

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

WRIT PETITION No.4398 of 2012

ORDER: (per SK,J)

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 16.12.2011 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.7563 of 2010. By the said order, the Tribunal set aside the cancellation of selection/appointment of the first respondent herein as a Stipendiary Cadet Trainee Sub-Inspector of Police and directed the authorities to send him for training. The reason for cancelling the selection/appointment of the first respondent was that he had suppressed his involvement in a criminal case prior to his selection.

By order dated 09.08.2012, this Court granted interim suspension of the order passed by the Tribunal as similar matters had already been admitted on the issue of suppression of pendency of criminal cases in the applications filed by the candidates seeking recruitment to the posts of Sub-Inspector.

W.V.M.P.No.2968 of 2012 was filed by the first respondent to vacate the aforestated order.

Heard the learned Government Pleader appearing for the petitioners and Sri M.Vishnu Vardhan Reddy, learned counsel for the first 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 petitioner 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 petitioner, if any. Interim order dated 09.08.2012 shall continue to operate till disposal of the said representation and abide by the result thereof.

Pending miscellaneous petitions, if any, shall stand disposed of. No order as to costs.



JUSTICE SANJAY KUMAR

JUSTICE N. BALAYOGI

Date:01.03.2017

GJ