

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

WRIT PETITION No.1128 of 2016

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

The State of Telangana and its Police officials are aggrieved by the order dated 16.06.2014 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.5662 of 2011.

2. The said O.A. was filed by the 1st respondent herein assailing the cancellation of his provisional selection as a Police Constable on the ground of his involvement in a criminal case. By order dated 16.06.2014, the Tribunal held that the cancellation of the 1st respondent's provisional selection was invalid in law as the criminal case in which he was involved ended in his acquittal. The authorities were therefore directed to appoint him to the post of Police Constable pursuant to his selection with all consequential benefits. Hence, this writ petition.

3. The order dated 25.05.2011, whereunder the 1st respondent's provisional selection was cancelled, does not record any reasons. In terms of the judgment rendered by the Supreme Court in COMMISSIONER OF POLICE, NEW DELHI,

AND ANOTHER Vs. MEHAR SINGH¹, the Screening Committee is required to apply its mind while assessing as to whether involvement of the selected candidate in a criminal case warranted cancellation of his selection notwithstanding his discharge on technical grounds or acquittal on merits.

4. In the present case, the impugned proceedings dated 25.05.2011 do not reflect any such application of mind. We are therefore of the opinion that this is a fit case for the authorities to re-examine the matter in the light of the acquittal of the 1st respondent in S.C.No.164 of 2006 by the learned Assistant Sessions Judge, Adilabad, vide judgment dated 05.01.2007.

5. The writ petition is accordingly disposed of setting aside the order dated 16.06.2014 passed by the Tribunal in O.A.No.5662 of 2011 and also the impugned order dated 25.05.2011 passed by the Superintendent of Police, Adilabad District. The authorities concerned shall re-examine the candidature of the 1st respondent in the light of his acquittal vide judgment dated 05.01.2007 passed in S.C.No.164 of 2006 by the learned Assistant Sessions Judge, Adilabad. This exercise shall be completed expeditiously and, in any event, not later than two months from the date of receipt of a copy of this order.

¹ (2013) 7 SCC 685

6. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 19.01.2017.
Msr



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19.01.2017
Msr