

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
and
THE HON'BLE SRI JUSTICE N. BALAYOGI**

WRIT PETITION No.16123 of 2015

ORDER: (per SK, J)

The petitioner is the applicant in O.A.No.9427 of 2012 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. Therein, he challenged the action of the authorities in not issuing him an appointment order though he was selected for a Group II Services post pursuant to Notification No.38 of 2008 issued by the Andhra Pradesh Public Service Commission. By order dated 03.12.2012, the Tribunal dismissed the O.A. Hence, this Writ Petition.

Sri P.V. Ramana, learned counsel for the petitioner, would assert that the only ground on which the Tribunal held against the petitioner was his failure to disclose serious allegations levelled against him. He would submit that as the petitioner disclosed all such particulars in O.A.No.9424 of 2012 which was, in fact, listed before the same Member of the Tribunal on 03.12.2012, the petitioner could not be accused of willfully suppressing any material information. Learned counsel however admits that after his selection for Group II services pursuant to Notification No.38 of 2008, the petitioner was subjected to criminal and debarring

proceedings in relation to his alleged impersonation of a candidate in the examination held by the Commission in 2012.

It is an admitted fact that vide order dated 15.09.2012, the petitioner was debarred from appearing for any examination held by the Commission for a period of five years and was also subjected to criminal proceedings under Sections 419 and 420 IPC read with Section 8 of the Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997, under FIR.No.141 of 2012 which culminated in C.C.No.963 of 2012 on the file of the learned VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District. Significantly, the petitioner did not advert to any of these facts in O.A.No.9427 of 2012. Therein, he merely mentioned that he had responded to Notification No.38 of 2008 and was selected for Group II services after the results were declared on 24.01.2012. He further stated strangely that the authorities did not assign any reasons for not declaring the results and once he got selected, it was the obligation on their part to declare the results. He baldly sought a declaration that the action of the authorities in not issuing him an appointment order though he was selected for Group II services pursuant to Notification No.38 of 2008 was illegal.

Sri P.V. Ramana, learned counsel, would contend that as the petitioner disclosed all these facts in O.A.No.9424 of 2012 which was filed by him against the order dated 15.09.2012 debarring him from examinations for a period of five years, the benefit of doubt should be extended to the petitioner on this short ground. However, it was only because both the O.As. came up before the same Member on that date and were disposed of at the stage of admission that the facts disclosed in O.A.No.9424 of 2012 came to the knowledge of the Tribunal while dealing with O.A.No.9427 of 2012. The absence of these particulars in O.A.No.9427 of 2012 clearly demonstrated that the petitioner approached the Tribunal with unclean hands.

Trite to state, when a litigant approaches the Court for relief, he is required to disclose all material particulars and cannot resort to deliberate suppression of facts. It would otherwise amount to an abuse of process {**K.D. SHARMA vs. SAIL** (2008) 12 SCC 481}. The order passed by the Tribunal dismissing the O.A. holding to this effect therefore does not warrant interference.

The Writ Petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

13th MARCH, 2017.

SANJAY KUMAR, J

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N. BALAYOGI, J

