

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.620 OF 2018

ORDER:

Heard Sri S. Dushyanth Reddy, learned counsel appearing for the petitioners, Learned Government Pleader for Home appearing for respondent Nos.1, 2 and 4 and Sri M.V. Rama Rao, learned Standing Counsel appearing for the 3rd respondent-Telangana State Level Police Recruitment Board.

Pursuant to the notification dated 31.12.2015 issued by the 3rd respondent, the petitioner has applied for the post of Stipendiary Cadet Trainee Police Constable (AR) (*for short* SCTPC), SCTPC (Civil) and SCTPC (TSSP) (Men). After undergoing regular selection process, the petitioner was selected provisionally. While so, show cause notice was issued to the petitioner alleging that during verification of the antecedents, the respondents noticed that criminal cases are pending against him. In pursuance thereof, the petitioner has submitted his explanation. But, without considering the same, the impugned proceedings were issued canceling provisional selection of the petitioner.

Learned counsel appearing for the petitioner submits that the respondents have passed very cryptic order canceling the provisional selection of the petitioner without assigning any reasons and without giving any opportunity to the petitioner; that in **Avtar Singh v. Union of India and others**¹ the Apex Court had considered various circumstances with regard to suppression of facts under which stringent action could be taken and to what extent the employer can exercise its discretion; that the

¹ (2016) 8 SCC 471

respondents ought to have considered whether the involvement of the petitioner in the criminal cases would effect the continuation of his service and whether suppression of fact of petitioner's involvement in a criminal case would entitle the respondents to cancel the provisional selection; that the respondents without applying the guidelines enunciated by the Apex Court in the aforesaid judgment, cancelled the selection of the petitioner; and that appropriate orders be passed by setting aside the impugned orders of cancellation of provisional selection and directing the respondents to consider the case of the petitioner strictly in terms of the guidelines framed by the Apex Court in **Avtar Singh's** case (supra).

Learned Standing Counsel appearing for the 3rd respondent submits that during verification of the antecedents, it has come to light that the petitioner has suppressed the fact of his involvement in criminal cases; that the respondents have rightly passed the impugned orders canceling the provisional selection of the petitioner; that the person, who has suppressed the factum of his involvement in criminal cases, do not deserve any consideration for continuation of service in a disciplined police force; and that there is no merit in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the respondents have passed the impugned cancellation orders without assigning any reasons and without applying the guidelines framed by the Apex Court in **Avtar Singh's** case. Hence, impugned cancellation orders are liable to be set aside.

Accordingly, the impugned cancellation orders are set aside and the writ petition is allowed. The respondents are directed to reconsider the case of the petitioner in terms of the guidelines framed by the Apex Court in **Avtar Singh's** case and pass appropriate orders. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 09.07.2019
MRKR



