

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

WRIT PETITION No.20345 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 04.04.2012 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.1138 of 2012. By the said order, the Tribunal set aside the cancellation of selection of the respondent herein as a Stipendiary Cadet Trainee Police Constable (AR) (MEN) vide order dated 19.05.2009 and directed the authorities to issue him an appointment order and send him for training. The reason for canceling the selection of the respondent was that he had suppressed his involvement in a criminal case prior to his selection.

By order dated 18.07.2012, 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 Stipendiary Cadet Trainee Police Constable (SPF).

W.V.M.P.No.1047 of 2017 was filed by the respondent to vacate the afore-stated order.

Heard the learned Government Pleader appearing for the petitioners and Sri K.Aravind Kumar, learned counsel for the respondent.

In the light of the law laid down by the Supreme Court recently in **Avtar Singh v. Union of India**¹, we are of the opinion that the matter does not require to be adjudicated on merits by this Court.

In terms of the afore-stated 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 shall consider the same in the light of paragraphs 36 to 38 of the judgment rendered by the Supreme Court in **Avtar Singh** (supra). 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 18.07.2012 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.

SANJAY KUMAR, J

N.BALAYOGI, J

April 6, 2017
MRR

¹ (2016) 8 SCC 471