

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12523 OF 2018

ORDER:

This writ petition is filed against the proceedings vide Rc.No.192/Rect./Admn.4/2017, dated 02.11.2017, issued by the 2nd respondent wherein and whereby petitioner's provisional selection for the post of SCTPC (AR) (Men) was cancelled on the ground that he has suppressed his involvement in a criminal case both in the online application form and attestation form.

Learned counsel for the petitioner submits that petitioner is not aware of registration of crime vide Crime No.92/2014 and neither he received any notice from the investigating officer nor was arrested in the said crime. He further submits that basing on false report a case was registered vide Crime No.92/2014, under Sections 452, 325, 324, 506 read with Section 34 of IPC of Manchal Police Station, Rachakonda Commissionerate against Cheruku Satyanarayana and 8 others, and petitioner's name was not mentioned as accused in the FIR, later in charge sheet petitioner's name was deleted. He also submits that petitioner has not received any summons from the Court and that when the petitioner was issued show cause notice dated 26.07.2017, he submitted explanation on 26.07.2017 stating all the aforesaid facts, but without considering the same, the impugned proceedings dated 02.11.2017 are issued.

On the other hand learned Government Pleader for respondents by relying on the Judgment rendered by the

Division Bench of this Court in WP.No.19473 of 2017 and batch states that mere suppression is sufficient for cancellation of selection since the recruitment is in the police department. He further submits that petitioner deliberately suppressed the said fact, as such, no interference is called for.

In this case, in pursuance to the show cause notice dated 11.07.2017, petitioner submitted explanation dated 26.07.2017 stating as follows;

“ I submit that I have not involved in any criminal activities but the complainant by name Midde Srinivas lodged false complaint before the police P.S.Manchal, upon which the police registered the case in Cr.No.92/2014, under Section 452, 325, 324, 506 R/w.34 IPC, in fact I never been involved in the said crime, during the course of investigation the police examined all the material witnesses and made the enquiries and established that I am not involved in the offence and the same also mentioned in the charge sheet. Due to personal grudges the complainant intentionally involved my name in the said crime, thereafter trial was conducted before the XXII Metropolitan Magistrate, Cyberabad, Ibrahimpatnam, the prosecution failed to prove the alleged section and there is no incriminating evidence against me and the complainant himself hostile, as such the case is acquitted. I was acquitted for the offence punishable under Section 452, 325, 324, 506 R/w.34 IPC by the Hon'ble Court vide C.C.No.413/2014, by orders dated 19.02.2016.”

But, the aforesaid aspects were not considered by the respondents while passing the impugned order. When the

petitioner specifically raised the said aspects, the respondents could have verified the same. But, the respondents without verifying the said aspects and without application of mind passed the impugned order. No doubt, as held by the Division Bench of this Court in WP.No.19473 of 2017 and batch, suppression is a ground for canceling the provisional selection. But, in this case the petitioner specifically pleaded that he is not aware of registration of crime in FIR No.92 of 2014. A reading of FIR goes to show that petitioner's name was not shown in the same. A copy of the charge sheet is also filed where petitioner's name was deleted. As such, there is no occasion to the petitioner to know about registration of crime against him and suppress the same.

In view of the same, the impugned order is set aside and the respondents are directed to take further action for appointment of the petitioner for the post of SCTPC (AR) (Men) under B.C-B category, in accordance with rules.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

13.04.2018
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