

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.205 of 2019

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a writ or order more particularly one in the nature of writ of Mandamus and declaring the proceedings of the 1st respondent *vide* D.O.No. 10030/No.HCP/R&T/RT-1/0012/2018,dated18.12.2018 in discharging the petitioner from service as Police Constable (AR) on the ground that I did not acquire qualification as on 1.7.2015 though I got qualified as on the date of notification i.e., 31.12.2015 and got selected and`1 working since 1.2.2018 as arbitrary, violative of Articles 14 and 16 of the Constitution of India and consequently quash and set aside the same by holding that the selection of the petitioner as Police Constable (AR) vide proceedings dated 26.4.2017 and 1.2.2018 as valid and to pass such other orders as are necessary in the interest of justice.”

Heard Sri R.V.Mallikarjuna Rao, learned counsel appearing for the petitioner, and learned Special Government Pleader for Services-I appearing for the respondents.

Pursuant to the notification dated 31.12.2015 issued by the 2nd respondent, the petitioner has applied. As per the notification, one must pass Intermediate as on 1.7.2015. But the petitioner has passed Intermediate during December, 2015. The petitioner has fared well in the examination and he

was selected and appointed as Police Constable. Thereafter, the 1st respondent *vide* proceedings dated 26.4.2017 subjected him to undergo training. After completion of training, the 1st respondent *vide* proceedings dated 1.2.2018 appointed him as Probationary Police Constable (AR) and posted him to City Armed Reserve Headquarters, Hyderabad. While so, on 16.8.2018, the 1st respondent issued show cause notice to the petitioner as to why his appointment should not be cancelled as he did not possess the requisite qualification as on the date of notification. The petitioner submitted his explanation on 7.9.2018. Without considering the said explanation, the respondents have cancelled the appointment of the petitioner *vide* impugned proceedings dated 18.12.2018. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that as per Rules 31 and 32 of Telangana State and Subordinate Service Rules, 1996, the respondents have ample power to relax the educational qualifications as required in the notification. It is further contended that the petitioner has not suppressed about his qualification, he was duly selected in the selection process, and also sent for training. After completion of training, the petitioner was appointed as Police Constable. It is prayed that the case of petitioner deserves to be

considered in terms of Rules 31 and 32 of the Telangana State and Subordinate Service Rules, 1996, and that the respondents be directed to consider and pass appropriate orders in accordance with the Rules.

Learned Government Pleader appearing for the respondents contended that the petitioner was not having the requisite qualification as on the date of notification and after following the due process of law, the petitioner was discharged from service. Since the respondents have followed due process of law, there are no merits in the writ petition and the same is liable to be dismissed. However, the case of the petitioner would be considered in accordance with Rules 31 and 32 of the Telangana State and Subordinate Service Rules, 1996, if the petitioner submits a representation afresh.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a representation afresh seeking relaxation of the educational qualification, as stipulated in the notification, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders in accordance with Rules 31 and 32 of

the Telangana State and Subordinate Service Rules, 1996,
within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand
closed.

JUSTICE ABHINAND KUMAR SHAVILI

25th October, 2019
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