

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12838 of 2019

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

This writ petition is filed seeking the following relief :-

“.....to issue a writ or order or direction or writ of MANDAMUS declaring the action of the respondents 1 and 2 not considering the petitioner as ex-servicemen inspite of the memorandum issued by the 3<sup>rd</sup> respondent for recruitment of various posts called for through Notification Rc.No.89/ rect./ Admn-1/ 2018 dated 31.05.2018 as illegal, arbitrary, malafide, intentional and consequently direct the respondents 1 and 2 to follow the memorandum bearing No.27011/ 100/ 2012-PNW dated 23.11.2012 issued by the 3<sup>rd</sup> respondent for treating the petitioner as ex-service men.....”.

Heard Mr.K.V.Bhanu Prasad, the learned counsel for the petitioner, Mr.M.V.Rama Rao, the learned Standing Counsel for 2<sup>nd</sup> respondent and Mr.N.Rajeshwar Rao, the learned Standing Counsel for 3<sup>rd</sup> respondent.

It has been contended by the petitioner that he worked in Border Security Force (BSF) and after rendering considerable length of service, he was discharged from service vide proceedings dated 31.08.2005. The petitioner submits that he is fully eligible and qualified to be appointed to the post of Sub-Inspector of Police. The respondents have issued Notification for recruitment to the post of Sub-Inspector of Police on 31.05.2018. As per the policy of the State Government, certain posts are earmarked for ex-servicemen and since the petitioner has served with BSF and he was discharged from duties, he has responded to the said Notification under the quota meant for ex-servicemen. He has participated in the selection process, he has secured more marks in the

selection process and he was called for certificates verification. At the time of certificates verification i.e., on 21.06.2019, the respondents have not considered the case of the petitioner as ex-serviceman on the ground that he has rendered the service of BSF and he was discharged from BSF on his own request. The Government of India, Ministry of Home Affairs, had issued Office Memorandum dated 23.11.2012 to the effect that the Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), Indo-Tibetan Border Police (ITBP) and Sashastra Seema Bai (SSB) be treated as Ex-Central Armed Police Force Personnel (Ex.CAPF personnel). At the time of discharge from the BSF, the BSF had categorically stated that the Certificate of Discharge has been issued in favour of the petitioner with the recommendation of civil employment. But, the respondents are not considering the case of the petitioner by duly taking into account the discharge certificate dated 31.08.2005 issued by the BSF and the Office Memorandum dated 23.11.2012 issued by the 3<sup>rd</sup> respondent.

The learned counsel for the petitioner has contended that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner by duly taking into account the discharge certificate dated 31.08.2005 issued by the BSF and the Office Memorandum dated 23.11.2012 issued by the 3<sup>rd</sup> respondent and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for respondents 2 and 3 submitted that if the petitioner submits fresh representation to the respondents, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit fresh representation to the respondents within one week from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same by duly taking into account the discharge certificate dated 31.08.2005 issued by the BSF and the Office Memorandum dated 23.11.2012 issued by the 3<sup>rd</sup> respondent and pass appropriate orders in accordance with law within a period of four weeks thereafter.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 26.06.2019  
Prv

ABHINAND KUMAR SHAVIL, J

