

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

THURSDAY THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND SVENTEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE DR.JUSTICE SHAMEEM AKTHER

WRIT PETITION No. 43003 OF 2015

Between:

Nagula Balakrishna @ Krishna ... Petitioner

V/s.

The State of Telangana
Represented by its Principal Secretary,
Home Department,
Secretariat Buildings,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner : Smt. S.V. Indira

Counsel for the Respondents : GP for Services-I [TG]

The court made the following: : [order follows]



**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
A N D
HON'BLE DR. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No. 43003 OF 2015

O R D E R : (Oral, *Per* the Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India seeking writ of mandamus to declare the action of the respondents in rejecting the case of the petitioner for appointment to the post of Stipendiary Cadet Trainee Police Constable in terms of the provisions laid down in GO.Ms.No. 1457 Home [Police-A1] Department dated 22/6/1998 and not deputing the petitioner for police training in pursuance of Proceedings C.No. 752-E4/SIB[Int] 2006 dated 19/8/2006 while selecting and appointing other similarly situated candidates as arbitrary, illegal, unconstitutional, violating Article 14, 16 and 21 of the Constitution of India and also to declare the orders dated 14/8/2014 passed by the A.P.Administrative Tribunal, Hyderabad in O.A.No. 6758 of 2013 as erroneous and set aside the same and issue consequential directions directing the respondents to forthwith and appoint the petitioner as stipendiary cadet trainee police constable in terms of the aforesaid G.O. and to pass such other

suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Services-I [TG].

3. Vide the present writ petition, the petitioner challenges the order dated 14/8/2014 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No. 6758 of 2013, whereby the O.A. filed by the petitioner has been dismissed.

4. The case of the petitioner is that he was appointed as a Home Guard in the year 2005 in Karimnagar district. At present, he is working as Home Guard in Sircilla Police Station, Karimnagar district. He has been acting as “police informer” provided vital and crucial information to the respondents with regard to the activities of Naxalites whereby the police seized huge arms and ammunition during the year 2000 and number of Peoples War Group extremists were surrendered before the Government. The Government issued G.O.Rt.No. 1457, Home [Police-A1] Department, dated 22/6/1998, authorizing the third respondent to recruit them as Police Constables, duly

relaxing the service conditions like education, age and physical qualifications in deserving cases.

5. In pursuance of the aforesaid G.O. the third respondent vide proceedings C.No. 752/E-4/SIB [Int]/2006, dated 19/8/2006 granted relaxation in height and educational qualifications to the petitioner to participate in the selection process. Accordingly, he participated in the selection process pursuant to the notification issued in Rc.No. 219/R&T/Genl/2006, dated 05/6/2006, however, he was not sent for training. Appointment order, appointing him as Police Constable [Civil] was also not issued. Being aggrieved, the petitioner filed O.A.No.6758 of 2013, which was dismissed.

6. The respondents filed counter-affidavit whereby it is stated that the petitioner was given age and height relaxation under Proceedings in C.No.751/E4/SIB [Int.]/2006, dated 19/8/2006. He participated in the selection process pursuant to the notification issued in Rc.No.219/R&T/Genl/2006, dated 05/6/2006, dated 05/6/2006 and secured 20 marks in the written examination out of 200 marks. Therefore, he was not recruited under that notification. Again he was permitted to participate in the

selection process under notification of 2011, but he was not qualified in five kilometers run. Hence he could not be selected as Police Constable [Civil].

7. We note vide G.O.Rt.No. 1457 Home [Police-A1] Department, dated 22/6/1998, it is prescribed that only educational qualification, age and physical qualifications shall be relaxed in deserving cases but within the provisions of Act-II of 1994 and the Rules framed thereunder. In the present case, height and educational qualification were relaxed, despite that the petitioner could not be selected. As per G.O.Rt.No. 1457, Home [Police-A1] Department, dated 22/6/1998, the petitioner and other similarly placed persons are not exempted from the selection process. The exemption is only from educational qualification, age etc. but not from selection process. They have to compete with others. The petitioner also participated in the selection process both in the year 2007 and 2011 but failed to qualify. Therefore, he cannot contend that without subjecting him to selection process like written examination, physical efficiency test etc., he should be straightaway appointed as Police Constable.

8. In view of the facts recorded above, the learned Tribunal rightly dismissed the O.A. filed by the petitioner and gave cogent and clinching

reasons for its conclusion. We find no illegality or perversity in the order impugned in this writ petition.

9. Finding no merit in this writ petition and the same is accordingly dismissed. There shall be no order as to costs.

10. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

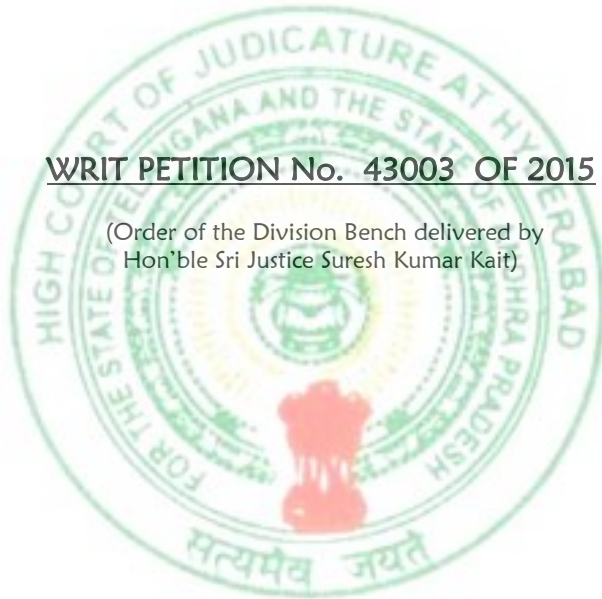


**HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
AND
HONOURABLE DR.JUSTICE SHAMEEM AKTHER**

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WRIT PETITION No. 43003 OF 2015

(Order of the Division Bench delivered by
Hon'ble Sri Justice Suresh Kumar Kait)



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