

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

**W.P.Nos.82, 267, 607, 458, 548, 581 of 2018,
44975 and 44978 OF 2017**

COMMON ORDER

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

Heard Sri S.Dushyanth Reddy and Smt. K.Hemalatha, learned counsel appearing for the petitioners, Learned Government Pleader for Home appearing for respondent Nos.1, 2 and 4 and Sri M.V.Rama Rao, learned Standing Counsel appearing for the 3rd respondent-Telangana State Level Police Recruitment Board.

Pursuant to the notification dated 31.12.2015 issued by the 3rd respondent, all the petitioners have applied for the post of Stipendiary Cadet Trainee Police Constable (AR) (*for short* SCTPC), SCTPC (Civil) and SCTPC (TSSP) (Men). After undergoing regular selection process, the petitioners were selected provisionally. While so, show cause notices were issued to the petitioners alleging that during verification of the antecedents, the respondents noticed that criminal cases are pending against them. In pursuance thereof, the petitioners have submitted their explanations. But, without considering

the same, the impugned proceedings were issued cancelling provisional selection of the petitioners.

Learned counsel appearing for the petitioners submits that the respondents have passed very cryptic order cancelling the provisional selection of the petitioners without assigning any reasons and without giving any opportunity to the petitioners; that in *Avtar Singh v. Union of India and others*¹ the Apex Court had considered various circumstances with regard to suppression of facts under which stringent action could be taken and to what extent the employer can exercise its discretion; that 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 suppression of fact of petitioners' involvement in a criminal case would entitle the respondents to cancel the provisional selection; that the respondents without applying the guidelines enunciated by the Apex Court in the aforesaid judgment, cancelled the selection of the petitioners; and that appropriate orders be passed by setting aside the impugned orders of cancellation of provisional selection and directing the respondents to consider the case of the petitioners strictly in terms of the guidelines framed by the Apex Court in *Avtar Singh's case (supra)*.

¹ (2016) 8 SCC 471

Learned Standing Counsel appearing for the 3rd respondent submits that during verification of the antecedents, it has come to light that the petitioners have suppressed the fact of their involvement in criminal cases; that the respondents have rightly passed the impugned orders cancelling the provisional selection of the petitioners; 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 that there are no merits in the writ petitions and the same are liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the respondents have passed the impugned cancellation orders without assigning any reasons and without applying the guidelines framed by the Apex Court in *Avtar Singh's* case. Hence, impugned cancellation orders are liable to be set aside.

Accordingly, the impugned cancellation orders are set aside and all the writ petitions are allowed. The respondents are directed to reconsider the case of the petitioners in terms

of the guidelines framed by the Apex Court in *Avtar Singh's case* and pass appropriate orders. No costs.

Miscellaneous petitions, pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

20th March, 2019
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