

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17405 of 2014

ORDER::

The case of the petitioner is that pursuant to selection conducted through Staff Selection Commission, he has been provisionally appointed to the post of Constable (GD) in Central Reserve Police Force by the 2nd respondent. By the impugned proceedings dated 27-05-2014, the provisional selection of the petitioner is cancelled on the ground of his involvement in criminal case in Cr.No.130 of 2010, for the offence under Sections 509, 109 IPC r/w. Section 34 IPC and Sections 3 and 4 of the AP Prohibition of Ragging Act, 1997 at Samisragudem PS and he was arrested and sent to judicial custody on 28-09-2010 and that the petitioner has suppressed the said fact and his involvement in the criminal case while filling up Form no.25 (i.e. Verification Roll).

2. Heard learned counsel for the petitioner and the learned Asst. Solicitor General of India for the respondents.

3. Petitioner's counsel states that the petitioner states that no reasons whatsoever are mentioned in the termination order nor opportunity of hearing was afforded before doing so, which itself is violation of principles of natural justice. It also stated that the petitioner has no mala-fide intention to suppress any information muchelss his involvement in the criminal case. It is also stated that the criminal case is compounded in the Court of Lok Adalat at Nidadavole vide CC No.582 of 2010 and therefore, the cancellation of his provisional selection to the said post solely on the ground of his involvement in a criminal case is harsh and the said decision has to be re-visited in the light of the law laid down by the Supreme Court in **AVTAR**

SINGH vs. UNION OF INDIA¹ as also this Court in WP No.28458 of 2017 and batch, wherein similarly placed persons, whose provisional selection was also cancelled for involvement in criminal cases, was as set aside and directed the authorities to re-consider the said decision.

4. The petitioner in this case is also similar placed, therefore following the decision in **AVTAR SINGH's** case as also decision of this Court in WP No.28458 of 2017 and batch, the impugned order dated 29-05-2013 is set aside and the respondent-authorities directed to re-consider the case of the petitioner and pass appropriate orders thereon in accordance with law and also in the light of the guidelines laid down by the Supreme Court and this Court in that behalf, within a period of three months from the date of receipt of a copy of this order.

¹ 2016 (8) SCC 471

5. The writ petition is disposed of accordingly.

Miscellaneous petitions, if any pending in the case are also disposed of. There shall be no orders as to costs.

A.RAJASHEKER REDDY, J

Dated: 25-04-2018
NRG

Note: Office to attach a copy of the order passed in WP No.28458 of 2017 and batch along with this order copy.

(B/o)
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25-04-2018

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