

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

**WRIT PETITION Nos.40717 of 2017, 8677 of 2018 and
1773 of 2019**

COMMON ORDER:

Since the issue involved in all these writ petitions is one and the same, all these writ petitions are heard together and disposed of by this common order.

Heard Sri V.Maheswar Reddy, K.Laxmi Manohar and K.Hemalatha, learned counsel for the petitioners, and Sri Rama Rao, learned Standing Counsel for the Telangana State Level Police Recruitment Board and Learned Special Government Pleader for Home Services.

It has been contended by the petitioners in all these writ petitions that they were initially selected for the posts of Stipendiary Cadet Trainee Police Constable (AR) [*for short* SCTPC(AR)] and the respondents vide proceedings dated 22.08.2017 in WP.No.40717/2017 and 30.08.2017 in WP.Nos.8677/2018 and 1773/2019, have cancelled their selection on the ground that they have suppressed the factum of their involvement in criminal cases.

Learned Counsel for the petitioners submits that the respondents have passed very cryptic order canceling the provisional selection of the petitioners without assigning any reasons and without giving any opportunity to the petitioners. He further contends that with regard to suppression of facts

the Honourable Supreme Court in ***Avtar Singh v. Union of India and others***¹ had considered various circumstances under which the stringent action could be taken and to what extent the employer can exercise its discretion; and that as per the said Judgment of the Supreme Court, the respondents ought to have considered whether the involvement of the petitioners in the criminal cases would effect the continuation of their service and whether the suppression of fact of petitioners' involvement in a criminal case would entitle the respondents to cancel the provisional selection. He also submits that the respondents without applying the guidelines enunciated by the Supreme Court in the aforesaid Judgment, cancelled the selection of the petitioners. He further submits that appropriate orders be passed in these writ petitions setting aside the impugned orders of cancellation of provisional selection and to further direct the respondents to consider the case of the petitioners strictly in terms of the guidelines framed by the Honourable Supreme Court in ***Avtar Singh's case (supra)***.

Learned Standing Counsel appearing for the Police Recruitment Board submits that this respondent has verified the antecedents of the petitioners when it has come to their notice that the petitioners have suppressed the material facts; that the respondents have rightly passed orders canceling the provisional selection of the petitioners vide impugned

¹ (2016) 8 SCC 471

proceedings; and that the persons who have suppressed the factum of their involvement in criminal cases do not deserve any consideration for continuation of their services in a disciplined police force, and as such prayed to dismiss all these writ petitions.

This Court having considered the rival submissions made by both the parties, is of the considered view that the respondents have passed impugned cancellation orders without assigning any reasons and without applying the principles as set out by the Honourable Supreme Court in ***Avtar Singh's case*** and that the same is liable to be set aside.

In view of the above, all these writ petitions are allowed and the respondents are directed to reconsider the case of the petitioners in terms of the guidelines framed by the Supreme Court in ***Avtar Singh's case*** and pass appropriate orders. No order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

08.03.2019
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