

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37401 of 2017

ORDER::

The case of the petitioner is that he submitted application for the post of SCT PC (AR) (Men) Constable. Based on his academic acumen, physical fitness, he got through the written examination, physical efficiency test prescribed for the post and was selected provisionally for the said post. By the impugned proceedings dated 29-05-2013, the provisional selection of the petitioner is cancelled on the ground of his involvement in criminal case in Cr.No.54 of 2009, for the offence under Section 34 (a) of AP Excise Act registered by the PS Tadwai, Nizamabad district and that the petitioner has suppressed the said fact in the attestation form.

2. Heard learned counsel for the petitioner and the learned Asst. Government Pleader for Home.

3. Petitioner's counsel states that the petitioner has not suppressed the information of his involvement in the criminal case and in fact in the attestation form he has stated so and the offence has been compounded in the Lok Adalat, 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 INDIA**¹ 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.

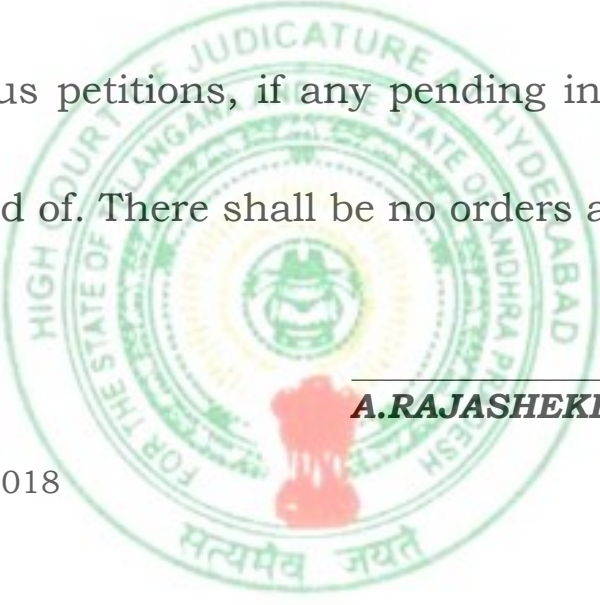
4. The petitioner in this case is also similar placed, therefore following the decision in **AVTAR SINGH's** case as also decision of this Court in WP No.28458 of 2017 and batch, the impugned order dated 29-05-2013 is set

¹ 2016 (8) SCC 471

aside and the respondent-authorities directed to reconsider 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.

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.

Dated: 27-04-2018
NRG



A.RAJASHEKER REDDY, J

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