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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2263 OF 2016
WITH
CIVIL APPLICATION NO.2560 OF 2018

Prakash Shankar Dhembare	... Petitioner
Vs.	
Union of India and Ors.	... Respondents

Mr. Vicky A. Nagrani for the Applicant.
Ms. Anjali Helekar a/w Mr. Arun Kumar Roy for the Respondents.

CORAM : A.S.OKA AND
SANDEEP K. SHINDE, JJ.

DATE : 14th DECEMBER 2018.

P.C. :

1 The learned counsel appearing for the petitioner relied upon the decisions of the Apex Court in the case of *Avtar Singh Vs. Union of India and Ors.*¹ and *Avtar Singh Vs. Union of India*². He submitted that instead of the substantive reliefs claimed in the petition, he is seeking a limited relief in terms of the second decision of the Apex Court in the case of *Avtar Singh*. He submits that the concerned authorities which took decision to terminate the employment of the petitioner should be directed to reconsider the case of the petitioner in the light of the guidelines laid down in the first case of *Avtar Singh*.

1 (2016) 8 SCC 471

2 (2018) 1 SCC 268

2 We have heard the learned counsel appearing for the respondents who has opposed the prayers.

3 Perusal of the second judgment in the case of Avtar Singh shows that employment of the appellant before the Apex Court was terminated way back in the year 1994 in which there was a suppression of his involvement in a criminal case. The Apex Court in the light of the guidelines laid down in the first judgment in the case of Avtar Singh directed the appointing authority to reconsider the case of the appellant afresh. Coming to the facts of the present case, by the communication dated 13th August 2012, the petitioner was informed that on account of suppression of facts in the application, the provisional offer of appointment issued to him was withdrawn and cancelled. There is also a challenge to the communication dated 21st November 2014 by which the petitioner was informed that he was found to be unsuitable for appointment in CISF.

4 We are not entering into the question whether the guidelines laid down in the first case of Avtar Singh will apply to the case of the petitioner. However, in terms of the second case of Avtar Singh, the petitioner wants reconsideration of the decision taken by the appointing authority. This prayer deserve to be granted.

5 Accordingly, we pass the following order :-

ORDER

- (i) We direct the appointing authority of the respondents to reconsider the case of the petitioner for appointment in the light of the guidelines laid down by the Apex Court in the case of Avtar Singh Vs. Union of India [(2016) 8 SCC 471];
- (ii) We make it clear that we have made no adjudication on the question whether the said guidelines will be applicable to the case of the petitioner;
- (iii) The petition is disposed of on above terms;
- (iv) It will be open for the petitioner to make a representation to the appointing authority on the basis of the aforesaid decisions of the Apex Court;
- (v) Rule is partly made absolute accordingly;
- (vi) Civil Application No.2560 of 2018 does not survive and the same is disposed of.

(SANDEEP K. SHINDE, J.)

(A.S.OKA, J.)