

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.24794 of 2019

ORDER:

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

This writ petition is filed seeking the following relief :-

“.....to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) to declare that the petitioners working in Telangana State (Special Police Battalions-Scheduled Area Tribal) Service Rules, 2006 are eligible for appointment by transfer to the post of Police Constables (Armed Reserve) (Men); (ii) to declare that the petitioners are also eligible to be considered in terms of Memorandum Rc.No.58/ Rct./ Admn.2/ 2018-19 dated 19.10.2019 and for consequential direction to the 4th Respondent to forward the applications of the petitioners to Additional Director General of Police, Telangana State Special Police, Hyderabad, for appointment by transfer of Police Constables (Armed Reserve) for the panel year 1.7.2017 to 30.6.2018 (iii) direct the Telangana State Level Police Recruitment Board to consider the panels forwarded by the 4th Respondent on par with the panels forwarded by other Commandants of the Telangana State Special Police Battalions.....”

Heard Smt.K.Udaya Si, learned counsel for the petitioners, learned Government Pleader for Home and Si M.V.Rama Rao, learned Standing Counsel for the 2nd respondent.

It has been contended by the petitioners that they are working as Police Constables with the 4th respondent and as per Rules, 40% of the posts of Police Constable (Armed Reserve) are liable to be filled up by way of transfer working with the Telangana State Special Police Battalions and accordingly options were called for from the eligible police Constables of the 4th respondent to

submit their willingness to be considered for appointment to the post of Police Constable (Armed Reserve) vide proceedings dated 19.10.2019. Pursuant to the said proceedings, though the petitioners have submitted their willingness for being recruited by way of transfer to the post of Police Constable (Armed Reserve), the 4th respondent is not forwarding the same to the 3rd respondent. Further, the 2nd respondent has issued proceedings dated 19.10.2019 stating that the applications of the candidates should reach to the 2nd respondent on or before 11.11.2019 so as to enable the 2nd respondent to undertake the exercise of filling up the post of Police Constable (Armed Reserve).

Learned counsel for the petitioners contended that appropriate orders be passed in the writ petition directing the 4th respondent to forward the willingness of the petitioners to the 3rd respondent so as to enable the 3rd respondent to forward the same to the 2nd respondent for taking up the recruitment process of petitioners by way of transfer.

The learned Government Pleader for Home as well as the learned Standing Counsel appearing for the 2nd respondent have contended that there are 12 Battalions in the State of Telangana and so far, none of the Battalions have forwarded the willingness of Police Constables working in their Battalions for considering recruitment by way of transfer to the post of Police Constable (Armed Reserve). As and when all the Battalions forward willingness of police constables, the cases of the police constables working in the respective Battalions would be considered for recruitment by way of transfer to the post of Police Constable (Armed Reserve).

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing respondent Nos.2, 3 and 4 to consider the cases of the petitioners for appointment by way of transfer to the post of Police Constable (Armed Reserve) as and when they receive willingness applications from the police constables working in other Battalions also in the quota meant for police constables working in Telangana State Special Police Battalions and pass appropriate orders, provided the petitioners are otherwise eligible in accordance with the Rules. The exercise of consideration of the petitioners' cases shall be undertaken as and when the respondents initiate the process of filling up the post of Police Constable (Armed Reserve) in the quota meant for Police Constables of Telangana State Special Police Battalions.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

14-11-2019
Prv