the learned counsel for the petitioner and the Learned Government Pleader for Home.

4. This Court in WP No.28458 of 2017 and batch, dated 06-12-2017 considered a batch of cases of similar fact situations and after elaborately discussing the case law on the subject matter and also in the light of the guidelines issued by the Supreme Court in **AVATAR SINGH vs. UNION OF INDIA (2016 (8) SCC 471)** set aside the impugned order insofar as the petitioners concerned therein. The facts emerging in this case are also being similar, for the reasons stated therein and in terms of the order dated 06-12-2017 passed in WP No.28458 of 2017 and batch, this writ petition is allowed and the impugned order cancelling the provisional selection of the petitioner is set aside.

5. The case of the petitioner be considered in terms of the guidelines given by the Supreme Court in **AVATAR SINGH's** case (1 supra) and also on the lines of the discussion made by this Court in the writ petition being WP No. 28458 of 2017 & batch, dated 06-12-2017, referred to above. In view of the orders passed in WP No.33123 of 2017, no further orders are necessary in WP No.18807 of 2017 and it is accordingly

closed. Miscellaneous petitions, if any pending in these petitions are disposed of. There shall be no orders as to costs.

A.RAJASHEKER REDDY, J

Dated: 20-12-2017
NRG



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Dated 20-12-2017

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