

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12246 of 2018

O R D E R :

The case of the petitioner is that he applied to the post of Sub-Inspectors of various categories in Police Department vide Rc.No.01/Rect/Admin 2016, dated 06-02-2016 by online method on 12-02-2016 under the quota of CPP (Children of Police Personnel) and he could not mention about the pendency of cases against him in the trial Courts. Thereafter, the respondents have provided an opportunity to edit the application form which was submitted earlier and the petitioner availed the same and changed his quota from CPP to CDI (Children of Death and Injured Police Personnel) and mentioned about the pendency of cases against him. The petitioner has successfully completed the selection process and he was provisionally selected for the post of SCTSI (Civil) in Zone-V on 02-09-2017. Thereafter, the petitioner submitted his attestation form on 15-09-2017 by mentioning about the involvement in criminal cases. The 3rd respondent issued show-cause notice dated 30-10-2017 calling for the explanation from the petitioner as to why his provisional selection should not be cancelled on the ground that he was involved in Cr.No.300/2014, under Sections 447, 427 read with Section 34 IPC of Mahabubabad Police Station, compromised in Lok-Adalat on 13-08-2016 and Cr.No.38 of 2014 of Pasra P.S. Warangal Rural District. In pursuant to

the same, the petitioner submitted his explanation on 08-11-2017 stating that while the recruitment process is going on, Cr.No.38 of 2014 was numbered as S.C.No.1 of 2015 on the file of Principal Assistant Sessions Judge, Warangal and the same was ended in acquittal on 31-10-2017 and another case in Cr.No.300 of 2014 which was numbered as C.C.No.25 of 2015 was ended in acquittal on 13-08-2016. In view of the same, the petitioner is entitled to be appointed as SCTSI (Civil) and requested to appointment him as such to the above post. Thereafter the 3rd respondent had issued another show-cause notice dated 23-11-2017 alleging that the petitioner has suppressed the involvement of above criminal cases, though he has submitted information about the criminal cases in the edited application form and submitted his explanation to the second show cause notice also. But without considering the same, impugned order dated 23-12-2017 issued cancelling the provisional selection of the petitioner to the post of SCTSI (Civil) in Zone-V in recruitment, 2016. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that the petitioner is acquitted in two criminal cases. The petitioner specifically mentioned about crimes on online and attestation form, but the said aspect was not properly considered. He also relied on the judgment of Supreme Court in Special Leave to Appeal (C) No.7758 of 2018, dated 02-04-2018 and

decision of this Court in WP.No.28458 of 2017 and Batch, dated 06-12-2017 and states that the respondents have not followed the guidelines in **Avatar Singh v. Union of India**¹.

Heard learned Assistant Government Pleader for Home, who seeks time for filing counter.

It appears from the impugned order that the respondents have not followed the guidelines laid down in **Avatar Singh's case** cited supra. In similar circumstances, the Supreme Court disposed of Special Leave to Appeal (C) No.7758 of 2018, the operative portion of which reads as follows:

“Therefore, the Special Leave Petitions are disposed of with liberty available to the petitioner to make a representation in the light of the judgment in Avatar Singh (supra). We make it clear that the impugned judgment shall not stand in the way of the representation being considered in accordance with law and in the light of Avtar Singh (supra).

It is made clear that in case the representation is made within 30 days from today, the same shall be considered by the competent authority, affording an opportunity of hearing to the petitioner and shall be disposed within four months from the date of receipt of representation.”

In view of the same, it is open for the petitioner to make representation to the respondent-authorities and the respondent-authorities are directed to consider the case of the petitioner in terms of judgment of **Avatar Singh v. Union of**

¹ 2016(8) SCC 471

India (supra) and take action within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

11-04-2018
Nvl

