

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.3937 OF 2012

ORDER: (per SK,J)

The State of Telangana (erstwhile Government of Andhra Pradesh) and its officials in the Police Department filed this writ petition aggrieved by the order dated 16.12.2011 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.7550 of 2010. The said O.A. was filed by the first respondent herein seeking a declaration that he was entitled to be appointed to the post of Stipendiary Cadet Trainee Sub-Inspector of Police pursuant to his selection to the said post under the notification of 2006, notwithstanding the suppression of his involvement in a criminal case which ended in his acquittal. Following its earlier decisions and the decisions of the High Court and the Supreme Court, the Tribunal allowed the O.A. *vide* order dated 16.12.2011 directing the authorities to appoint the first respondent-applicant as a Stipendiary Cadet Trainee Sub-Inspector of Police. Aggrieved by this direction, the present writ petition was filed.

By order dated 09.08.2012, this Court granted interim suspension of the order under challenge. WVMP No.3027 of 2012 was filed by the first respondent to vacate the said order.

Sri P.Narasimha, learned counsel for the first respondent-applicant would place reliance on the order passed by this Court in W.P.No.11402 of 2018 in like circumstances. A copy of the said order dated 06.04.2018 is placed on record.

For reasons alike as were mentioned in the aforesaid order and in terms thereof, this Court opines that in the light of the law laid down by

the Supreme Court in *Avtar Singh v. Union of India*¹, it would not be necessary to adjudicate the present writ petition on merits. In terms of the said judgment, it would ultimately be within the discretion of the employer to consider the impact of the involvement of a candidate in a criminal case and suppression thereof by him, if any.

The writ petition is accordingly allowed setting aside the order under challenge. The first respondent-applicant is however granted liberty to make a representation to the authorities concerned setting out his grievance with regard to the cancellation of his candidature. In the event such a representation is made, the authorities concerned shall consider the same in the light of paragraphs 36 to 38 of the judgment rendered by the Supreme Court in *Avtar Singh*¹. This exercise shall be completed expeditiously and, in any event, not later than eight weeks from the date of receipt of the representation made by the first respondent-applicant, if any.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:17.04.2018

GJ

¹ (2016) 8 SCC 471