

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.2410 OF 2020

Date: 18.02.2020

Between:

Nagaraju Podila, s/o. late Sri. Ramulu,
Aged about 31 years, occu: Unemployee,
R/o. 15-261, Tirumala Nagar, B.N.Reddy,
Balapur Mandal, Ranga Reddy district.

..... Petitioner

and

The State of Telangana, rep.by Prl.Secretary,
Department of Home, Secretariat, Hyderabad
and another.

.....Respondents



The Court made the following:

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ORDER:

Petitioner participated in the selections for appointment to the post of Driver in pursuant to the recruitment notification dated 31.05.2018 issued by Telangana State Level Police Recruitment Board, and qualified in the selections conducted in pursuant to the said notification. However, petitioner is not deputed for induction training, which commenced on 17.01.2020. Aggrieved thereby, this Writ Petition is filed.

2. Petitioner apprehended that merely on the ground that he was shown as accused in Session Case No.841 of 2016 in the Court of III Additional Metropolitan Sessions Judge, Ranga Reddy district at L.B.Nagar, he was not deputed for training. Hence, this Writ Petition.

3. According to the learned counsel for petitioner, though petitioner was shown as accused no.1 suspecting involvement of petitioner in the death of his wife, on conducting full trial, the trial Court held that alleged offences are not proved and acquitted all the accused including the petitioner. He would therefore submit that once acquittal is granted, the employer cannot withhold the selection of petitioner for employment. In support of his contention, learned counsel for petitioner placed reliance on the decision of Supreme Court in **AVTAR SINGH Vs. UNION OF INDIA AND OTHERS**¹. He further submits that petitioner has disclosed his involvement in a criminal case and acquittal granted by the

¹ (2016) 8 SCC 471

trial Court and, therefore, it is not a case of suppression of his involvement in a criminal case.

4. Learned standing counsel submits that it is not automatic that merely because a person is acquitted of criminal charge, he should be recommended for employment and it is open for the respondent-Board to examine the nature of the charges and the manner in which acquittal was granted; having regard to the judgment rendered by the trial Court, the respondent-Board has to take a decision whether to issue notice to the accused calling upon his explanation. So far no decision is made as Chairman of the Board was on medical leave and steps will be taken soon.

4. In view of the said statement of the learned standing counsel, no direction can be issued at this stage to depute the petitioner for training even before a decision is taken by the respondent-Board. Furthermore, the training has already commenced on 17.01.2020 and it is four weeks by now. However, petitioner cannot suffer for the delay in taking a decision. In view of the above observation and to balance the respective claims, Writ Petition is disposed of with the following directions:

The respondent-Board shall take a decision on the eligibility of the petitioner within a week from today. In the event respondent-Board decides to issue notice to the petitioner, it shall cause notice within the above stipulated time, and call for explanation. Soon after receipt of the notice, petitioner shall file his explanation within a week and on receipt of explanation, the respondent-Board shall take a decision within one week thereafter. In the event of respondent-Board finding merit in the explanation

offered by the petitioner, appropriate steps be taken to depute the petitioner for training and grant all benefits flowing thereof as per the merit secured by him in the selections and performance in the training. In the event of accepting candidature of the petitioner and not proceeding further to issue notice and call for explanation and if it does not otherwise cause hindrance in imparting training, petitioner be deputed for training along with present batch. In such event also, the service conditions of the petitioner shall be protected having regard to the merit secured by him and performance in the training. The entire exercise shall be completed within a period of two weeks, subject to petitioner filing his explanation within the time mentioned above.

Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 18.02.2020

Note: Issue C.C. in two days.

(b/o.)

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