

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13303 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. Learned counsel for the petitioner submitted that the issue raised in this writ petition is squarely covered by the common order passed by this Court in W.P.No.40717 of 2017 & batch dated 08.03.2019. Learned counsel also submitted that following the judgment of the Supreme Court in Avtar Singh v. Union of India and others¹, this Court allowed the said W.P.No.40717 & 2017 & batch and directed the respondents therein to re-consider the case of the petitioners therein in terms of the guidelines framed by the Supreme Court in Avtar Singh's case referred supra. Learned counsel further submitted that without giving any opportunity to the petitioner, the respondents have cancelled the provisional selection of the petitioner on the ground of suppression of his involvement in criminal cases. Therefore, learned counsel submits that appropriate orders be passed in the writ petition by setting aside the impugned cancellation orders dated 08.09.2017 and direct the respondents to re-consider the case of the petitioner in terms of the guidelines framed by the Apex Court in Avtar Singh's case referred to above.

3. Learned Standing Counsel appearing for the respondents had submitted that since the petitioner has suppressed their involvement in the criminal cases, the respondents have rightly cancelled the provisional selection of the petitioner; therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

¹ (2016) 8 SCC 471

4. This Court, having considered the rival submissions of learned counsel for both parties, is of the considered view that the issue raised by the petitioner is squarely covered by the common order passed by this Court in W.P.No.40717 of 2017 & batch, dated 08.03.2019, and the respondents have passed the impugned orders of cancellation of provisional selection of the petitioner without following the principles of natural justice, therefore, the impugned order is set aside.

Accordingly, the writ petition is allowed and the respondents are directed to re-consider the case of the petitioner in terms of the guidelines framed by the Apex Court in Avtar Singh's case referred to above. No order as to costs. Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

July 2, 2019
DSK

