

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI

WRIT PETITION No.2404 of 2013

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

This writ petition was filed by the erstwhile Government of the combined State of Andhra Pradesh and its police authorities aggrieved by the order dated 04.10.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.5704 of 2012. By the said order, the Tribunal set aside the cancellation of selection/appointment of the respondent herein as a Stipendiary Cadet Trainee Reserve Sub-Inspector of Police and directed the authorities to appoint him to the said post within a time frame. The reason for cancelling the selection/appointment of the respondent was that he had suppressed his involvement in a criminal case prior to his selection.

By order dated 31.01.2013, this Court granted interim suspension of the order passed by the Tribunal.

W.V.M.P.No.3236 of 2013 was filed by the respondent to vacate the aforestated order.

Heard the learned Government Pleader appearing for the petitioners and Sri G. Satyanarayana Yadav, learned counsel for the respondent.

In the light of the law laid down by the Supreme Court recently in Avtar Singh v. Union of India¹, we are of the opinion that the matter does not require to be adjudicated on merits by this Court.

¹ (2016) 8 SCC 471

In terms of the aforesaid judgment, it is ultimately within the discretion of the employer to consider the impact of the involvement of the candidate in a criminal case and suppression thereof by him, if any.

The writ petition is accordingly disposed of permitting the respondent to make a representation to the authorities concerned setting out his grievance. In the event such a representation is made, the authorities concerned shall consider the same in the light of paragraphs 36 to 38 of the judgment rendered by the Supreme Court in Avtar Singh¹. This exercise shall be completed expeditiously and, in any event, not later than eight weeks from the date of receipt of the representation made by the respondent, if any. Interim order dated 30.01.2013 shall continue to operate till disposal of the said representation and abide by the result thereof.

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

JUSTICE SANJAY KUMAR

JUSTICE N. BALAYOGI

Date: 19.04.2017
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