

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.31984 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a writ, order or direction more in the nature of Writ of Mandamus declare the Proceedings in Rc.No.219/ Rectt./ Genl.1/2017 dated 4.1.2018 of the 1st respondent in cancelling the selection of the Petitioner to the post of SCTR(SI) in Zone V as illegal, arbitrary and contrary to rules and contrary to the judgment of the Honourable Apex Court and set aside the same with a consequential directions to the respondents to send the Petitioner for Police training along with other selected candidates against post of SCTR(SI).....”

Heard Mr.V.Maheswar Reddy, learned counsel for the petitioner and Mr.M.V.Rama Rao, learned Standing Counsel for the 1st respondent.

It has been contended by the petitioner that he was provisionally selected to the post of SCTR(SI) on 02.09.2017. While so, the respondents have issued a show-cause notice on 30.10.2017 asking the petitioner as to why his selection should not be cancelled on the ground that he was involved in a criminal case i.e., Cr.No.80 of 2016 for the offences punishable under Sections 323, 341 and 506 read with Section 34 IPC of Gollapally Police Station, which was compromised in the Lok Adalat on 24.10.2016. Though the petitioner has submitted an explanation to the said show-cause, having not been convinced with the said explanation, the respondents have cancelled the provisional selection of the petitioner vide proceedings dated 04.01.2018.

Learned counsel appearing for the petitioner submits that when the crime registered against the petitioner has been compromised in the Lok Adalat, the respondents were bound to consider the case of the petitioner for appointment to the post of SCTSI (AR) in terms of the guidelines framed by the Hon'ble Supreme Court in *AVTAR SINGH Vs. UNION OF INDIA AND OTHERS*¹. The learned counsel, therefore, submits that appropriate orders be passed in the writ petition by setting aside the impugned order dated 04.01.2018 and further direct the respondents to consider the case of the petitioner for appointment to the post of SCTSI (AR) in terms of the guidelines framed by the Hon'ble Supreme Court in *AVTAR SINGH's* case (supra).

The learned Standing Counsel appearing for the 1st respondent contends that since the petitioner was involved in a criminal case and mere compromise in the Lok Adalat would not absolve the petitioner of the criminal charges levelled against him. The respondents have rightly cancelled the provisional selection of the petitioner to the post of SCTSI (AR). Hence, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that as the impugned order is passed without considering the case of the petitioner for appointment to the post of SCTSI (AR) in terms of the guidelines framed by the Hon'ble Supreme Court in *AVTAR SINGH's* case (supra), the same is liable to be set aside and it is accordingly set aside. The respondents are directed to consider

¹ (2016) 8 SCC 471

the case of the petitioner for appointment to the post of SCTSI (AR) in terms of the guidelines framed by the Hon'ble Supreme Court in *AVTAR SINGH's* case (supra) and pass appropriate orders 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 allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 01-08-2019
Prv

ABHINAND KUMAR SHAVIL, J



