

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22620 of 2019

ORDER:

Heard Sri S.Gopal Rao, learned counsel for the petitioner and Sri M.V.Rama Rao, learned Standing counsel for 2nd respondent.

This writ petition is filed seeking the following relief :-

“.....writ, order or direction by declaring the action of the 2nd and 3rd respondents in not sending the petitioner to Induction Training thought the petitioner selected for the post of Stipendiary Cadet Training Sub-Inspector of Police (Civil), while deputing other selected candidates, who are selected along with the petitioner, for such Training, as illegal, arbitrary and unconstitutional being violative of Articles 14 & 16 of Constitution of India and consequently direct the 2nd & 3rd respondents to depute the petitioner undergo Induction Training, along with other candidates, who selected along with the petitioner and to pass such other order.....”

It has been contended by the petitioner that pursuant to the notification issued by the 2nd respondent dt.31.05.2018, inviting applications through online for direct recruitment to various posts, the petitioner has applied for the post of Stipendiary Cadet Training Sub-Inspector of Police (Civil) as she is fully eligible and qualified to be appointed to the said post. She further contends that after securing decent marks and under going regular selection process, her name was included in the provisional selection list. The grievance of the petitioner is that though her name

was included in the provisional selection list, the respondents are not sending her to the Induction Training of Stipendiary Cadet Training Sub-Inspector of Police (Civil) on the ground that a criminal case under Section 498-A(IPC) and Sections 3 & 4 of Dowry Prohibition Act is pending against her. She further contends that her sister-in-law has filed a case against her brother and as a passing reference in the said criminal case, her name was taken by her sister-in-law and she was arrayed as 5th accused in CC.No.270 of 2018. The petitioner further contends that she has filed CrI.P.No.4777 of 2018 under Section 482 Cr.P.C to quash the case filed against her by her sister-in-law and this Court was pleased to stay all further proceedings in CC.No.270 of 2018 on the file of Judicial First Class Magistrate at Suryapet, Nalgonda District. On the ground that she has suppressed the fact of pendency of criminal case against her in the application form, the respondents are not sending the petitioner for Induction Training.

Learned counsel for the petitioner relied on a judgment of the Rajasthan High Court reported in ***Nisha Choudhary vs. State (Medical And Health) & Ors*** in S.B.Civil Writ Petition No.10845 of 2016 wherein it is held that criminal proceedings under Section 498-A are trivial in nature and the case of the petitioner therein can be considered for appointment, as no moral turpitude is involved in the charge sheet. In the instant case, the charge sheet filed by the

State against the petitioner does not reveal any serious allegations against the petitioner and also does not reveal involvement of any moral turpitude. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for deputing her for Induction Training of Stipendiary Cadet Training Sub-Inspector of Police (Civil) by duly taking into account the law laid down by the Hon'ble Supreme Court in ***Avatar Singh vs. Union of India And Others***¹.

Learned Standing counsel appearing for the respondents had contended that the petitioner has suppressed the fact of pendency of criminal case against her, though the notification clearly specifies that the cases of the candidates against whom the criminal cases are pending, will not be considered. Therefore, he contends that there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that the Hon'ble Supreme Court in ***Avatar Singh's*** case (supra) has considered all the above aspects elaborately and framed certain guidelines. The issue of involvement in a crime under Section 498-A IPC is already adjudicated by the Rajasthan High Court in S.B.Civil Writ

¹ (2016) 8 SCC 471

Petition No.10845 of 2016. Therefore, it is for the respondents to examine whether the criminal case filed against the petitioner falls within the guidelines framed by the Hon'ble Supreme Court in ***Avatar Singh's case*** and whether any moral turpitude is involved, in terms of the order passed by the Rajasthan High Court in S.B.Civil Writ Petition No.10845 of 2016, and consider the case of the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12-12-2019

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