

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7957 of 2003

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with the Proceedings dated 22.01.2003 and quash the same holding it as illegal and arbitrary.

It is stated that respondent-Corporation had issued a notification for filling up of the post of Driver in Guntur Division. Since the petitioner was fully eligible and qualified, he applied to the said post and he was provisionally selected by the selection committee vide Proceedings dated 07.01.1999 and his name was listed at S.No.7. However, his case was not considered for appointment on the ground that at the time of verification of antecedents, it is noticed that the petitioner along with three others involved in a criminal case vide Crime No. 49/VC-PICM/98, dated 26.6.1998 filed by respondent No.3 and the said fact was not disclosed by the petitioner while applying to the said post. Hence, this writ petition.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondent-Corporation.

Learned counsel for petitioner would submit that while the petitioner was discharging his duties as Driver in a private company, he was falsely implicated in a criminal case which was registered against him in the year 1998 and that his name was not shown in the Charge Sheet and he had no role in the said offence and for that reason, he did not inform the same to the Corporation and that without appreciating all these aspects in right perspective, the selection committee in a mechanical manner cancelled his selection and even after lapse of almost 16 years, the name of the petitioner is not included in the charge sheet nor any criminal case is lodged against him and hence, it is fit case to consider the case of the petitioner for appointment in the corporation.

Learned Standing Counsel appearing for respondent Corporation would submit that truth or otherwise of the criminal case is a later stage, but without disclosing the pendency of the criminal case against him, petitioner appeared before the

selection committee and hence, his case cannot be considered for appointment to the post of Driver.

This Court, having considered the rival submissions of both the parties, is of the opinion that ends of justice would be met, if the petitioner is directed to submit a fresh representation to the authorities of respondent-Corporation bring it to the notice of the Corporation that no criminal case is lodged against him, within a period of two weeks from the date of receipt of a copy of the order and upon receipt of the same, respondent Corporation shall consider the same and pass appropriate orders in accordance with law within a period of four weeks thereafter.

With the above direction, the writ petition is disposed of.
No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

17th December, 2018
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