

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.934 OF 2018

Dated:18.07.2018

Between:

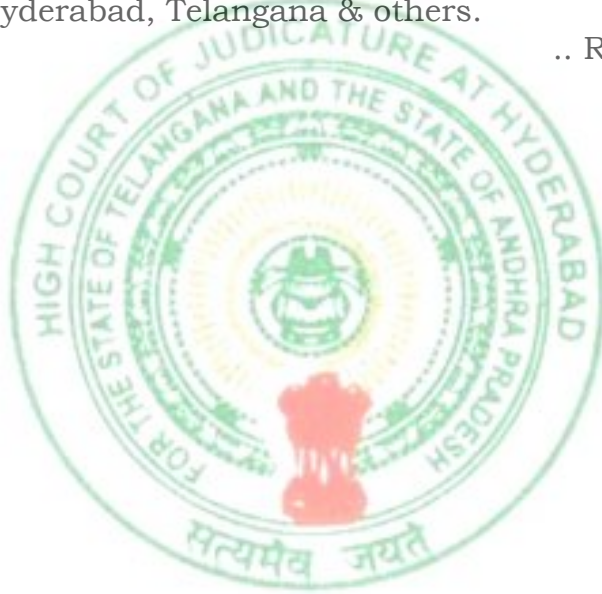
Kotamarthi Praveen, S/o.K.Anjaiah,
Aged about 25 yrs, R/o.Flat No.304,
Prathyusha Enclave, Karthikeya Nagar,
Nacharam, Uppal, Ranga Reddy District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department, Secretariat Buildings,
Secretariat, Hyderabad, Telangana & others.

.. Respondents



The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Services-1 (TG).

2. In this writ petition, the claim of petitioner for employment is rejected on the ground of his involvement in criminal case. According to learned counsel for the petitioner, petitioner was acquitted in the criminal case much prior to the application submitted by him. But by mistake he has mentioned as “No” against the relevant column. Petitioner was implicated in the criminal case filed under Sections 498-A, 307 of Indian Penal Code and under Sections 3 & 4 of Dowry Prohibition Act.

3. According to learned counsel for the petitioner, the same issue was considered by this Court in W.P.No.27461 of 2017 and affirmed by the Division Bench in W.A.No.182 of 2018. The Division Bench in paragraph 9 held as under :

“Admittedly, there is a family dispute between the respondent and his wife, due to which, the aforesaid case was registered against the respondent. This type of case does not come under the moral turpitude as per sub-clause (vi) of Clause 25 and therefore the respondent cannot be denied the appointment. In fact, very honestly, the respondent disclosed opinion, that will not come in the way of appointment of the respondent.”

4. In view of the decision of the learned single Judge affirmed by the Division Bench, both counsel agree that the subject matter of the writ petition is covered by the decision of the Division Bench.

5. Accordingly, the Writ Petition is allowed. The order impugned is set aside and the respondents are directed to take further action

for appointment of the petitioner in accordance with the Rules in force and subject to petitioner's eligibility and suitability otherwise.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:18.07.2018
Rds

