

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.35353 OF 2017

ORDER:

The petitioner was provisionally selected for the post of "SCT Police Constable (Civil) (Men and Women)" in pursuant to the notification in Rc.No.151/Rect.Admn.1/2015, dated 31-12-2015 issued by the 2nd respondent and allotted to Adilabad District and asked to report before the 3rd respondent between 08-03-2017 and 10-03-2017 for filling of attestation form and submitting the same duly attested by a gazetted officer and also to produce original certificates. In pursuance to the same, the petitioner appeared before the 3rd respondent along with all required certificates and also attended for medical examination. The petitioner was awaiting that he will be sent for training. The 2nd respondent issued show-cause notice on 16-03-2017 stating that petitioner was involved in Cr.No.102 of 2014 of Karimnagar-1 (T) PS, Karimnagar district registered for the offences under Sections 406, 420, 384, 506 IPC and directed the petitioner to show-cause as to why his provisional selection shall not be cancelled. The petitioner submitted explanation on 29-04-2017. But without considering the said explanation, impugned memorandum dated 22-08-2017 in Rc.No.108/Rectt/Genl.1/2017, dated 22-08-2017 was issued stating that provisional selection of the petitioner is cancelled on the ground that he was

involved in the crime. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that infact the crime is registered against the petitioner in the year 2017 in Cr.No.102 of 2017 but it is wrongly shown as Cr.No.102 of 2014. The said crime is registered only after the petitioner submitted attestation forms and that too in respect of property dispute between the father of the petitioner and a third person. The petitioner is no way concerned with the said crime and he is not aware of the same and this Court stayed all further proceedings in Cr.No.102 of 2017 in WP.No.8458 of 2017.

Heard learned Government Pleader for Services.

The impugned memorandum dated 22-08-2017 does not give any reasons regarding cancellation of provisional selection of the petitioner. When the petitioner has specifically submitted explanation that above crime is registered subsequent to filing of attestation documents of the petitioner and the petitioner also says that he is not aware of the same, which goes to show that there is no application of mind by the 2nd respondent in passing the impugned order and also in violation of principles of natural justice as no reasons are given in it.

In view of the same, the impugned order is set aside to the extent of petitioner and the 2nd respondent is directed to consider the explanation of the petitioner and take decision as

per guidelines of judgment of Supreme Court in **Avatar Singh v. Union of India**¹.

Accordingly, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this writ petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

26-10-2017

Note:

Issue CC by Monday.

B/o.

Nvl



¹ AIR 2016n SC 3598



