

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.25473 of 2017

ORDER:

The case of the petitioner is that he was provisionally selected for the post of Police Constable under ST Category in 13th Battalion, TSSP (IR), Mancherial, Adilabad District in pursuance to the notification dated 31-12-2015 after appearing in the written examination after being succeeded in the test. The petitioner claims to be completed his M.Tech with 71.62%, but basing on the complaint against the petitioner, a case in Cr.No.250/2012 was registered under Sections 420, 468 and 471 IPC. After charge sheet is filed, the same is numbered as C.C.No.802 of 2012 on the file of VII Additional Chief Metropolitan Magistrate, Hyderabad. After trial, the petitioner was acquitted of the same. The petitioner made a reference of Cr.No.250/2012 while making application for the post. Thereafter, the petitioner was issued show-cause notice dated 06-04-2017 asking the petitioner why his provisional selection to the post of Police Constable under ST category should not be cancelled, as he is involved in a criminal case. The petitioner submitted explanation on 17-04-2017 and made another representation 23-06-2017 enclosing a copy of judgment, dated 14-06-2017 in C.C.No.802 of 2012

stating that he was acquitted in the said case. Without considering the same, the 2nd respondent issued impugned memorandum dated 03-07-2017 cancelling provisional selection of the petitioner as constable. Aggrieved by the same, the present writ petition is filed.

Heard learned counsel for the petitioner who submits that as the petitioner was acquitted, the respondents cannot cancel the provisional selection of the petitioner and he has not suppressed any fact of registration of crime even at the time of making application.

On the other hand, learned Government Pleader for Services states that petitioner was acquitted by giving benefit of doubt. More so, the petitioner was involved in a criminal case that itself is a disqualification.

In this case, it is to be seen that it is for the concerned authority to consider the case of the petitioner in terms of rules and since it is also stated that already representation is pending before the concerned authorities along with a copy of judgment in C.C.No.802 of 2012, it is for the competent authority to take decision in the matter. Though, learned counsel for the petitioner says that selected candidates are being sent to training, unless a decision is taken by competent authority on the representation of the petitioner dated 23-06-2017, the petitioner cannot be sent to training.

In view of the facts and circumstances of the case, the 2nd respondent is directed to dispose of the application of the petitioner dated 23-06-2017 in accordance with law with a period of four weeks from the date of receipt a copy of this order and take decision accordingly.

With the above direction, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-08-2017

Note:

Issue C.C. in three days.

B/o.

Nvl





