

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25540 of 2019

ORDER:

Heard Sri P.V.Ramana, learned counsel for the petitioner and the learned Government Pleader for Home. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Mandamus declaring the action of the 2nd respondent in cancelling the Provisional Selection for Appointment in Proc.No.91/RECTTJENL2/2017 dt.16.08.2017 on the ground that I have not disclosed the fact of involvement in Crime No.151/2011 in the initial application form inspite of stating the said fact in the attestation form and not considering the representation filed dt.22.10.2019 for consideration of may case keeping in view of the law laid down by the Apex Court in Avatar Singh vs. Union of India reported in 2016 (8) SCC 471 and the orders passed by the Division Bench in W.P.No.20024 of 2012 dt.6.4.2017 as illegal and arbitrary and violates Article 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled for appointment to the post of SCT PC (Civil Men) for Ranga Reddy and to pass such other order or orders.....”

It has been contended by the petitioner that the respondents have issued recruitment notification for filling up the posts of SCT PC (Civil Men), SCT PC (AR) (Men & Women) SCT PC (SAR CPL) and other posts on 31.12.2015 and that he has responded to the said notification. After undergoing regular selection process, he was provisionally selected, but at the time of verification of certificates, his selection was cancelled vide proceedings dt.16.02.2017 on the ground that petitioner has

suppressed the fact of pendency of Criminal Case in Cr.No.151 of 2011 against him.

Learned counsel for the petitioner contends that inadvertently petitioner has not stated about his involvement in the criminal case in the initial application form, but he has mentioned the same in the attestation form. He further contends that the issue raised in this writ petition is squarely covered by the judgment rendered by the Hon'ble Apex Court in ***Avatar Singh v. Union of India***¹ and also by the judgment of the Division Bench of this Court in W.P.No.20024 of 2012 dt.06.04.2017. The Courts in the above said judgment have taken a view that the respondents shall consider the gravity of the offence involved in the criminal case and if the allegations levelled in the criminal case are not of trivial in nature, then such person can be considered for appointment, if no moral turpitude is involved in the case. This particular aspect is not considered by the respondents and mechanically cancelled the provisional selection of the petitioner vide proceedings dt.16.02.2017. He further contends that a five member committee was constituted by the respondents to categorise the candidates who are involved in serious cases and trivial offences. The said committee identified 40 of such candidates who are not involved in serious offences and submitted a report to the 1st respondent and the matter is pending before the 1st respondent. Therefore, the learned counsel for the petitioner contends that appropriate orders be passed in this writ petition

¹ (2016) 8 SCC

directing the 1st respondent to take appropriate decision on the report submitted by the five member committee within a reasonable period of time.

Learned Government Pleader appearing for the respondents contends that since the committee had submitted a report to the 1st respondent, the 1st respondent would take appropriate decision in accordance with law within a reasonable period of time.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the 1st respondent to take appropriate decision on the report submitted by the five member committee within a period of eight weeks from the date of receipt of a copy of this order.

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 SHAVILI, J

Date: 20-11-2019

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