

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.39561 of 2016

ORDER:

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing for Smt.K.V.Rajasree, learned counsel for petitioner and the learned Government Pleader for Services appearing for respondents.

2. Petitioner has filed this Writ Petition aggrieved by the action of respondents in not given him appointment order as Stipendiary Police Constable (Civil) Men despite his selection and dropping of criminal case by the Government against him made vide G.O.Rt.No.337 Law (LA, L.A. & J-Home-Courts.B) Department dt.15-04-2015

3. Petitioner applied for the post of Stipendiary Constable in response to the notification issued by the 1st respondent in 2012, he was allotted registration No.736692; he underwent the process of selection consisting of assessment of physical fitness and also written test, he was then called for medical examination and then asked to submit all particulars including as to whether he was involved in any criminal cases. Petitioner disclosed that he was accused No.7 in Cr.No.49 of 2010 of P.S. Habeebnagar, Hyderabad city and he was innocent of allegation made in the said F.I.R.

4. Petitioner contends that he was not given appointment letter while others who were selected were sent to training on 10-03-2014 and he was informed that till the said criminal case is closed, he cannot be sent for training.

5. Petitioner filed O.A. No.2002 of 2014 challenging the same before the A.P. Administrative Tribunal, Hyderabad.

6. Subsequently, the 1st respondent issued G.O.Rt.No.337 dt.15-04-2015 canceling the order to prosecute the petitioner. Subsequent thereto, the petitioner represented to 3rd respondent on 02-12-2015 to issue appointment order and to send him for training along with next batch. When there was no response, he gave another representation to 2nd respondent on 15-02-2016 for issuance of appointment order and to send him to training. He further stated that O.A filed by petitioner before the Tribunal now stands transferred to this Court in view of abolition of the Tribunal in the State of Telangana and therefore he has filed the present Writ Petition.

7. Learned counsel for petitioner contended that pursuant to G.O. issued by the Government referred to above, final report has been filed by the Police before the competent Court about the direction of the Government to cancel the prosecution orders pursuant to the above G.O. and that the XIV Additional Chief Metropolitan Magistrate, Hyderabad on 08-05-2017 in CrI.M.P.No.1623 of 2017 accepted the final report and consequently criminal case also now stood closed.

8. Learned counsel for petitioner contends that thus there is no impediment to respondents to appoint the petitioner as Stipendiary Police Constable (Civil) Men and that since respondents are sending a fresh batch of Police Constables for training, petitioner should be also sent for training.

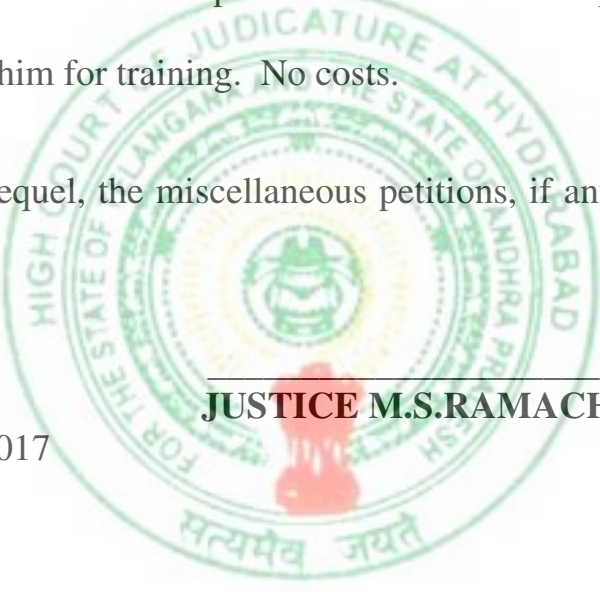
9. Counter-affidavit is filed by respondents. In the counter-affidavit, respondents admit that the State Government issued G.O.Rt.No.337 dt.15-04-2015 canceling prosecution of petitioner in Cr.No.49 of 2010; that subsequently it was discovered that petitioner was involved in two more criminal cases i.e. Cr.Nos.2 of 2017 and 3 of 2017 registered on 01-01-2017 and that according to column No.11 of the attestation form, which the petitioner is supposed to fill, the petitioner had the duty to communicate details of these cases also to the competent authority and that it therefore amounts to suppression of factual information by him.

10. This contention is not correct because Note to column No.11 in the said attestation form states only that information of detention, conviction, debarring of applicant subsequent to completion of submission of attestation form is to be communicated to the competent authority to whom the said attestation form was sent earlier. It is not disputed that as on date there is neither detention nor conviction or debarment of petitioner in the above 2 criminal cases registered on 01-01-2017. Therefore petitioner cannot be held to be

guilty of suppression of any factual information for denial of appointment order to him once Cr.No.49 of 2010 stood closed when the criminal Court accepted the final report on 08-05-2017.

11. Accordingly, the Writ Petition is allowed and the action of respondents in not issuing appointment order pursuant to petitioner's selection as Stipendiary Police Constable (Civil) Men with registration No.736692 is declared as illegal, arbitrary and violative of Article 14 of the Constitution of India, and respondents are directed to issue appointment order to petitioner with all consequential benefits and also send him for training. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 12-07-2017
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