

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3719 OF 2020

DATED :26.02.2020

Between :

Vankulothu Pinku, W/o.Ashok Kumar,
Aged about 29 yrs, Occu : Pvt. Job,
R/o.H.No.4-54, Annojiguda,
Ghatkesar, Medchal-Malkajgiri District.

..... Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Home Department, Secretariat Building,
Hyderabad & another.

.....Respondents



The Court made the following:

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ORDER :

Heard learned counsel for the petitioner and learned Special Standing Counsel for the respondent-Police recruitment Board.

2. In pursuant to the recruitment notification for various categories of Police constables and in Fire service, petitioner participated in the selections and according to her, she was provisionally selected for empanelment and to be deputed to training. Petitioner alleges that on the ground that petitioner was involved in Crime No.01 of 2019 registered on 02.01.2019 in Gatkesar Police Station, her candidature was not recommended for empanelment and for being sponsored for training. Hence, this writ petition.

3. According to learned counsel for the petitioner, there is no truth in the complaint and in the crime registered against the petitioner. It is a false complaint and merely because a false complaint is registered, the employment opportunity of petitioner cannot be deprived. Therefore, pending finalization of the investigation into the crime registered against the petitioner, she ought to have been deputed for training. According to learned counsel, if petitioner is not deputed for training at this stage, she would lose the opportunity forever, and even in the event of success in the crime registered against her, there would be no remedy to her.

4. Admittedly, a crime is registered against the petitioner and police are yet to finalize the investigation.

5. The Rules governing the recruitment clearly prohibits consideration for empanelment of a candidate who is involved in crime. This issue was elaborately considered by the Hon'ble Supreme Court in **Avtar Singh Vs Union of India and Others**¹. On review of the precedent decisions on various aspects, the Supreme Court laid down parameters for consideration of persons involved in crimes. For the purpose of this case, Paragraph No.38.5 of the said judgment, is relevant. Only in case of trivial nature, it is permissible for the recruiting agency in the State to consider the eligibility of a candidate.

6. In the case on hand, the crime registered against the petitioner is under Sections 498-A and 406 of Indian Penal Code and under Sections 3 and 4 of Dowry Prohibition Act. Per se at this stage, it cannot be said that what is alleged against the petitioner is trivial in nature, for this Court to direct the respondents to consider the candidature of petitioner. Therefore, the relief sought in the writ petition cannot be granted.

7. The Writ Petition is accordingly, dismissed. It is needless to observe that if petitioner succeeds in the criminal case, it is always open to her to work out her remedies. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

26th February, 2020
Rds

¹ (2016) 8 SCC 471