

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**W.P(TR).No.2911 OF 2017****ORDER**

This writ petition is filed seeking the following relief:

“...to call for the records relating to proceedings Rc.No. 64/R&T/Genl.I/2014, dated 16-09-2014 of the 1st respondent in cancelling the provisional selection of the applicant to the post of SCT SI (Civil) and set aside the same as illegal, arbitrary and contrary to law apart from violative of principles of natural justice and consequently direct the respondents to send the applicant for police training along with other selected candidates against post of SCT SI (Civil) and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

Heard Sri V.Maheshwar Reddy, learned counsel appearing for the petitioner, Sri M.V.Rama Rao, learned Standing Counsel appearing for the 1st respondent and learned Government Pleader for Home appearing for respondents 2 to 4.

It is the case of the petitioner that pursuant to the notification issued by the 1st respondent for the post of SCT Sub Inspector of Police (Civil), he applied for the same and he was selected. Later, the respondents have cancelled the selection on the ground that the petitioner was involved in Cr.No.81 of 2009 of Maripeda Police Station, Warangal

District, for the offences punishable under Sections 147, 427 and 323 read with 149 IPC.

Learned counsel appearing for the petitioner contends that no opportunity was given to the petitioner before cancelling his provisional selection; that even before the notification was issued, the said criminal case filed against the petitioner was ended in acquittal before the Lok Adalat; that based upon mere involvement of the petitioner in the said criminal case, the respondents have cancelled the provisional selection *vide* impugned order dated 16.09.2014; that the Apex Court in *Avtar Singh v. Union of India and others*¹ has considered the cases of the employees/candidates, who are likely to be appointed in Government service and, who are facing criminal cases, and framed certain guidelines as to whether mere involvement of the employees/candidates in a criminal case would be a bar for continuing them in service or not; that since the criminal case filed against the petitioner ended in acquittal before the Lok Adalat, it is for the respondents to re-consider the case of the petitioner by taking into account the guidelines framed by the Apex Court in *Avtar Singh's* case(*supra*); that appropriate orders be passed directing the respondents to consider the case of the petitioner

¹ (2016) 6 SCC 471

for the post of Sub Inspector of Police by strictly following the guidelines framed by the Apex Court in *Avtar Singh's* case (supra) after giving an opportunity to the petitioner.

Learned Standing Counsel appearing for the respondents submits that since the petitioner was involved in a criminal case, he has no right to contend that his case should be considered for appointment to the post of Sub Inspector of Police and that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that no opportunity was given to the petitioner before cancelling the provisional selection and only on the ground of non-observance of principles of natural justice, the writ petition is liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned order dated 16.09.2014 is set aside. The respondents are directed to consider the case of the petitioner strictly in terms of the guidelines framed by the Apex Court in *Avtar Singh's* case (supra) 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th March, 2019
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