

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.93 & 1888 OF 2018

Dated:12.07.2018

W.P.No.93 of 2018 :

Between:

Lava Kumar Pasupula S/o.Prahladha Pasupula,
Aged about 28 yrs, R/o.H.No.6-35,
Ayyavariguda, Yacharam, Ranga Reddy District,
Telangana State.

.. Petitioner

And

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

.. Respondents

W.P.No.1888 of 2018 :

Between:

Nerella Naveen Kumar S/o.Rajeshsam,
Aged about 28 yrs, R/o.H.No.3-63,
Cheerlavancha, Thangallapally Mandal,
Rajanna Sircilla 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:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.93 & 1888 OF 2018

COMMON ORDER:

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

2. In these two writ petitions, the provisional selection of petitioners for appointment as Stipendary Cadet Police Constable (Armed Reserve) (Men) is cancelled on the ground that they were involved in criminal cases.

3. After the decision of Hon'ble Supreme Court in ***Avtar Singh Vs Union of India***¹, this issue has come up for consideration before this Court in W.P.No.28458 of 2017 and batch.

4. Following the decision of Hon'ble Supreme Court, this Court directed consideration of claims of the petitioners in terms of the judgment in ***Avtar Singh***. Similar issue came up for consideration before the Division Bench in W.P.No.2404 of 2013. The Division Bench permitted the respondent therein who is applicant before the Andhra Pradesh Administrative Tribunal to make representation to the authorities concerned setting out his grievance and in the event of making such representation, the authorities concerned were directed to consider the same in the light of Paragraphs 36 to 38 of the judgment rendered by the Hon'ble Supreme Court in ***Avtar Singh***.

¹ 2016 (8) SCC 471

5. In the case on hand according to learned counsel for the petitioners, there was no deliberate suppression and that they were acquitted in criminal cases prior to initiation of selection process.

6. Learned Assistant Government Pleader, would submit that as petitioners have suppressed the factum of involvement in criminal case by saying "NO" against the appropriate column pending Criminal proceedings, they are not entitled to any consideration. According to learned Assistant Government Pleader, the same view is taken by the Division Bench in W.P.No.19473 of 2017 & batch dated 10.11.2017.

7. At this stage, the Court is not entering into the respective contentions and without going into merits of the issue, the Writ Petitions are disposed of granting liberty to the petitioners to make representations to the competent authority explaining the background leading to their involvement and consequent acquittal in the criminal cases and also enclose all the relevant documents in support of their claim. If such applications are submitted by the petitioners, the same shall be considered by the competent authority duly taking note of the observations in paragraphs 36 to 38 of the judgment of the Hon'ble Supreme Court in **Avtar Singh**. Petitioners may also request the competent authority to provide oral hearing. On such request made, the same may also be granted to the petitioners.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:12.07.2018
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