

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.1890 OF 2018

Dated:18.07.2018

Between:

Harishwar Reddy S/o.Padma Reddy,
Aged about 30 yrs, R/o.H.No.1-9, Nandaram,
Doulatabad Mandal, Mahaboobnagar.

.. 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. Issue in this writ petition is cancellation of provisional selection of petitioner for appointment as Stipendary Cadet Police Constable (Armed Reserve) (Men) on the ground that he was involved in criminal case.

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***.

5. In the case on hand according to learned counsel for the petitioner, there was no deliberate suppression and that he was

¹ 2016 (8) SCC 471

acquitted in the criminal case prior to initiation of selection process.

6. Learned Assistant Government Pleader, would submit that as petitioner has suppressed the factum of involvement in criminal case by saying "NO" against the appropriate column pending Criminal proceedings, he is 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 Petition is disposed of granting liberty to the petitioner to make representation to the competent authority explaining the background leading to his involvement and consequent acquittal in the criminal case and also enclose all the relevant documents in support of his claim. If such application is submitted by the petitioner, 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**. Petitioner may also request the competent authority to provide oral hearing. On such request made, the same may also be granted to the petitioner.

Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:18.07.2018
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